

A Marine Spatial Plan for the Shetland Islands

Fourth Edition

Strategic Environmental Assessment – Scoping Report

SEA SCOPING TEMPLATE – COVER NOTE

PART 1

To: SEA.gateway@scotland.gsi.gov.uk

or

SEA Gateway
Scottish Executive
Area 1 H (Bridge)
Victoria Quay
Edinburgh EH6 6QQ

PART 2

An SEA Scoping Report is attached for the plan, programme or strategy (PPS) entitled:

A Marine Spatial Plan for the Shetland Islands. Fourth Edition. To be adopted as Supplementary Guidance to the forthcoming Shetland Islands Council Local Development Plan

The Responsible Authority is:

Shetland Islands Council (Coastal Zone Management Services)

PART 3

Please tick the appropriate box

- The PPS falls under the scope of Section 5(3) of the Act and requires an SEA under the Environmental Assessment (Scotland) Act 2005. or
- The PPS falls under the scope of Section 5(4) of the Act and requires an SEA under the Environmental Assessment (Scotland) Act 2005. or
- The PPS does not require an SEA under the Environmental Assessment (Scotland) Act 2005. However, we wish to carry out an SEA on a voluntary basis. We accept that, as this SEA is voluntary, the statutory 5 week timescale for views from the Consultation Authorities cannot be guaranteed.

TEMPLATE – COVER NOTE

PART 4

Contact name Martin Holmes

Job Title Coastal Zone Manager

Contact address
Coastal Zone Management Service,
Grantfield,
Lerwick
Shetland,
ZE1 0NT.

Contact tel. no [REDACTED]

Contact email [REDACTED]

PART 5

Signature
(electronic
signature
is acceptable)
Martin Holmes

Date 28 March 2013

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1. Introduction

1.1 Screening of the SMSP

The Shetland Marine Spatial Plan (SMSP) falls under the scope of Section 5(3) of the Act and therefore requires a Strategic Environmental Assessment (SEA) under the Environmental Assessment (Scotland) Act 2005. The main purpose of the SMSP is to provide guidance and recommendations to assist current and future planning, regulation and management of marine and coastal activities. The SMSP will be adopted as Supplementary Guidance (SG) to the Shetland Islands Council's Local Development Plan (LDP).

1.2 Scoping of the SMSP

The purpose of this SEA Scoping Report is to set out sufficient information on the Shetland Marine Spatial Plan (4th Ed.) to enable the Consultation Authorities (CAs) to form a view on the consultation period and scope/level of detail that will be appropriate for the Environmental Report. The views of the SEA CAs (Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Historic Scotland) on the scope of the assessment are sought at this stage.

This report has been prepared in accordance with the Environmental Assessment (Scotland) Act 2005 by the Marine Spatial Planning team based at the NAFC Marine Centre in association with the Shetland Islands Council Coastal Zone Management Service and SMSP Local Advisory Group.

The original SEA [Environmental Report](#) and [Post-Adoption Statement](#) prepared for the third edition are still relevant to this edition of the SMSP (4th Ed.), and provide a good basis for determining which policy themes will be scoped in/ out accordingly. A summary of the policy themes and modifications proposed as part of this edition of the SMSP are included in Table 1. In parallel, the SMSP is undergoing a Habitats Regulation Appraisal (HRA), in accordance with Article 6(3) of the EC Habitats Directive and The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). The HRA provides information on the likely significant effects of the SMSP on European protected sites.

The SMSP 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 information and policy guidance to public bodies, developers and the local community. The SMSP will inform decision-making, guide priorities and seek to achieve a balance between national and local interests. The fourth edition of the SMSP will contain updated spatial data on the marine and coastal environment and its various uses. It will incorporate new and revised policies to ensure the sustainable development of the marine environment.

As the plan is adopted as SG to the Shetland Islands Council's LDP the SMSP policies and maps will become a material consideration in the determination of new applications for development by planning and regulatory authorities. This marks a unique and significant move to standardise the approaches and responsibilities between terrestrial and marine planning jurisdictions and reflects a more integrated approach to coastal zone management and marine spatial planning.

Table 1: Summary of the SMSP Policy Themes

Policy Sections	Policy Themes	New*/ Modification**
Clean and Safe	Water Quality (suite of policies)	New
	Invasive Non-native Species (INNS)	Modified
	Waste Minimisation	New
	Underwater Noise	New
	Safe Navigation	Modified
	Marine and Environmental High Risk Areas (MEHRAs)	Modified
	Avoidance of Cables and Pipelines	Unchanged
	Climate Change	New
	Coastal Defence Construction and Demolition	Unchanged
Healthy and Biologically Diverse	European Protected Sites (Natura 2000 Sites)	Modified
	Nationally Important Sites (SSSIs)	Unchanged
	European Protected Species (EPS)	New
	Wild Birds	New
	Local Nature Conservation Sites	New
	Marine Protected Areas (MPAs)	New
	Priority Marine Features (PMFs)	New
	National Scenic Areas (NSAs) and Local Landscape Areas (LLAs)	Modified
	Seascape Character and Visual Amenity	Modified
	Heritage Assets	New
	Community Assets	Modified
	Recreation and Leisure	New
Productive	New Marine Developments	New
	Existing Marine Businesses	New
	Commercial Fishing Grounds	Modified
	Management of Sustainable Fisheries	Modified
	Aquaculture Development	Modified
	Seaweed Cultivation	New
	Oil Extraction and Decommissioning	Modified
	Marine Renewable Energy Development	Modified and New Policies
	Mineral Extraction	Modified
	Dredging and Disposal	Modified
	Tourism	Unchanged
	Shore Access and Moorings	Modified
	New Cables and Pipelines (telecommunications, electricity, oil and gas)	Modified
	Wastewater pipelines	Modified
	Moorings	New
	Port and Harbour-related Development	New
	Future Fixed Links / Ferry Terminals	Modified

* New – Introduced for legislative/ regulatory reasons

** Modified – Following a review of the SMSP, some policy wording needed to be revised for legislative and grammatical reasons

2. Key facts

The key facts relating to the SMSP are set out below:

Name of Responsible Authority:

Shetland Islands Council (Coastal Zone Management Service)

Title:

A Marine Spatial Plan for the Shetland Islands (4th Edition)

What prompted the Shetland Marine Spatial Plan (SMSP)?

The SMSP was first developed in 2006 as part of the Scottish Sustainable Marine Environment Initiative (SSMEI), which was funded by the Scottish Government via Marine Scotland and guided by a national and local steering group. The overarching aim of SSMEI was to work with local authorities and other partners to develop and evaluate approaches to the sustainable management of Scotland's marine resources. Through this initiative, the Scottish Government aimed to develop and test new approaches through the establishment of a number of pilot projects. The SSMEI pilot ended in 2010, however the SMSP is now managed by the Marine Spatial Planning Section at the NAFC Marine Centre¹, co-funded by Marine Scotland, who continue to engage regularly with key stakeholders, supported by a SMSP Local Advisory Group. To date the SMSP has been adopted on a voluntary basis by the local planning authority, statutory consultees and local developers since the first edition in 2008.

Subject:

The creation and establishment of a more rational organisation of the use of marine space and the interactions between its uses, to balance demands for development with the need to protect the environment, and to achieve social and economic objectives in an open and planned way.

Period covered by the Shetland Marine Spatial Plan (SMSP):

2013 – 2018

Frequency of updates:

A formal review of the effectiveness of the SMSP policies will be published within 5 years of the SMSP being adopted as supplementary guidance. This will assess whether the objectives for which the SMSP was prepared are being met and that progress is being made to secure local and national objectives. It is expected that all data and mapping included in the SMSP will be reviewed every 6 months and updated where required.

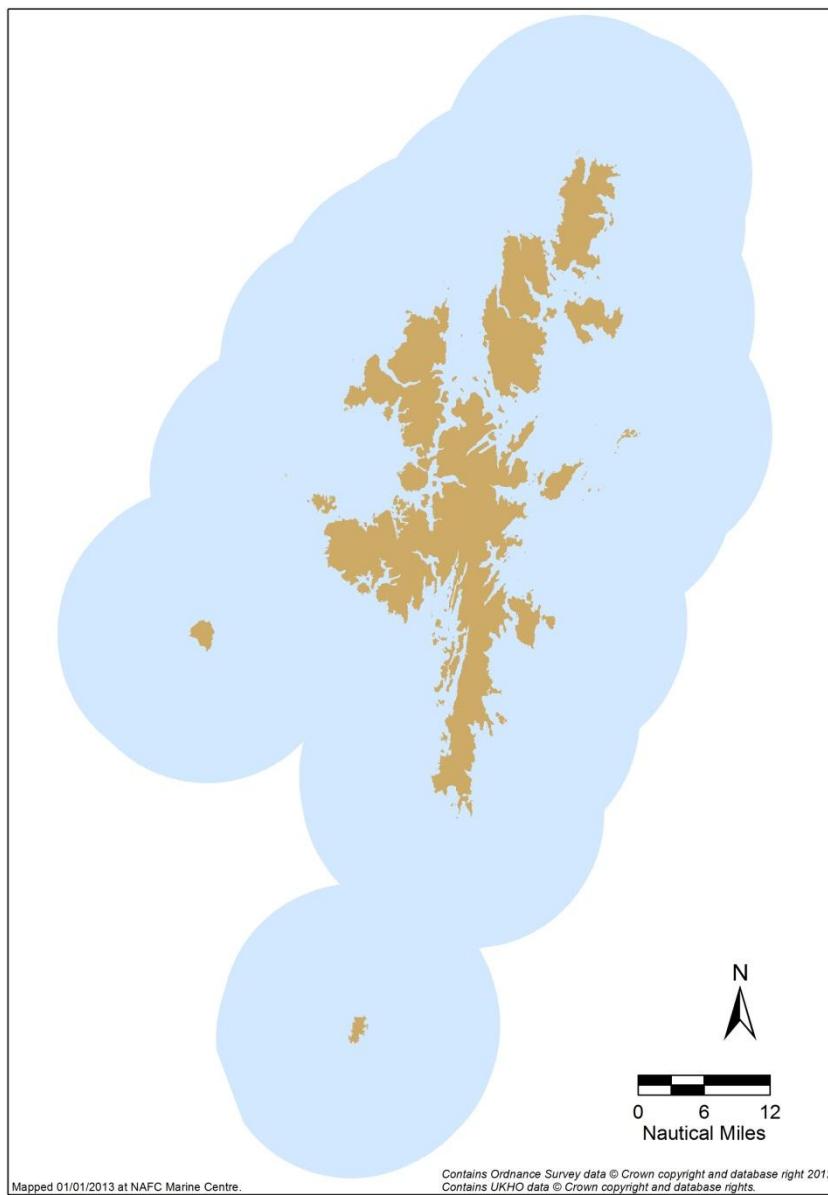
Area covered by the Shetland Marine Spatial Plan (SMSP):

The SMSP area includes all territorial waters seaward of the Mean High Water Spring tide (MHWS), out to 12 nautical miles but includes habitats/ ecological processes that are clearly affected by marine use. Archaeological features within 500m of the coastline have also been included. The landward extent of the coastal zone varies considerably, but in general is determined by the extent to which it is affected by coastal processes. The area is the equivalent to 10,580 km² (3,899 miles²), almost seven times the land area of the Shetland Islands (Figure 1). This boundary was set to include

¹ NAFC Marine Centre is the trading name of the Shetland Fisheries Centre Trust. The Trust is a Management Agent for the Shetland Islands Council.

a major proportion of the salt marsh and sand dune areas. Salt marsh and sand dunes are significant coastal habitats of international importance. Salt marsh habitats are usually inundated by seawater at least once a year when tides are at their highest. Both are important as they serve as nursery and feeding habitats for a wide diversity of species.

Figure 1: Geographic coverage of the SMSP



Purpose and/or objectives of Shetland Marine Spatial Plan (SMSP):

The main purpose of the SMSP is to provide guidance and recommendations to assist current and future planning, regulation and management of marine and coastal activities. The SMSP's high-level aims are to:

1. Ensure a high quality, fully functioning marine and coastal ecosystem for the health, benefit and prosperity of local communities;

2. Protect and enhance the local marine waters and coastal environment particularly where there are regionally, nationally or internationally important marine biodiversity and geodiversity features whilst taking account of natural changes;
3. Identify in consultation with marine stakeholders the differing priorities for sustainable use (such as fishing, aquaculture, recreation & tourism, marine renewables, nature conservation etc.); and
4. Promote sustainable economic marine development.

The SMSP will provide a strategic framework for management of current activities around the Shetland Islands and for future development decisions.

Contact point:

Shetland Islands Council Coastal Zone Manager: Martin Holmes
(email: martin.holmes@shetland.gov.uk); Tel: 01595 744805

3. Description of content of the Shetland Marine Spatial Plan

3.1 Shetland Marine Spatial Plan Overview

The SMSP brings together data on the multiple uses of the sea including industry, conservation and recreation and provides an overarching policy framework to guide marine development and activity. The SMSP will assist developers in finding suitable locations for the placement of proposed activities, operations or developments in addition to assisting the local authority to make informed and co-ordinated decisions about how to manage marine resources sustainably. The maps in the plan provide a comprehensive overview of how the marine area is used and where natural resources and habitats exist. This information is useful in minimising potential conflicts between marine users and resources and between the different marine sectors.

The demand for use of our seas and the resulting pressures on them continue to rise, therefore an integrated approach is required to manage any competing demands. As the SMSP is adopted as SG to the LDP this underpins local commitment in delivering integrated terrestrial and marine spatial planning. The policies in the SMSP will be material considerations in decision-making on individual marine planning applications and works licences.

The implementation of the SMSP will test the effectiveness of this approach, which aims to deliver the key benefits of:

- Providing a plan-led approach to the management of the sea around Shetland, facilitating a more integrated and better informed decision-making process regarding the future distribution of use of space and resources.
- Enabling long-term protection and use of the marine environment.

It should streamline the development applications process by enabling developers to identify suitable areas for development and potential constraints at the feasibility and pre-application stage which should lead to reduced delays and costs.

3.2 Aims and objectives

The SMSP is a spatial strategy which sets out a vision, an overall aim and a suite of objectives for the management of Shetland's marine environment. The aim and objectives align with the shared vision of the UK and Scottish Governments as set out in the UK Marine Policy Statement and pending National Marine Plan respectively.

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.

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.

Objectives

The objectives of the SMSP as a mechanism of achieving the overall aim are to:

SOC Ensure a high quality, fully functioning marine and coastal ecosystem for the health, benefit and prosperity of local communities;

ENV Protect and enhance the local marine waters and coastal environment particularly where there are regionally, nationally or internationally important marine biodiversity and geodiversity features whilst taking account of natural changes;

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

ECON Promote sustainable economic marine development.

The vision, aim and objectives have driven the development of the Shetland Marine Spatial Plan.

3.3 Planning Mechanism

The SMSP is designed to guide all marine users, planners and regulators in the placement of existing and proposed activities, operations or developments. The type of activity or development proposed may have a significant bearing on the quality of the marine environment. The inclusion of policies and management measures will ensure the proper and sustainable development of the coastal and marine area and will help to address any potential adverse impacts.

The policies to be included in the SMSP will be the means of achieving the vision and objectives of the SMSP which are to provide clean and safe, healthy, and productive marine waters around Shetland. These are in keeping with the Scottish Government's high level marine objectives (HLMO) as set out in the pre-consultation draft National Marine Plan.

The Policy Framework in the SMSP will be presented in three sections as follows:

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

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

- (i) 'Clean and Safe' and
 - (ii) 'Healthy and Biologically Diverse'
- before considering their relevant development sector within:

(iii) ‘Productive’ policies

A developer, for example, will be required to have regard to the SMSP legislative requirements, the policy framework and the accompanying maps as SG to the Shetland Islands Council’s LDP, before a planning application or works licence will be submitted to the planning authority for a marine-related development. The developer and the authorities are expected to reference these in any appropriate documentation.

All polices will dovetail into the Scottish Government’s Economic Strategy to make Scotland wealthier and fairer, smarter, healthier, safer and stronger, and greener.

A summary of the SMSP policy themes is included in Table 2 as follows:

Table 2: Summary of the SMSP Policy Themes

Policy Sections	Policy Themes
Clean and Safe	Water Quality (suite of policies)
	Invasive Non-native Species (INNS)
	Waste
	Noise
	Navigational safety
	Avoidance of Cables and Pipelines
	Climate Change
Healthy and Biologically Diverse	Natural Heritage
	Landscape and Seascape
	Historical Assets
	Community Assets
	Recreation and Leisure
Productive	New and Existing Marine Developments
	Commercial Fishing
	Aquaculture Development and Seaweed cultivation
	Oil Extraction and Decommissioning
	Marine Renewable Energy Development
	Mineral Extraction
	Dredging and Disposal
	Tourism
	Shore Access and Moorings
	New Cables and Pipelines
	Port and Harbour-related Development

3.4 Proposals

The SMSP is one of the first pilot marine spatial plans in the UK to have been successfully implemented on a voluntary basis. As a result of an evolving marine planning regime under the Marine (Scotland) Act, 2010 and pending secondary legislation under the Scottish Marine Regions Order 2013, the policies within the SMSP have been very general and strategic to reflect an aspirational approach taken to date. As marine legislation and guidance at a national level becomes more prescriptive, the SMSP will evolve to incorporate these changes into policy. For example, this edition of the SMSP will include general policies on Marine Protected Areas (MPAs) and Priority

Marine Features (PMFs) which aim to support an ecologically coherent network of important marine habitats and species. The Scottish Government however, has still to give a definitive list of designated MPAs and PMFs. This will ensure that pending legislation will be addressed where possible.

Generally, it is envisaged that there will be no spatially specific policies included in the SMSP, however one new policy - *Policy MSP NRG3: Wave and Tidal Development Proposals* - will be introduced in this edition which has been derived from the recently published [Regional Locational Guidance for wave and tidal energy in the Shetland Islands \(RLG\)](#). The RLG includes maps showing potential areas of least resistance (lowest constraint) in the planning regime, reflecting a process of consultation on constraints with local advisors, planners, regulators, communities and developers. The model used in mapping the constraints was designed as a decision support tool to assist in making more informed decisions about where wave and tidal developments are likely to meet least resistance. The maps presented do not illustrate clear boundaries between favourable and unfavourable areas for marine development, but represent the likelihood of finding suitable locations. The new policy *MSP NRG3* was drafted in consultation with the SMSP Advisory Group following publication of the RLG.

3.5 Measures

The proposed implementation of the SMSP will be based on process-led objectives and actions as outlined in Table 3:

Table 3: SMSP Delivery Objectives and Actions

Delivery Objectives	SMSP Actions
Integrate the Marine Spatial Plan with other planning and regulatory systems.	The SMSP will be adopted as SG to the Shetland Islands Council LDP expected in 2013/2014. The SMSP policies and maps will be material considerations in the decision-making on individual marine planning applications and works licences.
Improve knowledge of the marine and coastal environment and take account of this.	The policy landscape for MSP in Scotland is a young and emergent one. As the discipline of MSP evolves and more research is invested in this sector, new data and information will become available and will be incorporated into the SMSP as required. New legislation such as the Marine Strategy Framework Directive (MSFD) will require regular reporting on the status of the marine environment and this information will feed into the SMSP in terms of marine and coastal water quality, and state of marine species and habitats. The SMSP will be reviewed every 3 years with a report published within 5 years of implementation of the plan and this will <i>inter alia</i> highlight areas for improvement in terms of data and information gaps. As the SMSP becomes statutory the policies and maps become a material consideration in the decision making on individual marine planning applications and licences. Information and data on individual marine developments could therefore feed into the SMSP and its policies and improve the knowledge of the marine and coastal environment.
Assess the sensitivities of marine wildlife and habitats to current and	The inclusion of the Matrix of Sensitivities in the SMSP is an indication of the potential impacts of marine activities on important species and

Delivery Objectives	SMSP Actions
future uses.	habitats in Shetland. It is envisaged that pending work on MPAs and PMFs will also contribute to a better understanding of the sensitivities of marine wildlife and habitats. Cumulative impacts of different marine activities and developments will be assessed through on-going work assessing and mapping areas of high cumulative pressure.
Assist in disseminating knowledge on the condition of marine habitats and ecosystems. Ensure their continued protection through policies ensuring no further deterioration in status, where feasible.	New legislation for MPAs and PMFs will be integrated within the SMSP, along with a range of other natural heritage policies protecting important features around Shetland. These policies will conserve and enhance marine habitats and ecosystems ensuring a clean, healthy, diverse and productive marine environment.

3.6 Summary of the likely changes to the environment if the SMSP is not implemented

If the SMSP is not adopted as SG to the LDP, then the onus on developers, consultees, the public and decision makers to consult the plan will be solely on a voluntary basis. A [review](#) was carried out to determine how successful the SMSP has been to date and where improvement is needed in the forthcoming edition. The review highlighted that some developers felt that because until now the SMSP was being adopted on a voluntary basis, the policies were not being implemented. As a result there was no incentive for them to adhere to policies included in the SMSP or conversely, to highlight developments that may have been non-compliant with certain policies. By ignoring the SMSP policies and spatial data, developers run the risk of experiencing potential conflicts with other marine users; developments being proposed in areas of important habitats or species that they are unaware of; and encountering additional costs and delays in the planning process as a result of non-compliance with SMSP policies.

The forthcoming adoption of the SMSP as SG is imperative to ensure legal authority and political support for the successful implementation of marine spatial planning in Shetland. It is widely regarded that marine spatial planning should be implemented as a statutory, enforceable process, rather than a non-binding one (Schaefer and Barale, 2011).

The adoption of the SMSP as SG marks a unique and significant move to standardise the approaches and responsibilities between terrestrial and marine planning jurisdictions, and reflects a more integrated approach to coastal zone management and marine spatial planning.

4. Context of the Shetland Marine Spatial Plan

4.1 Relationship with other plans, programmes or strategies and environmental objectives

The SMSP will be informed by and comply with a range of international, European Union, national and regional treaties, conventions and instruments of legislation. In 2007 the European Commission adopted a Blue Paper proposing an Integrated Maritime Policy (IMP) for the EU. The IMP seeks to enhance the sustainable development of the European maritime economy and to better protect the marine environment by facilitating the cooperation of all maritime players across sectors and borders. Marine Spatial Planning (MSP) was identified as the key instrument for implementing the IMP. Since then national marine policy has been evolving in Scotland following the introduction of the UK Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010.

In addition to the primary 2010 Act, a number of different treaties, conventions, instruments of legislation, local policy and initiatives were identified as having implications for and a relationship with, the SMSP. Table A included in Appendix 1 lists the plans, programmes, strategies and environmental objectives which we propose to analyse for their relationship with the SMSP.

The objectives of the SMSP, as listed in Section 5.3, will be evaluated against the different treaties, conventions and programmes listed in Appendix 1.

4.2 Relevant aspects of the current state of the environment (Baseline)

The Environmental Assessment (Scotland) Act 2005 requires Responsible Authorities to describe the environmental characteristics of areas likely to be significantly affected by the SMSP, including any existing environmental problems. This section of the scoping report provides an indication of the content and level of detail to be provided in the environmental baseline for the assessment of the plan.

To date baseline information on Shetland's marine environment has been collated and published in the form of maps in the SMSP Atlas. The amount and level of data collected is both comprehensive and extensive. The SEA will build on this information and will be updated to reflect the availability of new data sources and analysis including information gathered for the [Regional Locational Guidance for wave and tidal energy in the Shetland Islands \(RLG\)](#) and on-going research on the selection of MPAs and PMFs. All data will be checked to ensure it is both relevant and accurately reflects the current conditions in the Shetland Islands. The baseline information gathered so far by the SMSP to describe the status of the environment is listed in Appendix 2. A Matrix of Sensitivities in the policy document will continue to marry maps to policies, which should provide further information on the potential impacts of marine activities on important species and habitats in Shetland.

It is acknowledged that due to the nature of the SMSP it does not in itself produce measurable impacts, but is a governance tool and source of guidance and information. The environmental information gathered will not focus on specific environmental impacts but rather, take a higher,

more strategic outlook, reflecting the implementation of the SMSP. On-going SMSP work investigating the potential cumulative impacts of marine activities is expected to provide spatial information on areas of high pressure which may require management in the future.

Baseline data will be analysed in relation to the obligations and legislative targets associated with the relevant treaties, conventions and plans, as listed in Appendix 1. In addition to this, the Marine Strategy Framework Directive (MSFD) sets out a number of descriptors that can be used to determine Good Environmental Status (GES). The baseline data will also be analysed according to descriptors which support the aims of the SMSP. This will also be presented in the Environmental Report.

4.3 Environmental Issues

The aims and principles of SEA are to help protect the environment and promote sustainability. In applying a SEA to marine spatial planning it is necessary to take a slightly different approach than would be taken in applying a SEA to a strategic action resulting in a measurable activity (such as a SEA on the siting of a marine renewable development). The environmental issues associated with the SMSP are therefore presented in Table 4.

The ethos behind applying SEA to the marine environment is not to specify or focus on particular environmental issues or impacts, but rather to provide a process by which management decisions are made with the best available knowledge. Therefore the environmental objectives and policies of the SMSP will be evaluated as to how the plan aims to deliver them through over-arching environmental issues. The environmental issues may have both negative and positive impacts for the Shetland area.

Table 4: Summary of Environmental Issues likely to be affected by the SMSP

SEA Topic	Supporting data (where available)	Implications for SMSP
Climatic Factors	<p>Review and consider information on climate change projections and any potential impacts including an increase in water and air temperature, ocean acidification, sea level rise, an increase in the magnitude of storms and storm surges and introduction of non-native species.</p> <p>UK Climate Change Risk Assessment, UK Marine Climate Change Impacts Partnership (MCCIP) and UKCIP are sources of information in relation to potential climate change impacts, adaptation and mitigation.</p> <p>Flood risk areas will be mapped and data sourced from SIC and SEPA.</p>	<p>Climate Change Mitigation –the spatial location and development of renewable energy devices and potential impacts on the surrounding environment.</p> <p>Climate Change adaptation – consider the likely impact some development within the coastal zone may have in terms of climate change i.e. areas at high risk and probability of coastal change and inundation, geomorphological changes that an activity or development will have on coastal processes, including sediment movement.</p>
Biodiversity,	Data collected and mapped in relation to: internationally important sites i.e. Natura 2000;	Development in or adjacent to international, national and local sites

SEA Topic	Supporting data (where available)	Implications for SMSP
Flora and Fauna	<p>Ramsar; nationally important sites i.e. Sites of Special Scientific Interest (SSSIs); protected species i.e. European Protected Species (EPS), wild birds; Local Nature Conservation sites; Draft Marine Protected Areas (MPAs); and Draft Priority Marine Features (PMFs). As new data becomes available i.e. for MPAs and PMFs, this will be updated in the accompanying maps.</p> <p>Ecosystems and Biological diversity – mapped features include cetaceans, basking sharks, seabirds, eider ducks, seals, otters, important bivalves, important mud habitats and plants.</p> <p>Key sources: Marine Scotland, SNH, JNCC, Shetland Amenity Trust (SAT), Shetland Islands Council (SIC) etc.</p>	<p>may have the potential for positive/negative impacts on the sites' character or integrity. SMSP is subject to a Habitats Regulations Appraisal.</p> <p>Consider development activities which may have an impact on plankton, benthic ecology, sea birds, marine mammals, fish etc.</p>
Population and Human Health	<p>New data is being collected and mapped on marine recreational assets i.e. sailing, rowing, recreational snorkelling and SCUBA diving, sea angling, kayaking, surfing, as well as exploration of underwater and coastal heritage assets. Coastal recreation activities mapped will include walking and hiking, climbing, visiting heritage assets and wildlife watching.</p> <p>Data collected in terms of number of direct and indirect jobs and businesses in Shetland are dependent on the marine environment.</p> <p>Key sources: SEPA, local sports clubs, SIC, Visit Shetland etc.</p>	<p>Ensuring local community and visitors have access to leisure and recreation assets.</p> <p>Encouraging sustainable new marine developments and safeguarding existing developments from incompatible uses.</p> <p>By supporting job opportunities and access to marine leisure and recreational facilities, people will have access to a better quality of life and will be encouraged to reside in Shetland and contribute to the local community.</p> <p>Minimising and mitigating development with the potential to cause a health risk or a nuisance i.e. pollution or noise.</p>
Soils, Geology and Coastal Processes	<p>Data collected and mapped includes coastal SSSIs for geological features; predictive seabed sediment types; and coastal landforms including sand dunes, salt marsh, beach etc.</p> <p>Key sources: SNH, JNCC, Envision (NAFC Marine Centre), Ordnance Survey etc.</p>	<p>Areas of the coast and seabed sensitive to changes in erosion patterns and certain types of marine developments and activities that may result in physical loss, damage or disturbance.</p>
Water	Collect data on water quality status for coastal and marine waters. Water Framework Directive (WFD) data will be sourced from the Scotland River Basin	Ensuring that marine development or activity does not result in any water body to deteriorate in status nor

SEA Topic	Supporting data (where available)	Implications for SMSP
	<p>Management Plan (RBMP) and the Orkney and Shetland Area Management Plan. MSFD data will be sourced from Marine Scotland and Scotland's Marine Atlas. Map data on wastewater discharges and abstraction and shellfish growing waters.</p> <p>Key sources: SEPA, Food Safety Agency etc.</p>	<p>prevent the achievement of established objectives set out in the Scotland RBMP.</p> <p>Where possible, new development will contribute towards objectives to improve the ecological status of coastal water bodies.</p>
Cultural Heritage	<p>Marine historic assets around the coast including the wrecks of boats, ships, submarines and aircraft, harbours, lighthouses and other built structures including drowned terrestrial archaeological sites and cultural landscapes.</p> <p>Important to note that not all nationally important heritage assets have been designated, and there is always the possibility of discovering new sites.</p> <p>Update data as it becomes available.</p> <p>Key source: SAT, SIC, Visit Shetland, Historic Scotland etc.</p>	<p>Protection of designated and non-designated marine historic assets from inappropriate development.</p> <p>Alterations or extensions to, and new developments within the vicinity of heritage assets must respect the original structure in terms of design, scale and, where appropriate, setting.</p>
Landscape and Seascapes	<p>National Scenic Areas (NSAs); Local Landscape Areas (LLAs); Seascapes Character and Visual Amenity.</p> <p>Key sources: Scottish Government, SIC, SNH</p>	<p>Marine developments and activities in the coastal zone may have the potential to have both a positive and negative impact on the landscape including seascapes.</p> <p>Need to consider sensitivity of coastal sites and communities to visual impacts from offshore marine activities/ developments. Impacts of onshore and offshore development on landscape and seascapes character and scenic value.</p> <p>Effects will be development-specific and dependent on the type of development/ activity, its location and its setting.</p>
Air	<p>Air Quality</p> <p>Marine transport emissions (boat movements)</p>	<p>Air quality issues need not be included as a full topic in the assessment as the SMSP's effects on it will not be significant.</p>
Material Assets	<p>Existing and new infrastructure - aquaculture installations , cables and pipelines, renewable energy devices, piers, marinas, ports and harbours, ferry fixed links/ terminals. All data has been mapped in</p>	<p>Need to consider the potential effects of new infrastructure on other users of the marine environment, e.g. physical disturbance of fishing grounds; effects</p>

SEA Topic	Supporting data (where available)	Implications for SMSP
	<p>the SMSP Atlas.</p> <p>Impact on other marine users and developments.</p> <p>Key sources: SIC, Lerwick Port Authority, Marine Scotland, Maritime and Coastguard Agency, Kingfisher Information Services (cables & pipelines), Ordnance Survey</p>	<p>on fish stock; displacement of fishing activity.</p> <p>Need to consider the effects of development on opportunities for other types of development (largely identified through the assessment of cumulative effects)</p> <p>The potential effects of development on navigational safety, collision risk for vessels etc.</p>

5. Scope and level of detail proposed for strategic environmental assessment (SEA)

5.1 Alternatives

As part of the SEA process there is a requirement to consider appropriate alternatives to the SMSP and the proposals or policies within the plan and their effect on the environment. As the SMSP does not include any specific strategic actions or measurable activities, the focus of the SEA is to assess the main objectives and policies as set out in the SMSP and comprise possible policy revisions or alternatives upon which the final SMSP will be based.

In terms of alternatives to the SMSP, its strategic nature suggests a number of scenarios including:

- Assessment against the ‘do-nothing’ scenario, i.e. continue under the current SMSP (3rd Ed.);
- Likely impact of development without any plan setting out framework for marine protection and planning; and
- The preferred option – adoption of a Final SMSP (4th Ed.) i.e. the plan incorporating the recommendations of the SEA process and further consultation with key stakeholders.

The assessment of alternatives will be integral to this SEA and the overall assessment of the main objectives and policies set out in the consultation document. In considering the effects of these in relation to each of the main policy areas, the assessment will take full account of the options proposed and the likely effects on the environment in the absence of the SMSP. The main approach to the assessment is discussed in Section 5.3.

5.2 Scoping in/out of SEA issues

In accordance with Schedules 2 and 3 of the Environmental Assessment (Scotland) Act 2005 the environmental issues to be addressed in the SEA are included in Table 5. The scope of the environment to be subject to assessment includes the potential effects on the marine, coastal, and terrestrial environments.

Table 5: Scoping of SEA Issues

SEA Issues	Scoped in	Scoped Out	If scoped out, why?
Biodiversity, Flora, Fauna	Yes		
Population and Human Health	Yes		
Soils, Geology and Coastal Processes	Yes		
Water	Yes		
Air		Yes	The SMSP is not expected to have any influence on environmental issues relating to air as it will be applied to a marine body of water and activities therein will not be applied to the air and the activities that occur in the air (similar to findings in the SEA for the SMSP 3 rd Ed.).
Climatic Factors	Yes		
Cultural Heritage	Yes		
Landscape and Seascape	Yes		

SEA Issues	Scoped in	Scoped Out	If scoped out, why?
Material Assets	Yes		
Inter-relationship between all of the SEA Issues	Yes		

The SEA issues scoped in are: Biodiversity, Flora and Fauna; Population and Human Health; Soils, Geology and Coastal Processes; Climatic Factors; Cultural Heritage; Landscape and Seascapes; and Material Assets. At this stage of the SEA it is considered that 'Air' is scoped out as it is expected that the SMSP's effects on it will not be significant.

The type and duration of the effects will also be investigated as part of the SEA as follows:

- Positive and negative effects;
- Short, medium and long term effects;
- Permanent and temporary effects; and
- Secondary, cumulative and synergistic effects.

5.3 Methodology for assessing environmental effects

The SEA will be assessed against the SEA Objectives included in Table 6 taking into account the characteristics of the impacts i.e. type and duration of impact and sensitivity of receptor. Please refer to Table 7 for the significance of the impacts. Impact magnitude and receptor sensitivity are combined to indicate significance. Impact significance range is described in terms of major/moderate/ minor/ neutral and combinations (e.g. minor-moderate), negative and positive. Table 7 indicates a possible scale of impacts. The overall significance of the impact will be determined from a combination of these factors.

Table 6: Proposed SEA Objectives

SEA Topics	Proposed SEA Objectives	Indicative SEA Indicators
Biodiversity, Flora and Fauna	<ul style="list-style-type: none"> - To protect and where appropriate enhance marine and coastal ecosystems and their interactions. - To promote people's enjoyment, understanding and appreciation of the natural heritage and need for its protection and enhancement. 	<ul style="list-style-type: none"> - Number of applications refused consent or required to include mitigation measures to minimise adverse impacts on designated sites/species (SIC and SNH) - Reported condition of Natura 2000 sites, SSSIs, locally important sites (SNH/ SIC) - Access on-going survey data for MPAs and PMFs (SNH/ JNCC and Shetland Shellfish Management Organisation (SSMO)) - Tourism figures for wildlife visitor attractions i.e. wildlife watching tours, outdoor recreation etc. (Visit Shetland and SIC Economic Development Unit (EDU)) - Survey information from new planning applications/ work licences

SEA Topics	Proposed SEA Objectives	Indicative SEA Indicators
		<p>and EIAs providing data on birds, cetaceans etc. (SIC, Marine Scotland, SNH and SEPA)</p> <ul style="list-style-type: none"> - Reports available on GES under the MSFD - biological diversity, healthy fish stocks, abundant foodwebs (Marine Scotland)
Population and Human Health	<ul style="list-style-type: none"> - To promote prosperity and quality of life benefits for the people and communities of Shetland through appropriate levels of development within the plan area. - To protect and where appropriate enhance access to marine leisure and recreational assets. - To avoid adverse effects on human health from water pollution and nuisance effects e.g. noise. 	<ul style="list-style-type: none"> - Consult with local sports clubs, SIC, Visit Shetland etc. to determine number and frequency of users for marine recreational and leisure amenities. - Report any loss/ closure of marine amenities due to development (SIC EDU and Visit Shetland). - Report any incidents of pollution, waste or contamination to marine and coastal waters around Shetland (SEPA and SIC) - Survey information from new applications providing data on noise impacts (SIC, Marine Scotland and SNH)
Soils, Geology and Coastal Processes	<ul style="list-style-type: none"> - To protect, and where appropriate, enhance the physical quality and integrity of the seabed and coastal zone. - To avoid exacerbating coastal erosion. - To maintain integrity of sediment and coastal processes. 	<ul style="list-style-type: none"> - Seabed survey information available on the condition of the seabed around Shetland – MPA and PMF research, SSMO closed areas (SNH/JNCC, SSMO) - Survey information from new applications providing data on physical loss, damage or disturbance to seabed (SIC and Marine Scotland) - Reports available on GES under the MSFD - seabed integrity (Marine Scotland)
Water	<ul style="list-style-type: none"> - To protect and enhance the quality of the water environment of Shetland and its waters including surface and groundwater features in addition to the coastal and offshore areas of the marine environment. - Ensure there is no deterioration in the status of any water body. - To avoid pollution of the coastal and marine water environment. - To avoid increasing flood risk from inappropriate development within areas vulnerable to flooding. 	<ul style="list-style-type: none"> - Number of water bodies achieving Good Ecological Status (GES) as part of the RBMP (SEPA, SIC) - Number of applications under the 'The Water Environment (Controlled Activities) (Scotland) Regulations' – CAR (SEPA) - Reports available on GES under the MSFD – eutrophication, contamination, marine litter (Marine Scotland) - Number of bags of coastal litter collected annually as part of the Da Voar Redd up (SAT)
Climatic Factors	<ul style="list-style-type: none"> - To support climate change mitigation through the sustainable development of marine renewable energy as an alternative source to greenhouse gas (GHG) emitting developments. - To reduce the vulnerability of Shetland 	<ul style="list-style-type: none"> - Number of applications permitted for marine renewable energy developments and overall renewable energy generation for Shetland (SIC and Marine Scotland). - % of electricity generated in

SEA Topics	Proposed SEA Objectives	Indicative SEA Indicators
	and its marine environment to the effects of climate change (e.g. sea level rise, coastal erosion, flooding, introduction of non-native species (INNS)) by ensuring that adaptation to such impacts is built into plans for future development where appropriate.	<p>Shetland from marine renewables (SIC and Marine Scotland)</p> <ul style="list-style-type: none"> - Number of applications where a flood assessment has been undertaken and flood prevention measures included (SIC). - Incidences of flooding of existing developments (SIC). - Identification and reporting of INNS around Shetland (SEPA, Marine Scotland and NAFC Marine Centre)
Air	<ul style="list-style-type: none"> - No SEA objectives are proposed as this topic has been scoped out of the assessment. 	N/A
Cultural Heritage	<ul style="list-style-type: none"> - To protect and, where appropriate, enhance the historic environment. - To protect against damage to known and undiscovered coastal and marine archaeology. 	<ul style="list-style-type: none"> - Number of applications where there are potential impacts on a site designated for the historical environment (SIC and SAT) - Condition of sites designated for the historical environment (SAT) - Monitoring/mapping/recording of any new sites of historical importance discovered as part of any developments (SIC and SAT)
Landscape and Seascapes	<ul style="list-style-type: none"> - To protect and, where appropriate, enhance the seascapes / landscape and visual amenity of the SMSP plan area and Shetland. 	<ul style="list-style-type: none"> - Number of applications for development with potential impacts on seascapes/landscape designations (SIC) - Proximity of proposed developments i.e. any trends for clustering of developments (SIC)
Material Assets	<ul style="list-style-type: none"> - To protect the marine environment from the adverse effects of new infrastructural developments. - To protect existing and future marine users from incompatible development. - To protect mariners and marine environment from navigational risks. 	<ul style="list-style-type: none"> - Report any adverse navigational incident as a result of a marine development (construction or operation) (Maritime Coastguard Agency (MCA), Lerwick Port Authority (LPA) and SIC) - Number of applications refused on grounds of incompatibility with other marine users (SIC) - Number of applications where there are potential impacts on the marine environment as a result of infrastructure development (SIC).

In terms of SEA indicators it is very important to consider that these are ‘SMART’ i.e. specific, measurable, achievable, realistic and timely. Previously indicators were included as part of the SEA for the SMSP (3rd Ed.) however, they were not realistic or achievable because we did not have access to the data needed nor the resources to pursue it. It is noted that the SMSP has been voluntary until now and so there was no obligation to engage in the monitoring process. Therefore from our previous experience, it is more useful to identify a smaller number of targeted indicators that can be used to highlight key issues. The indicators included in Table 6 are indicative only and will be refined following advice from the CAs.

It is acknowledged that in many cases pre-application consultation with the local authority and where required, Environmental Impact Assessment (EIA), successfully address potential effects and mitigate their adverse significance or avoid them altogether. Monitoring of the extent to which recommendations for mitigation have been implemented can therefore provide useful indicators.

Table 7: Significance of impacts and proposed symbols to be used in the framework for environmental assessment

Symbol	Description of Impact
✓✓✓	Significant positive environmental impact
✓✓	Moderate positive environmental impact
✓	Minor positive environmental impact
=	Neutral or no environmental impact
x	Minor negative environmental impact
xx	Moderate negative environmental impacts
xxx	Significant negative impact
?	Uncertain environmental impact
N/A	Not applicable – no relationship with SEA Objective

The proposed framework for assessment is similar to the template used in the SEA for the previous edition of the SMSP (3rd Ed.). The framework will include an appraisal of the SMSP vision, aim, strategic objectives and policies in terms of the SEA objectives. The findings will be set out in matrices with explanatory text to describe how decisions were reached and to record the evidence that was used. Thematic cumulative and synergistic effects will be assessed and recorded, as will characterisation of effects. The following matrix (Table 8) outlines the general approach proposed to assess the SMSP strategic objectives and policies in the SEA.

Table 8: Proposed Framework for Assessment

Policy MSP X					
SEA Topic	Impact	Nature of the Impact (scale, duration) etc.	Any specific mitigation/ monitoring	Residual Impacts	Comments
Biodiversity, Flora and Fauna	✓✓✓		Any specific mitigation will be referenced here. Generic mitigation will be discussed per SEA Topic area.	Post mitigation outstanding effects.	Comments will be added here to explain the assessment conclusions.
Population and Human Health	x				
Soils, Geology and Coastal Processes	?				
Water	N/A				
Climatic Factors					
Cultural Heritage					
Landscape and Seascapes					
Material Assets					

The results of the assessment will be reported in the Environmental Report as a summarised narrative, supported by the detail in the assessment matrices appended to the report. The narrative will include, as appropriate:

- baseline characteristics of the areas likely to be affected by the activity;
- the results of the appraisal of the plan elements;
- the results of the assessment of potential cumulative effects²; and
- proposed mitigation and residual effects.

Identifying mitigation and monitoring proposals

Mitigation measures will be identified as an integral part of the assessment process. Measures can and will be applied at many different levels within the SMS and Environmental Report. The SEA Statement will summarise the mitigation recommended for adoption and will cross-reference to the Environmental Report.

The purpose of monitoring is to ensure that the prediction of impacts was correct and that any unforeseen environmental issues can be dealt with in the appropriate manner. Monitoring proposals therefore are likely to focus on the significant environmental effects that are identified during the course of the SEA and on implementation of mitigation measures where appropriate. Comments from statutory consultees, stakeholders and the public will be used to refine the monitoring framework. Where possible, existing data sources and indicators will be linked with relevant indicators to minimise resourcing requirements for additional data collection. A copy of the monitoring framework will be submitted as part of the SEA Statement.

² Cumulative impact assessment will consider the potential cumulative effects of other plans and projects.

6. Next steps

6.1 Proposed consultation timescales

We propose the consultation timescale to include parallel issue of the Environmental Report alongside the Draft SMSP (4th ed.), to be adopted as SG to the SIC LDP in April/ May 2013 for a full 12-week consultation.

Publication of the Environmental Report and Draft SMSP will be announced via a press release and will be available in hard copy and on the [NAFC Marine Centre's website](#).

The Environmental Report will be designed to be as concise and accessible as possible whilst meeting the requirements of Schedule 3 of the Environmental Assessment (Scotland) Act 2005. We envisage the statutory inclusion of a non-Technical Summary of the Environmental Report to be instrumental in the consultation process and will also be made readily available.

At this stage the intention would be for the post-adoption SEA statement to be published alongside the finalised SMSP before the end of 2013.

6.2 Anticipated milestones in the SEA and planning processes related to this SMSP

Indicative milestones in the SEA and planning process in relation to the SMSP is summarised in Table 9.

Table 9: Proposed milestones in the SEA and planning process for the SMSP

Indicative Timing	SMSP	SEA
Spring Autumn 2012	Published Review of the SMSP (3 rd Ed.)	
October 2012	Commence drafting of the SMSP; Commence Screening of HRA.	Commence Screening and Scoping of SEA.
Feb 2013	Drafting Initial SMSP framework; Informal consultation with SNH on HRA Screening Report.	Scoping Report of SEA submitted to CAs via SEA Gateway.
March 2013	Responses received and reviewed from SNH in relation to HRA Screening Report.	Responses received and reviewed from CAs in relation to SEA Scoping Report.
Feb – April 2013	Undertake HRA.	Undertaking SEA and preparation of Environmental Report.
May 2013	Formal Consultation and publication of Draft SMSP and Draft HRA record (min 12 weeks).	Consultation on published Environmental Report (min 12 weeks).
May – August 2013	Undertake consultation measures.	Undertake consultation measures.
September 2013	Review and prepare report on submissions received.	Review and prepare report on submissions received.

Indicative Timing	SMSP	SEA
Sept – Nov 2013	Amend the SMSP where necessary, in accordance with submissions received.	Amend the SEA where necessary, in accordance with submissions received.
End of year 2013	Publish final plan as adopted by SIC as supplementary guidance to the LDP.	Publish Post-Adoption Statement.

7. References

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Appendix 1

Table A: Relationship with other plans, programmes, strategies and environmental objectives

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Plans, Programmes, Strategies and Policies		
International - Marine (General)		
United Nations Convention on the Law of the Sea (UNCLOS)	UNCLOS provides an overarching framework for the marine environment. It sets national jurisdictions and establishes rights of navigation and the legal regime of the high sea. It provides the legal basis for the protection and sustainable development of the marine environment and addresses environmental control, scientific research economic activities and the settlement of disputes. UNCLOS introduced the concept of Exclusive Economic Zones (EEZ). UNCLOS covers virtually all uses of the sea including navigation and over-flight, resource exploration and exploitation, conservation and pollution fishing and shipping.	The Shetland Islands are an important navigational route for ferries, fishing vessels and freight (it is part of the Inshore Traffic Route). The SMSPI area lies entirely within Scottish territorial waters.
The OSPAR Convention	The 1992 Convention for the Protection of the Marine Environment of the North East Atlantic aims to contribute to the control and prevention of marine pollution within the waters of the North East Atlantic (which includes all UK waters), as well as scientific co-operation in assessing the quality of these waters. Annex V of the OSPAR convention also provides for the adoption of programmes and measures to assist management of human activities that can have an adverse impact on the marine environment. Marine spatial planning was included in the OSPAR Biodiversity Committee's work programmes in 2003-04. Currently there are 5 annexes in force which deal with: prevention and elimination of pollution from land based sources, by dumping or incineration and from offshore sources; assessment of the quality of the marine environment; and protection and conservation of the ecosystem and biological diversity of the marine area.	The SMSPI must consider measures to prevent pollution, and protect and conserve the ecosystem of the maritime area, and include provision for priority species and habitats. Activities will be required to be compliant with national legislation implementing OSPAR recommendations and decisions.
European - Marine		
Common Fisheries Policy	Marine fisheries conservation is an area of exclusive European Community competence. The CFP sets fisheries policy at a community level and limits the extent to which Member states can develop their own fisheries measures. Article 6 of the treaty requires that environmental protection must be integrated into Community policies to promote sustainable development. The CFP was amended in 2002 through Council Regulation 2371/2002 on the conservation and sustainable exploitation of	The SMSPI should consider the CFP policies in regard to the fishery resource and its sustainable management.
Plan of Action for the Conservation and Management of Sharks		

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
	fisheries resources under the CFP. The CFP also encompasses the Action Plan for the Conservation and Management of Sharks.	
EC Integrated Maritime Policy for the European Union (Blue paper) COM (2007) 575	This policy is based on the clear recognition that all matters relating to Europe's oceans and seas are interlinked, and that sea-related policies must develop in a joined up way. This integrated inter-sectoral approach ensures stakeholder participation reinforcing co-operation and co-ordination of all sea related policies. The Communication "Roadmap for Maritime Spatial Planning: Achieving common principles in the EU" was adopted by the Commission on 25 November 2008 and provides a set of 10 key principles that are meant to form the basis for a common approach towards marine spatial planning by member states.	The SMSPI should consider the integration and co-operation potential for the plan and how to inform future Scottish Government policy in relation to this.
Guidelines for an Integrated Approach to Maritime Policy: Towards Best Practice in Integrated Maritime Governance and Stakeholder Consultation. (COM/2008/395)	These guidelines aim to provide a holistic approach on how to handle maritime affairs as an increasing number of governments, in Europe, and all over the world, are signing up to new, cross-cutting, integrated approach to the governance of maritime affairs. Member States should develop their own national integrated maritime policies, embracing economic, social, cultural and environmental contexts, with active stakeholder participation and being implemented through marine spatial planning.	The SMSPI should consider how best to support the implementation of a holistic approach to marine governance.
EC Marine Strategy Framework Directive (2008/56/EC)	The Marine Strategy Framework Directive (MSFD) establishes an overarching approach to the management of Europe's seas. Similarly to the Water Framework Directive, it will require member states to: <ul style="list-style-type: none"> Define 'Good Environmental Status' (GES) for seas within their jurisdiction; and Identify and implement a programme of measures to achieve GES by 2021. 	The SMSPI should consider the implications of the plan on biodiversity, habitats, flora and fauna, contaminants, marine litter and underwater noise.
UK and Scotland – Marine		
Safeguarding Our Seas: A Strategy for the Conservation and Sustainable Development of our Marine Environment. Defra (2002).	This report sets out a vision for the marine environment - clean, healthy, safe, productive and biologically diverse oceans and seas. It is underpinned by the principles of sustainable development, integrated management, the conservation of biological diversity, robust science, the precautionary principle and stakeholder involvement. It outlines an ecosystem-based approach to marine management to better integrate marine protection objectives with sustainable social and economic goals. It covers the broad spectrum of policies that affect the marine environment.	Consider the SMSPI in the context of the UK policy for the marine environment.
Seas the Opportunity: A Strategy for the Long Term Sustainability of Scotland's Coasts and Seas. Scottish	This is founded on the same 5 sustainable development guiding principles as the Securing the Future – UK Government sustainable development strategy (2005): living within environmental limits, ensuring a strong, healthy and just society, using sound science responsibly, promoting good governance and achieving a sustainable	Consider the SMSPI in the context of the UK policy for the marine environment and ICZM.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Government (2005)	economy. It specifically states that this will be delivered through developing the concept of MSP.	
Thematic Strategy on the Protection and Conservation of the Marine Environment (2002) Scottish Government	Provides Strategy for the protection and conservation of the marine environment.	Consider the SMSPI in the context of protection of the water environment
Marine and Coastal Access Act, 2009 and Marine Scotland Act, (2010).	The 2009 and 2010 Acts provide a statutory framework for a more simplified marine planning and licensing system. The main management measures introduced as part of the 2010 Marine Act include marine planning, marine licensing, marine conservation, seal conservation, and enforcement.	The SMSPI should consider the legislative requirements as set out in the 2010 Act for the preparation of marine plans as well as the licensing of marine activities and the designation of marine protected areas.
UK Marine Policy Statement (MPS)	The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. It will contribute to the achievement of sustainable development in the UK marine area. It has been prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009.	The SMSPI should conform to the UK MPS as set out in the 2010 Act.
Pre-Consultation National Marine Plan	The overall aim of the NMP is to provide a planning framework to manage competing demands for the use of the sea whilst protecting the marine environment. The NMP includes national objectives to achieve clean and safe; healthy and biologically diverse; and productive seas. The NMP also includes sectoral objectives, challenges and policies for fisheries and aquaculture; energy; tourism and recreation; marine transport; telecommunication and cables, natural and built heritage; water and aggregates and disposal.	Consider the SMSPI aligns with national objectives and policies.
Consultation on The Draft Scottish Marine Regions Order (2013)	The Act provides for the delegation of marine planning functions to a regional level. The consultation is in relation to the draft legislation which designates 11 Scottish marine regions for the Scottish marine area and identifies their boundaries; the coordinates establishing the marine region boundaries; and the names of the regions suggested. Shetland has been designated a Draft Marine Region.	Consider the SMSPI in light of forthcoming secondary legislation for the designation of Marine Regions.
Coast Protection Act, (1949)	The Coast Protection Act 1949 (part I) empowers Local Authorities with coastlines (termed 'Coast Protection Authorities' in the Act) to carry out coast protection work inside and outside their area as necessary, subject to the approval of the Scottish Executive.	Consider the aims of the legislation for coastal protection.
Food and Environment Protection Act, (1985)	Part II protects the marine ecosystem and human health by controlling the deposit of articles or materials or scuttling of vessels in the sea or tidal area. However, Part II	Consider the SMSPI in relation to certain reserved activities carried out in the marine area.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
	has largely been repealed under the Marine Scotland Act, 2010 and now applies only to certain reserved activities carried on in the Scottish marine area.	
Zetland County Council Act (1974)	Under the Zetland County Council Act 1974 (the Act of 1974), as amended, the Shetland Islands Council has a duty to promote the conservancy of, and control of development in, the coastal area of Shetland, with the exception of those areas under the jurisdiction of Lerwick Port Authority or Broonies Taing Pier Trust. The Works Licence Policy, adopted as part of the Shetland Islands Council Local Development Plan, provides guidance to all involved in the process of considering proposals that fall within the scope of the Act of 1974. In general terms, that means the placing of 'works', as defined by the Act of 1974, in the sea, on the seabed or on the foreshore below Mean High Water Springs (MHWS) and out to 12 nautical miles. 'Works' means developments of all types, excluding those for the purposes of marine fish farming.	Consider how the SMSPI can support local regulations.
International - Sustainable Development		
United Nations Conference on Environment and Development (UNCED, Earth Summit), the 'Rio Declaration'	UNCED reviewed the linkages between economic and social development and environmental protection and adopted Agenda 21. Chapter 17 of this agenda provides for 'protection of the oceans all kinds of seas including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources'.	The SMSPI should consider the UK's international priorities for sustainable development arising from this declaration.
World Summit on Sustainable Development (WSSD)	The commitments made at the WSSD have contributed to the development of Marine Spatial Planning (MSP) at both the international and European level. As well as establishing a UN system for marine monitoring by 2004 the WSSD included a number of commitments relevant to MSP, including: <ul style="list-style-type: none"> • Encouraging the ecosystem approach to marine management by 2010 • Setting up representative marine protection networks by 2012 • Restoring depleted fish stocks to maximum sustainable yields by 2015 'where possible'. 	The SMSPI should be founded on the principles of the ecosystem approach and the precautionary approach.
European - Sustainable Development		
The EU's Sustainable Development Strategy (SDS) (2001)	The EU SDS sets out a single coherent strategy on how the EU will live up to its long standing commitment to meet the challenges of sustainable development. The overall aim of the EU SDS is to identify and develop actions to enable the EU to achieve a continuous long-term improvement of quality of life through the creation of sustainable communities able to manage and use resources efficiently, able to tap the ecological and social innovation potential of the economy and in the end be able to ensure prosperity, environmental protection and social cohesion.	The SMSPI should consider how best to inform on sustainable development and environmental protection.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Europe 2020	The "Europe 2020 Strategy" is a 10-year strategy proposed by the EC for advancement of the economy of the European Union. This strategy rests on three pillars: economic, social and environmental. One of the main targets is to reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30% if the conditions are right.	The SMSPI should consider how to best support the implementation of sustainable renewable energy development in the area and a move away from GHG emitting marine developments.
UK and Scotland - Sustainable Development		
Securing the Future – UK Government Sustainable Development Strategy (2005)	Principles for sustainable development and shared priorities agreed across the UK, including the Devolved Administrations. The Strategy contains: <ul style="list-style-type: none"> • an integrated vision building on the 1999 strategy – with stronger international and societal dimensions; • five principles – living within environmental limits, ensuring a strong, healthy and just society, using sound science responsibly, promoting good governance and achieving a sustainable economy; and • four agreed priorities – sustainable consumption and production, climate change, natural resource protection and sustainable communities and an outcome focused indicator set and commitments to look at new indicators. 	The SMSPI should consider how best to support the Government's Sustainable Development Strategy
Choosing Our Future: Scotland's Sustainable Development Strategy (2005)	This strategy sets out the measures the Scottish Government will take to implement the UK Government sustainable development strategy (see above). It provides a framework for the Scottish Governments emerging strategies on climate change, transport and renewable energy. Green jobs and biodiversity. The theme that runs through the framework is how to live sustainably.	The SMSPI should consider how best to support economic growth and ensure sustainable development.
European - Environment		
Aarhus Convention (1998) and Directive 2003/35/EC	The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment: - access to environmental information; public participation in environmental decision-making; and access to justice. The convention is not only an environmental agreement; it is also a convention about government accountability, transparency and responsiveness.	The SMSPI should consider how best to ensure inclusivity and transparency in the development and dissemination of the plan.
Environment Action Programme (EAP)	The 6 th EAP is a decision of the European Parliament and the Council adopted in 2002. It set out a framework for environmental policy-making in the EU for the period 2002-2012. It had seven thematic strategies one of which covered the marine environment, the Marine Strategy Framework Directive (MSFD). <p>The European Commission has proposed a new Environment Action Programme for the EU. Entitled "Living well, within the limits of our planet", it will guide environment</p>	The SMSPI should consider the implications of the plan on biodiversity, habitats, flora and fauna.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
	policy up to 2020. The proposal aims to enhance Europe's ecological resilience and transform the EU into an inclusive and sustainable green economy.	
EIA Directive (85/337/EEC) amended (97/11/EC)	This Directive requires an Environmental Impact Assessment (EIA) and a public consultation document, an Environmental Statement (ES) to be submitted for certain projects considered likely to have a significant impact on the environment.	The SMSPI should consider how it can best inform on effective EIA using MSP.
SEA Directive 2001/42/EC	The aim of the SEA Directive is to ensure that environmental consequences of certain plans, programmes and policies are identified and assessed during their preparation and before their adoption. SEA will contribute to more transparent planning by involving the public and by integrating environmental considerations, helping to achieve the goal of sustainable development.	The SMSPI should consider how it can best inform on effective SEA using MSP.
UK and Scotland - Environment		
Environmental Assessment (Scotland) Act (2005)	This Act transposes the SEA Directive into Scottish legislation. It requires the preparation of an environmental report and a consultation exercise, and the taking into account of the environmental report and the result of the consultation exercise in decision making.	Consider the SMSPI in the context of the UK policy for SEA.
Environmental Impact Assessment Regulations (various)	The provisions of the EIA Directive have been transposed in part into Scottish legislation as follows: <ul style="list-style-type: none"> • The Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011 • The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended); • The Marine Works (Environmental Impact Assessment) Regulations 2007 	The SMSPI should consider how it can best inform on effective EIA using MSP.
The Town and Country Planning (Scotland) Act, (1997)	Under this Act planning permission is required from the local authority for piers, jetties, slipways, marinas etc. that join the land above mean low water springs.	Consider how the SMSPI can inform on how to integrate land and marine planning
The Planning Etc. (Scotland) Act, (2006)	This act establishes the National Planning Framework, a strategy for Scotland's spatial development with the objective of contributing to sustainable development. It includes management development and planning permission for marine fish farms.	Consider how the SMSPI can inform on how to integrate land and marine planning
National Planning Framework for Scotland, (2012)	The second National Planning Framework for Scotland (NPF2) was published in June 2009. It set out a strategy for the spatial development of Scotland to 2030, providing a framework for planning focusing on transport, energy, waste, water and communications technology infrastructure. Its key aims were:	Consider how the SMSPI can inform on how to integrate land and marine planning

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	<ul style="list-style-type: none"> to contribute to a wealthier and fairer Scotland by supporting sustainable economic growth and improved competitiveness and connectivity; to promote a greener Scotland by contributing to the achievement of climate change targets and protecting and enhancing the quality of natural and built environments; to help build safer, stronger and healthier communities, by promoting improved opportunities and a better quality of life; and to contribute to a smarter Scotland by supporting the development of the knowledge economy. 	
National Planning Framework for Scotland 3 (due 2014)	Work has started on the third NPF (NPF3) which will set out the Government's development priorities over the next 20-30 years. A new framework is required as the economic and policy context has changed considerably since NPF2. It also highlighted a range of challenges for NPF3 to address including facilitating the transition to a low carbon economy and the emergence of marine spatial planning, with the parallel development of Scotland's first National Marine Plan and sectoral marine plans for offshore renewable energy development.	Consider how the SMSPI can inform on how to integrate land and marine planning.
Scottish Planning Policy 2010	Scottish Planning Policy (SPP) is the statement of the Scottish Government's policy on nationally important land use planning matters and consolidates a series of topic specific policy statements into a single, more concise statement. The SPP sets out an overview of the key components and overall aims and principles of the planning system including cross-cutting policies on sustainable economic growth, community engagement and sustainable development. Relevant subject specific policies include coastal planning, fish farming, renewable energy, flooding and drainage, historic environment, landscape and natural heritage.	The SMSPI aligns with national policy and supports economic growth, community engagement and sustainable marine development.
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.	Consider how the SMSPI can inform on how to integrate land and marine planning.
Supplementary Guidance for Works Licence Policy - SLDP	The Council's Works Licence Policy provides the detailed development policy framework that underpins the Local Development 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 SMSPI which sets out the spatial development strategy for all marine resource users.	Consider how the SMSPI can inform on how to integrate land and marine planning.

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Supplementary Guidance for 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	Consider how the SMSM can conform to the SLDP policy.
SEA Specific Topics		
International - Biodiversity		
Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979)	This is an intergovernmental treaty concerned with the conservation of wildlife and habitats on an international scale. It aims to conserve terrestrial marine and avian species throughout their range through international co-operation. The UK is party to the convention and to several agreements which have been concluded to date under the auspices of the convention e.g. ASCOBANS (small cetaceans - <i>Odontoceti</i>), AEWA (migratory birds) and EUROBATS (bats).	The SMSM should consider the implications of the plan on migratory species and comply with the aims of this convention.
Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)	This convention aims to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity.	The SMSM should consider the implications of the plan in relation to the identification, protection and preservation of World Heritage Sites
The Convention on the Conservation of European Wildlife and Natural Habitats (1979) (The Bern Convention)	The Bern Convention was adopted in 1972 and came into force in 1982. The principal aims are to ensure conservation and protection of wild plant and animal species and their natural habitats, to increase co-operation between contracting parties, and to regulate the exploitation of those species (including migratory species). The Bern Convention is implemented through the Birds Directive and the Habitats Directive.	The SMSM should consider the implications of the plan on protected habitats and species.
Birds Directive (79/409/EEC)	The Birds Directive is a comprehensive scheme of protection for all wild bird species in Europe. It recognises that habitat loss and degradation are the most serious threat to the conservation of wild birds, and as such it has established a network of Special Protected Areas (SPA), which is incorporated into the NATURA 2000 network.	The SMSM should ensure that the plan will not adversely affect the integrity of relevant sites within the Natura 2000 network and should promote the protection of priority species identified in the Directive.
Convention on Biological Diversity (1992)	The 1992 Convention on Biological Diversity objective is the conservation of biological diversity, the sustainable use of its components and the fair and adequate sharing of benefits from the use of genetic resources. The UK Biodiversity Action Plan (and its various subsidiary plans) is part of the convention.	The SMSM should be founded on the principles of the ecosystem approach and the precautionary approach. It should also consider the implications of the UK Biodiversity Action Plan (BAP) and the local BAP's.
Habitats Directive (92/43/EEC)	The Habitats Directive forms the cornerstone of Europe’s nature conservation policy. The main aim of the Habitats Directive is to promote the maintenance of biodiversity by requiring member states to take measures to maintain or restore natural habitats and wild species at a favourable conservation status. In applying these measures	The SMSM should ensure that the plan will not adversely affect the integrity of relevant sites within the Natura 2000 network and should promote the protection of priority species

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	member states have to take account of economic, social and cultural requirements as well as regional and local characteristics. It is based on two pillars: the NATURA 2000 network of protected sites and a strict system of species protection. It protects over 1,000 animal and plant species and over 200 habitat types which are of European importance.	identified in the Directive.
Action Plan 'Halting the Loss of Biodiversity by 2010 – and Beyond' (COM/2006/0216)	The Action Plan details an agenda for action to halt the loss of biodiversity by 2010 and beyond. It proposes 10 priority objectives addressing most important habitats and species; actions in the wider countryside and marine environment; making regional development more compatible with nature; reducing impacts of invasive alien species; effective international governance; support to biodiversity in international development; reducing negative impacts of international trade; adaptation to climate change; and strengthening the knowledge base.	The SMSM should consider the implications of the plan on biodiversity.
UK and Scotland – Biodiversity		
Wildlife and Countryside Act, (1981)	This Act consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain. It is complimented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act, and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), which implement Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). In Scotland the most recent amendment to this Act is the Nature Conservation (Scotland) Act (2004). The Act provides for designation of Marine Nature Reserves, for which byelaws must be made to protect them. The Act was also reviewed and updated in 2008.	Consider the SMSM in the context of the UK policy for the marine environment, especially in relation to biodiversity.
The Conservation (Natural Habitats, &c) amendment (Scotland) Regulations 1994. (amendments in 2004 and 2007)	These regulations are the means through which the Habitats Directive is transposed into Scottish law. They have been amended many times, since they came into force in 1994, with the major amendments occurring in 2004 and 2007. The regulations relate to the Natura 2000 network of protected sites. The 2007 amendment relates to the creation of marine national parks.	Consider the SMSM in the context of the UK policy for the marine environment, especially in relation to biodiversity.
Nature Conservation (Scotland) Act (2004)	Imposes a wide-ranging duty on Scotland's public sector to conserve biodiversity and protect the nation's natural heritage. The strategy includes sectoral implementation plans which identify specific actions covering marine, rural and urban issues. The Act provides the principal legislative components of a new, integrated, system for nature conservation within Scotland and makes it an offence to intentionally or recklessly	Consider the SMSM in the context of the UK policy for the marine environment especially in relation to biodiversity.

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	disturb a dolphin, whale (cetacean) or basking shark, and requires the production of a new code of guidance covering whale and dolphin watching and similar activities.	
Biodiversity: UK Action Plan	A strategy for the conservation and enhancement of biodiversity in the UK. Includes an agreement to promote awareness of biodiversity and encourage public involvement. Habitat and Species Action Plans have been produced to protect some of our most threatened species of plants and animals.	Consider the SMSP in the context of the UK policy for the marine environment, especially in relation to biodiversity
Scotland's Biodiversity: It's In Your Hands 2004	Scotland has published its own National Biodiversity Strategy setting out a 25 year framework for action to conserve and enhance biodiversity in Scotland. All local authorities have produced a Biodiversity Action Plan with a section relating to the marine area, structured under 7 broad objectives: <ol style="list-style-type: none">1) To guide national marine policy and strategy2) To deliver appropriate governance through partnership working3) To deliver a better planned approach4) To improve marine regulation and management5) People: promoting good practice6) People: raising awareness of marine biodiversity7) Knowledge: improving biodiversity information and surveillance	
A Consultation on the 2020 Challenge for Scotland's Biodiversity Shetland BAP	The LBAP identifies locally important habitats and species and highlights and promotes actions to conserve these.	The SMSP should have regard to locally important marine species and habitats.
International - Climatic Factors		
UN Framework Convention on Climate Change	This is an international environmental treaty produced at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992. The treaty is aimed at reducing emissions of greenhouse gases in order to combat global warming. More recently, a number of nations approved an addition to the treaty: the Kyoto Protocol, which legally binds developed countries to emission reduction targets. The Protocol's first commitment period started in 2008 and ended in 2012. At COP17 in Durban, governments of the Parties to the Kyoto Protocol decided that a second commitment period, from 2013 onwards, would seamlessly follow the end of the first commitment period. The length of the second commitment period is to be determined: it will be either five or eight years long.	SMSP will seek to help determine consent for new developments and activities which will reduce greenhouse gas emissions and adhered to the objectives set out within the Treaty.
The Second European Climate Change Programme (2005)	This programme notes that the work identified in the first programme, (i.e. development of the necessary elements of an EU strategy to implement the Kyoto Protocol) is being undertaken according to plan, but that further measures will be	SMSP will seek to help determine consent for new developments and activities which will reduce greenhouse gas emissions.

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	required in order to meet the EU's commitments under the Kyoto agreement.	
Directive on the Assessment and Management of Flood Risks (EC Directive 2007/60/EC)	The Floods Directive's aim is to reduce and manage the risks that floods pose to human health, the environment, cultural heritage and economic activity. Requires members to assess the risk of flooding for all water courses and coastlines. Member States are required to map flood extent and any assets and humans at risk from flooding. Steps should then be taken to reduce the flood risk. Through this Directive the public have the right to access information on flood risk and have a say in the planning process.	The SMSP should consider the implications of this in regard to water quality, flooding and climate change.
UK and Scotland - Climatic Factors		
Changing Our Ways – Scotland's Climate Change Programme (2006)	Provides national interpretation of broader climate change objectives, presenting Scotland's vision for the longer term – climate change and sustainable development. It aims to quantify the "Scottish Share" or 'equitable contribution' in carbon terms and show leadership in setting Scottish targets.	SMSP will seek to help determine consent for new developments and activities which will reduce greenhouse gas emissions
The Climate Change (Scotland) Act, (2009)	The Act is a key commitment of the Scottish Government, and is the most far-reaching environmental legislation considered by the Parliament. The act sets out the statutory framework for greenhouse gas emissions reductions in Scotland and outlines the duties on Scottish Ministers and public bodies.	SMSP will seek to help determine consent for new developments and activities which will reduce greenhouse gas emissions
UK Climate Change Risk Assessment (CCRA) – Scotland (2012)	The CCRA report for Scotland provides evidence to support the Scottish Government's climate change adaptation programme. It describes and, where possible, quantifies the risks from climate change facing Scotland up until 2100.	SMSP will seek to ensure that new marine developments will not contribute to or exacerbate the adverse impacts of climate change.
Scotland's Climate Change Adaptation Framework (2009)	The Framework sets the strategic direction for Scottish Government actions but, because many adaptation decisions are taken at a local level by individual organisations, action from across all sectors is needed. The Framework has been developed with a series of accompanying Sector Action Plans, which outline the key issues and planned activity for adapting.	SMSP will seek to help determine consent for new developments and activities which will reduce greenhouse gas emissions and ensure that new marine developments will not contribute to or exacerbate the adverse impacts of climate change.
Electricity Act, (1989)	Provides the legislative background within which the energy sector functions. Sets out the framework within which applications for marine energy development should seek consent. Under Section 36 of the Electricity Act, 1989 (Requirement of Consent for Offshore Generating Stations) (Scotland) Order 2002, consent is required for electricity generation schemes with a capacity over 1MW.	The SMSP should consider how best to ensure compliance with this Act.
Regional Locational Guidance for Offshore Wind, Wave and Tidal - pre-	These Plans will explore how offshore wind, wave and tidal energy can contribute to meeting Scotland's target of generating the equivalent of 100% of electricity demand from renewable sources and also seek to maximise the contribution of these	Facilitate the provision of up-to-date and locally sourced datasets. Consider areas identified for development of wind, wave and tidal devices in

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consultation (non-statutory)	technologies to achieving a low carbon economy.	the SMSP.
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.	The SMSP should consider any future proposals for development within the Shetland Islands.
Flood Risk Management Scotland Act 2009 and National Flood Risk Assessment	The Act introduces a more sustainable, modern and co-ordinated approach to flood risk management. The outcomes of the National Flood Risk Assessment will help us to target actions for flood risk management in those areas where we can have the greatest impact.	The SMSP should consider any future proposals for development within the Shetland Islands in terms of impacts on climate change.
Renewable Energy Development in Shetland – Strategy and Action Plan (2009)	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.	The SMSP supports the sustainable development of marine renewables as mitigation to climate change.
Europe - Water		
Water Pollution by Discharges of Certain Dangerous Substances. EC Directive (76/464/EEC) Codified as 2006/11/EC	This Directive aims to regulate potential aquatic pollution by thousands of chemicals produced in Europe and covers inland surface waters, territorial waters and inland coastal waters. Member states must establish pollution reduction programmes including water quality objectives. This Directive has been integrated into the Water Framework Directive.	The SMSP should consider how best to support the implementation of this Directive policies to prevent or reduce the adverse impacts of pollution.
EC Directive on Integrated Pollution Prevention and Control (IPPC) (2008/1/EC)	The aim of the IPPC Directive is to prevent or reduce pollution of the atmosphere, water and soil, as well as the quantities of waste arising from industrial and agricultural installations, to ensure a high level of environmental protection. The implementation of this Directive will be a basic measure of the Water Framework Directive.	The SMSP should consider how to best support activities in the area to ensure compliance with IPPC legislation.
Shellfish Waters Directive (79/923/EEC) Codified 2006/113/EC	This directive concerns the quality of shellfish waters and applies to those coastal and brackish waters designated by the Member States as needing protection or improvement in order to support shellfish (bivalve and gastropod molluscs) life and growth and thus to contribute to the high quality of shellfish products directly edible by man. In Scotland, the Scottish Environment Protection Agency (SEPA) is the competent authority charged with the task of delivering the water quality standards laid down in the Directive. This Directive will eventually be replaced by the Water Framework Directive.	The SMSP highlights designated shellfish growing waters in the area. It is also acknowledged that the industry is reliant on good water quality. Aquaculture is an important sector in the Shetland Islands. The SMSP supports the sustainable development of aquaculture in Shetland waters as well as the protection and improvement in ecological status of marine waters.

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Urban Waste Water Treatment Directive (91/271/EEC)	This Directive aims to protect the environment from the adverse effects of waste water discharges from urban and industrial sources including sewage. It also sets acceptable pollutant levels. It is enacted through the Urban Waste Water Treatment (Scotland) Amendment Regulations 2003. The implementation of this Directive will be a basic measure of the Water Framework Directive.	The SMSP should consider how to best support the implementation of this Directive.
Water Framework Directive (2000/60/EC)	The two main objectives of the WFD that are relevant to MSP are: <ul style="list-style-type: none"> To prevent further deterioration, protect and enhance the status of aquatic ecosystems. Aim to enhance protection and improvement of the aquatic environment. River Basin Management Plans (RBMP) will include programmes and measures to achieve the aims of the WFD. 	The SMSP should consider how to create linkages with the river basin management planning process and provide a strategic overview of water quality management issues for the Shetland Islands. Ultimately, the SMSP should ensure there is no deterioration in the status of any water body.
Shipment of Waste EC Regulation 1013/2006 (2006) (as amended)	This regulation lays out the control system for international transfers of waste, with two classifications (red or green waste) having differing provisions and also includes some outright prohibitions and exemptions.	The SMSP should consider the implications of this in regard to water traffic and pollution potential.
UK and Scotland – Water		
Environmental Protection Act, (1990)	This Act aims to control pollution arising from industrial and other processes to air, land and water. It includes any release into a sewer and accords with the Sewerage (Scotland) Act 1968.	Consider the SMSP in the context of this Act for the marine environment.
Environment Act (1995)	This Act establishes the Scottish Environment Protection Agency (SEPA), the criteria for the establishment of National Parks and includes Shetland Islands general provisions on fisheries and the control of pollution of water in Scotland.	Consider the SMSP in the context of the Act for the marine environment.
Pollution Prevention and Control Act, (1999)	This Act provides provisions for implementing EC Directive 96/61/EC (IPPC). It regulates activities which are capable of causing any environmental pollution and preventing or controlling emissions capable of causing any such pollution.	The SMSP should consider any implications regarding pollution and control of related activities
The Pollution Prevention and Control (Scotland) Regulations (2012).	The Pollution Prevention and Control (PPC) Regulations permit and regulate many industrial activities that may pollute our environment. The fundamental philosophy behind the regulations is that environmental issues should be addressed in an integrated way in order to achieve the highest level of environmental protection.	Consider any implications regarding pollution and control of related activities
Urban waste Water Treatment (Scotland) Regulations (1994) Statutory Instrument 1994 No. 2842 (S.144) Amendment Regulations	These regulations relate to the collection, treatment and discharge of urban waste water and the treatment of waste water from certain industrial sectors. By 2005 the Local Authority responsible will have collecting systems in place for every agglomeration with a population of between 2,000 and 15,000. The amendment regulations place a duty to maintain up to date information about sensitive areas and high dispersion areas on the Scottish Government and SEPA. The implementation of	Consider any implications regarding pollution and control of related activities in the SMSP.

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2003	this Directive will be a basic measure of the Water Framework Directive.	
Water Environment and Water Services (Scotland) Act, (2003)	The WEWS Act gave Scottish Ministers powers to introduce regulatory controls over water activities, in order to protect, improve and promote sustainable use of Scotland's water environment. This includes wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater. It implements the WFD in Scotland, River Basin Management Planning, protection of the water environment and establishes a duty to provide water and sewerage services.	Consider the SMSPI in the context of the arrangements for the protection of the water environment.
Water Environment (Controlled Activities) (Scotland) Regulations (2011) (CAR)	In accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) a licence is required for activities involving discharges of pollutants; water abstraction; impoundments of rivers, lochs, wetlands and transitional water; engineering works in inland waters and wetlands; and any other activity which directly or indirectly has or is likely to have a significant adverse impact on the water environment including coastal waters out to 3 nautical miles. Applications for new fish farm developments, outfalls, etc. are examples of activities that may require a CAR licence.	The SMSPI supports the protection and improvement in ecological status of marine waters.
Surface Waters (Shellfish) (Classification) (Scotland) Regulations (1997)	This regulation introduced the system for classifying the quality of coastal or surface waters needing protection and improvement to support shellfish life and growth under the Shellfish Waters Directive (79/923/EEC). When fully operational, the Water Framework Directive (WFD) should achieve the level of protection afforded by a number of existing directives, including the Shellfish Waters Directive, which is scheduled to be repealed in 2013.	The SMSPI supports the protection and improvement in ecological status of marine waters.
Scotland River Basin Management Plan and The Orkney and Shetland Area Management Plan	Managed by SEPA, these plans aim to improve the ecological quality of our rivers, lochs, estuaries, coastal waters and groundwater, where improvement is needed, whilst also avoiding deterioration in ecological quality. The key objective is to achieve good ecological status (GES) by 2015 and, if more time is necessary, then by the longer timescales of 2021 or 2027.	Consider how the SMSPI can support these aspirations.
Shetland Marine Pollution Contingency Plan	There are various oil spill response plans covering the marine and intertidal areas of the Shetland Islands including: <ul style="list-style-type: none"> • Sullom Voe Harbour Oil Spill Plan • Scalloway Harbour Oil Spill Response Contingency Plan • Sullom Voe Harbour Authority Port Marine Safety Code • SEPA Emergency Plan • Shetland Islands Council COMAH Plan • Shetland Islands Council Pipeline Safety Plan 	Consider how the SMSPI can support oil spill response plans for the Shetland Islands

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	<ul style="list-style-type: none"> • Shetland Islands Council's Coastline Survey • WRCC Oil Spill Plan for Shetland • AFEN Coastal Protection Plan • Shetland Port Waste management Plan <p>Various bodies are involved in the Shetland area e.g. Shetland Islands Council, MCA, SNH, SEPA, Northlink other private vessels. The jurisdiction of the various statutory bodies in Scotland depends on where the spill is located.</p>	
Population and Human Health		
Land Reform (Scotland) 2003 & Scottish Outdoor Access Code	This Act establishes the right of access for everyone, but only if they are exercised responsibly. It places a duty on land owners to manage their land and conduct the ownership of it to respect right of access. Scottish Natural heritage have drawn up and issued a 'Scottish Outdoor Access Code' to provide guidance for recreational land users and land owners.	Consider how the SMSM can support responsible recreational use of the Shetland area
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.	Consider how the SMSM can support responsible tourism and recreational use of the Shetland area
Shetland Tourism Plan (2011 -2014)	The aim of the Tourism Plan is to be a year-round destination offering high-quality products, services and experiences to tourists.	Consider how the SMSM can support responsible tourism and recreational use of the Shetland area
The Next Decade: A Tourism Framework for Change. Scottish Government. (2006)	In 2000, the Scottish Executive published a "New Strategy for Scottish Tourism", and then in 2002 a "Tourism Framework for Action 2002-2005". This plan aims to deliver Scottish Tourism Strategy, and achieve the ambition to increase tourism revenue by 50% by 2015	Consider how the SMSM can support responsible tourism and recreational use of the Shetland area
Tourism Scotland 2020	The Tourism Leadership Group (TLG) drove the development of a refreshed strategy for Scottish tourism. The new strategy was launched in June 2012. It is led by industry, supported by the public sector and based on an in-depth understanding of market opportunities matched to Scotland's capabilities. It provides a common agenda for the industry and supporting organisations, focused on their long term growth ambition. One of Scotland's key assets in attracting tourists is its nature, heritage and activities.	Consider how the SMSM can support responsible marine tourism around the Shetland area
Shetland Sport and Recreation Strategy 2012-2017	Policies relating to healthy communities.	Consider how the SMSM can support recreational use of the Shetland area.
The Government Economic	The Economic Strategy gives clear priority to accelerating economic recovery, with a	The SMSM should consider how best to support the

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Strategy, 2011	<p>range of measures to tackle unemployment and promote employability. The Government will focus actions on six Strategic Priorities which will drive sustainable economic growth and develop a more resilient and adaptable economy. The Strategic Priorities are as follows:</p> <ul style="list-style-type: none"> • Supportive Business Environment; • Transition to a Low Carbon Economy; • Learning, Skills and Well-being; • Infrastructure Development and Place; • Effective Government; and Equity. 	Government's targets to achieve a low carbon economy and a transition to cleaner technologies including power generation from marine renewables. Consider how the SMSPI can inform on the economic development of the Shetland Islands and increase accessibility to marine related employment.
Scottish Marine Wildlife Watching Code	The Scottish Marine Wildlife Watching Code is designed for all those who watch marine wildlife around Scotland both recreationally or commercially. It was developed by SNH in conjunction with recreational users, general public, charter boat and land based tour operators to whom it applies.	Consider how the SMSPI can support responsible recreational use of the Shetland area
Scottish Canoe Association – Paddlers Access Code	The Scottish Canoe Association is recognised as the governing body of canoe/kayak sport and recreation in Scotland. It has three key principles for canoeists: <ul style="list-style-type: none"> • To care for the environment • Take responsibility for your own actions • Respect the interests of other people 	Consider how the SMSPI can support responsible recreational use of the Shetland area
British Sub-Aqua Club Diver Code of Conduct	There is a local BSAC club (ZSAC Dive Club) within the area and many of the divers visiting the Shetland area are BSAC members. BSAC have a dive code of conduct which describes best practice and this also includes their wrecks code of practice for wreck divers.	Consider how the SMSPI can support responsible recreational use of the Shetland area
Soil, geology and Coastal Processes		
EU Thematic Strategy for Soil Protection (COM (2006) 231)	The overall objective is protection and sustainable use of soil.	The SMSPI should consider developments which may have the potential to impact on coastal processes.
Scottish Soil Framework	Provides an overarching policy framework for protection of soils in Scotland in line with the European Directive. Includes coastal areas.	The SMSPI should have regard to developments which may have the potential to impact on coastal processes.
Landscape/ Seascape		
Council of Europe, European Landscape Convention (2000) (The Florence Convention)	The European Landscape Convention is part of the Council of Europe's work on natural and cultural heritage, spatial planning and the environment. It applies to natural, urban and sub-urban areas whether on land, water or sea. The Convention establishes the general legal principles which should serve as a basis for adopting	The Convention includes seascape and so the SMSPI should consider the implications of marine developments and activities in the coastal zone which have the potential for both a positive and

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSP)
	national landscape policies and promoting interaction between local, regional and national authorities as well as establishing international co-operation in such matters.	negative impact on the landscape including seascape.
Scottish Natural Heritage The special qualities of the National Scenic Areas.	SNH surveyed all the NSAs and, for each one, produced an up-to-date list of the landscape qualities that make each one special. 'Special qualities' are defined here as 'the characteristics that, individually or combined, give rise to an area's outstanding scenery'. The identification of these will help to safeguard the National Scenic Areas for future generation to enjoy.	The SMSP will have regard to the NSA Special Qualities Statements for Shetland.
International - Cultural and Historical Heritage		
UNESCO Convention on Protection of Underwater Cultural Heritage (2001)	This Convention aims to ensure and strengthen the protection of Underwater Cultural Heritage (UCH) over 100 years old, promoting in situ protection and preventing commercial exploitation. Responsible non-intrusive access to observe or document in situ UCH is encouraged to create public awareness, appreciation and protection of the heritage.	The SMSP should consider how best to preserve and promote UCH, in particular wreck sites, in the area.
International Council on Monuments and Sites (ICOMOS) Charter on the Protection and Management of Underwater Cultural Heritage	The Charter is intended to encourage the protection and management of Underwater Cultural Heritage (UCH) in inland and inshore waters, shallow seas and in the deep oceans. It includes submerged sites and structures, wreck sites and wreckage and their archaeological and natural context. It acts as a supplement to the ICOMOS Charter for the Protection and Management of Archaeological Heritage.	The SMSP should consider how best to preserve and promote UCH, in particular wreck sites, in the area.
Europe - Cultural and Historical Heritage		
European Convention on the Protection of the Archaeological Heritage (revised) Valletta	The Convention includes provisions for the identification and protection of archaeological heritage, its conservation, the control of excavations and the prevention of illicit circulation of archaeological objects.	The SMSP should consider archaeological heritage in the area.
UK and Scotland - Cultural and Historical Heritage		
Ancient Monuments and Archaeological Areas Act, (1979)	An Act to consolidate and amend the law relating to ancient monuments; to make provision for the investigation, preservation and recording of matters of archaeological or historical interest and (in connection therewith) for the regulation of operations or activities affecting such matters; to provide for the recovery of grants under section 10 of the Town and Country Planning (Amendment) Act 1972 or under section 4 of the Historic Buildings and Ancient Monuments Act 1953.	Consider the protection of archaeological heritage around the Shetland Islands.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Protection of Wrecks Act, (1973)	An Act to secure the protection of wrecks in territorial waters and the sites of such wrecks, from interference by unauthorised persons; and for connected purposes. It protects the sites of historic wrecks, and prohibits approaching dangerous wrecks.	Consider the protection of Underwater Cultural Heritage.
The Planning (Listed Buildings and Conservation Areas) (Scotland) Act, (1997)	An Act to consolidate certain enactments relating to special controls in respect of buildings and areas of special architectural or historic interest. This includes buildings such as lighthouses, but can only be applied to those parts of the structure or building above the MLW mark.	Consider the protection of archaeological heritage around the Shetland Islands.
Scottish Historic Environment Policy, SHEP (2011)	The Scottish Historic Environment Policy (SHEP) provides greater policy direction for Historic Scotland and provides a framework that informs the day-to-day work of organisations involved in the management of the historic environment. The document has relevance to statutory planning Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA).	Consider the protection of archaeological heritage around the Shetland Islands.
Planning Advice Note 2/2011 Planning and Archaeology	PAN 2/2011 sets out the Scottish Ministers' policies for planning and the historic environment. While it is acknowledged that many archaeological sites in the marine environment are protected by scheduling or by designation under the Protection of Wrecks Act 1973, the Protection of Military Remains Act 1986 or the Marine (Scotland) Act 2010 many important archaeological features remain undiscovered. For all developments, the principles of preservation in situ, or mitigation where necessary, outlined in SPP, SHEP and PAN 2/2011 apply equally to sites on land or under water.	Consider the protection of archaeological heritage around the Shetland Islands.
Historic Scotland. The Marine Historic Environment Strategy for the Protection, Management and Promotion of Marine Heritage 2012-15	This strategy sets out priorities for protecting, managing and promoting Scotland's outstanding marine heritage under the new marine legislation, in accordance with the following strategic aims: <ul style="list-style-type: none"> • helping to advance knowledge about marine heritage and make information widely available; • improving stewardship of key marine heritage sites; and • developing wider understanding and enjoyment of marine heritage. 	The SMSPI supports the protection and conservation of the historic environment. The SMSPI includes up-to-date spatial data on important marine historical and cultural sites and includes policies for safeguarding these assets where possible.
Historic Scotland. Marine Protected Areas in the Seas around Scotland. Guidelines on the selection, designation and management of Historic	This guidance sets out how Historic Scotland will apply powers under the Marine (Scotland) Act 2010 to select, designate, and manage Historic Marine Protected Areas (HMPAs), a new designation to help celebrate and protect evidence of the outstanding marine cultural heritage that survives in the coasts and seas around Scotland.	The SMSPI will be updated to incorporate any Historic MPAs designated within the 12 nautical miles of Shetland and policies to ensure their protection.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Marine Protected Areas. ¹		
On the Cusp... Shetland's Cultural Strategy. A vision for cultural life in Shetland 2009 – 2013	One of the aims of the Strategy is to safeguard, promote and ensure access to the natural environment of Shetland and its outstanding landscape, flora and fauna.	Consider how the SMSPI can influence these aspirations.
Other Sectoral Policies (Material Assets) - Fisheries and Aquaculture		
European – Sea Fisheries		
Common Fisheries Policy Plan of Action for the Conservation and Management of Sharks	Marine fisheries conservation is an area of exclusive European Community competence. The CFP sets fisheries policy at a community level and limits the extent to which Member states can develop their own fisheries measures. Article 6 of the treaty requires that environmental protection must be integrated into Community policies to promote sustainable development. The CFP was amended in 2002 through Council Regulation 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP. The CFP also encompasses the Action Plan for the Conservation and Management of Sharks.	The SMSPI should consider the CFP policies in regard to the fishery resource and its sustainable management.
UK and Scotland – Sea Fisheries		
Inshore Fishing (Scotland) Act 1984 (as amended)	This Act regulates fishing in inshore waters by way of prohibiting combinations of the following: <ul style="list-style-type: none"> • all fishing for sea fish; • fishing for a specified description of sea fish; • fishing by a specified method; • fishing from a specified description of fishing boat; • fishing from or by means of any vehicle, or any vehicle of a specific description; and • fishing by means of a specified description of equipment. 	The Shetland Islands are an important area for both local and national fishing vessels as a fishery ground and refuge. The SMSPI provides spatial information on important fishing grounds and policies to safeguard fishing opportunities.
Sea Fisheries (Shellfish) Act, 1967 (as amended)	This Act has been amended many times. From the mid-nineties regulating orders under this Act were considered as a means of enabling more local, area management of inshore shellfish fisheries. Several Orders also under this Act have been used specifically for the localised cultivation of shellfish, including the Shetland Regulatory Order.	The Shetland Islands are an important area for both local and national fishing vessels as a fishery ground and refuge. The SMSPI provides spatial information on important fishing grounds and policies to safeguard fishing opportunities.
The Sea Fish (Conservation) Act, (1967) (as amended)	This Act relates to the licensing of fishing boats and places restrictions on time spent at sea. The Act also regulates size limits for fish, net size and gear type.	The Shetland Islands are an important area for both local and national fishing vessels as a fishery ground and refuge. The SMSPI supports the local management of sustainable fisheries.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
The Shetland Islands Regulated Fishery (Scotland) Order (2012)	In operation since 2000 and managed by the Shetland Shellfish Management Organisation. Fishery data collection by the NAFC Marine Centre on Shetlands shellfish stocks has produced time series data over 8-years. Annual stock assessments inform the management of the fishery and issuing of licences.	Consider how the SMSPI can support their aspirations.
Scottish Executive (2005) A Strategic Framework for Inshore Fisheries in Scotland	The framework sets out a strategic direction for inshore fisheries policy, and a network of inshore fisheries groups around Scotland to plan the management of inshore fisheries locally.	The Shetland Islands are an important area for both local and national fishing vessels as a fishery ground and refuge. The SMSPI provides spatial information on important fishing grounds and policies to safeguard fishing opportunities.
Europe - Aquaculture		
EC Directive (2006/88/EC) Concerning the Placing on the Market of Aquaculture Animals and Products	This Directive covers the placing on the market of community aquaculture animals and aquaculture products either for breeding purposes or human consumption which must satisfy general health requirements, regarding transference of diseases, introduction of exotic diseases, processing/handling and transport/storage of aquaculture animals.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
UK and Scotland - Aquaculture		
A Fresh Start: A Renewed Strategic Framework for Scottish Aquaculture. Scottish Government (2009)	The strategic framework describes the economic, environmental, social and stewardship aspects of the overarching principle of sustainability for Scottish aquaculture. It lists objectives, timescales and the bodies responsible to carry them out.	Aquaculture is an important sector in the Shetland Islands. The SMSPI provides spatial information on aquaculture sites and shellfish harvesting and growing waters as well as policies supporting the sustainable development of this industry in Shetland waters.
Delivering Planning Reform for Aquaculture 2	DPRFA2 sets out how the aquaculture industry, statutory consultees, and the planning authorities continue to 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.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish waters. Scottish Government (last updated 2012)	The main purposes of the Locational guidelines are to: <ul style="list-style-type: none"> • provide guidance on the factors to be taken into account when considering proposals for new marine fish farms or modifications to existing operations • establish the national context for the preparation by planning authorities of non-statutory marine fish farming framework plans for guiding the location of future marine fish farms 	Aquaculture is an important sector in the Shetland Islands. The SMSPI will include up-to-date spatial information on suitable areas for the location of fish farms.
Statutory Instrument 1998	This instrument designates areas which are suitable or prohibited for the production	Aquaculture is an important sector in the Shetland Islands.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
No. 994. The Food Safety (Fishery Products and Live Shellfish)(Hygiene) Regulations 1998	or collection of live shellfish. It also covers the transportation and storage of live shellfish after dispatch. In the UK, the Shellfish Hygiene Directive and relevant Regulations are the responsibility of the Food Standards Agency (FSA). This includes responsibility for the designation of harvesting areas, setting standards and reporting the classification of harvesting areas according to the presence of faecal indicator organisms	Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Town and Country Planning (Marine Fish Farming) (Scotland) Order, (2007)	This order applies to marine fish farms which will now be subject to statutory planning controls, for the preparation of a development plan in the area for marine fish farms and also for the purposes of preparing a National Park Plan. It designates marine planning zones for relevant planning authorities for marine fish farming and introduces transitional arrangements where an application for a Works License has not been determined before planning controls have come into force.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Aquaculture and Fisheries (Scotland) Act, (2007)	This Act makes provisions relating to fin fish farms and shell fish farms and the transfer of <i>Gyrodactylus salaris</i> , to salmon and freshwater fisheries and sea fisheries. It includes provisions for the containment of escaped farmed fish and promotes the code of practice.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Aquaculture & Fisheries Bill (pending)	New legislation on aquaculture and freshwater fisheries will be introduced in 2013. The Bill aims to ensure that farmed and wild fisheries - and their interactions with each other - continue to be managed effectively, maximising their combined contribution to supporting sustainable economic growth with due regard to the wider marine environment.	The SMSPI will be updated as required to incorporate any legislative changes included in a new Aquaculture and Fisheries Act.
SEPA policies on the regulation of marine fish farming (Policy No.s 17, 29, 40)	SEPA have three policies relating to the regulation of fish farming in marine waters. In addition to this they have produced a comprehensive manual on how fish farms are regulated.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
The Aquatic Animal Health (Scotland) Regulations, (2009)	In Scotland, the Aquatic Animal Health (Scotland) Regulations 2009 (2009 Regulations) implement the Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The 2009 Regulations requires the authorisation of all Aquaculture Production Businesses (APB's) and replaces previous legislation (The Registration of fish and Shellfish Farming Business (Scotland) Order 1985- as amended) that required the registration of fish and shellfish farming businesses. The authorisation procedure will be undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) based at the Marine Scotland, Marine Laboratory in	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
	Aberdeen.	
Circular SEDD 1/2007: Planning Controls for marine Fish Farming	<p>This Circular has been issued to explain and give guidance to planning officers, developers, communities and regulators on the provisions contained in the following Acts, Regulations and Order which pertain specifically to marine fish farming and which come into force on the relevant dates around April 2007.</p> <ul style="list-style-type: none"> • Water Environment and Water Services (Scotland) Act 2003 • Planning etc. (Scotland) Act 2006 • Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 • Town and Country Planning (Prescribed Date) (Scotland) Regulations 2012 • Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007 (amended 2012) 	Aquaculture is an important sector in the Shetland Islands. Consider the SMSPI in the context of this guidance.
Association of Scottish Shellfish Growers Code of Good Practice	This code of conduct targets the overall activities of shellfish growers with the aim that growers can produce a superior quality product, maintain a high standard of shellfish health and meet or exceed hygiene regulations, whilst minimising their impact of their activities on the natural environment and ensuring that they are managed in a manner that is in harmony with the needs of other marine and shoreline users.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Scottish Salmon Producers Organisation Code of Good Practice	The Code of Good Practice for Scottish Finfish Aquaculture (CoGP) is the entry point for membership of Scottish Salmon Producers' Organisation. The CoGP was reviewed and revised by a CoGP Working Group. It sets out the standards that farmers must demonstrate. Compliance with the Code is independently audited.	Aquaculture is an important sector in the Shetland Islands. The SMSPI supports the sustainable development of aquaculture in Shetland waters.
Scottish Natural Heritage Guidance on Landscape/Seascape Capacity for Aquaculture (2008) Scottish Natural Heritage - The siting and design of aquaculture in the landscape: visual and landscape considerations (2011)	Provides guidance to regulators and developers on how to site and design aquaculture to minimise its intrusion on the landscape/seascape.	Aquaculture is an important sector in the Shetland Islands. Consider the SMSPI in the context of this guidance.
Successful and Sustainable: A Strategy for Shetland	Has one overarching objective which is to increase the value of Shetland seafood.	Consider how the SMSPI can influence these aspirations.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSPI)
Seafood 2009-2013		
Shipping, Ports and Transport		
International – Navigation and Safety		
International Maritime Organisation (IMO)	<p>The IMO is a specialised UN agency with responsibility for the safety of international shipping and the prevention of pollution from ships. Its protocols include:</p> <ul style="list-style-type: none"> • The international convention on the control of harmful anti-fouling systems on ships • The international convention for the control and management of ships ballast water and sediments • The convention of the prevention of pollution from ships (MARPOL 73/78) 	The IMO Conventions must be considered by the SMSPI to ensure it is compliant with national legislation, and in relation to management issues, development opportunities and oil spill contingency planning.
Safety of Life at Sea (SOLAS) Convention (1974) as amended.	This convention includes provisions for navigation and pollution prevention. It also includes the International Ship and Port facility Security Code (ISPS), the Convention on the Control of Harmful Anti-Fouling Systems on Ships and the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS) (1972).	The SMSPI must be compliant with SOLAS requirements relating to navigation.
UK and Scotland – Transport and Shipping		
Department of Transport. National Policy Statement for Ports. 2012	This statement is part of the planning system established under the 2008 Act to deal with nationally significant infrastructure proposals. It is a National Policy Statement (NPS) and provides the framework for decisions on proposals for new port development. While the NPS covers England and Wales, statistical material, including forecasts of port freight traffic, covers Scotland and Northern Ireland, as well as England and Wales, and helps to inform ports policy there.	Consider how the SMSPI can support an integrated transport policy for the Shetland Islands.
National Transport Strategy. Scottish Government (2006)	<p>The National Transport Strategy has five high level objectives:</p> <ul style="list-style-type: none"> • Promote economic growth by building, enhancing managing and maintaining transport services, infrastructure and networks to maximise their efficiency; • Promote social inclusion by connecting remote and disadvantaged communities and increasing the accessibility of the transport network; • Protect our environment and improve health by building and investing in public transport and other types of efficient and sustainable transport which minimise emissions and consumption of resources and energy; • Improve safety of journeys by reducing accidents and enhancing the personal safety of pedestrians, drivers, passengers and staff; • Improve integration by making journey planning and ticketing easier and working to ensure smooth connection between different forms of transport 	Consider how the SMSPI can support an integrated transport policy for the Shetland Islands.

Name of PPS, Convention, Treaty or Directive	Overview of environmental objectives	Implications and/or relationship with Shetland Marine Spatial Plan (SMSM)
Lerwick Harbour Act, (1994)	Lerwick Port Authority operates under a variety of legislation and could have responsibility to direct vessels to ensure safety of navigation, pollution prevention and clean-up.	Consider how the SMSM can support regulations of the Shetland area.
Shetland Transport Strategy 2008	The local transport strategy 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.	Consider how the SMSM can support a local transport policy for the Shetland.

Appendix 2

Table B: Baseline information collated and mapped in the SMSP and accompanying Atlas.

Map	Data Source	Date Acquired
Section 5a Clean and Safe		
5a(i) Waste water discharges and abstraction	Scottish Environment Protection Agency (SEPA)	01/11/2012
5a(ii) Shellfish harvesting areas and growing waters	Food Standards Agency; Scottish Government	23/11/12 23/11/12
5a(iii) Navigation: shipping routes, anchorages and MEHRAS	Ferries and cruise ships, anecdotal source at Shetland Island Council; Oil Vessels, anecdotal source at the Maritime and Coastguard Agency; UK Government	2007 2007 2012
5a(iv) Port and harbour area	Shetland Islands Council; Lerwick Port Authority; Tait and Peterson (Solicitors)	2010 2010 2010
5a(v) Pipelines and cables	Shetland Islands Council; KIS-CA	2012
Section 5b Healthy and Diverse		
5b(i) Protected areas- International nature Conservation sites	Scottish Natural Heritage; JNCC	29/08/2012 13/11/2012
5b(ii) Protected areas- National nature Conservation sites	Scottish Natural Heritage	29/08/2012
5b(iii) Protected areas- local nature conservation sites	Shetland Islands Council	16/11/2012
5b(iv) Protected areas - Nature and Bird Reserves	Scottish Natural Heritage; RSPB	29/08/2012 13/09/2012
5b(v) Important marine habitats and species- bivalve shellfish	JNCC Marine Recorder; Howson (1999); Mair <i>et al.</i> (2000)	29/02/2012 1999 2000
5b(vi) Important marine habitats and species - Maerl beds	JNCC Marine Recorder; Howson (1999); Mair <i>et al.</i> (2000); Hjaltland Seafarms	29/02/2012 1999 2000 11/12/2012
5b(vii) Important marine habitats and species - Muddy habitats	JNCC Marine Recorder; Scottish Natural Heritage; Thorpe (1998)	27/11/2012 2004 1998
5b(viii) Important marine habitats and species - Seaweeds and marine plants	Howson (1999); Entec (1996; 1997; 1997); Scottish Natural Heritage; JNCC Marine Recorder; Shetland Biological Records Centre; Envision Mapping Ltd (© NAFC Marine Centre)	1999 1996; 1997; 1997 29/02/2012 29/02/2012 2007 2012
5b(ix) Important marine habitats and species - Whales and dolphins	Shetland Biological Records Centre	12/11/2012
5b(x) Important marine habitats and species - Basking Sharks	Shetland Biological Records Centre	12/11/2012

Map	Data Source	Date Acquired
5b(xi) Important marine habitats and species - Grey and harbour seals	Anderson (1974); Scottish Natural Heritage; SMRU; Marine Scotland	1974 2007 2007 19/11/2012
5b(xii) Important marine habitats and species - Otters	Shetland Biological Records Centre	01/08/2011
5b(xiii) Important marine habitats and species - Seabirds	JNCC/ Seabird Monitoring Programme	06/09/2011
5b(xiv) Important marine habitats and species - Ducks and divers	JNCC Marine Recorder	01/08/2011
5b(xv) Important marine habitats and species - Eider Ducks	Shetland Biological Records Centre; Heubeck (2002)	01/08/2011 2002
5b(xvi) Predictive seabed type	Modelled output by Envision Mapping Ltd. (© NAFC Marine Centre)	2012
5b(xvii) Protected areas- Landscapes	Scottish Government; Shetland Islands Council	30/08/2012 31/10/2012
5b(xviii) Landforms- terrestrial	Scottish Natural Heritage	2010
5b(xix) Landforms- coastal	LCS88 MLURI (© Crown copyright 2012); Ordnance Survey; Scottish Natural Heritage	2007 2012 2006
5b(xx) Landforms - wildness	Scottish Natural Heritage	2012
5b(XXI) Coastal Archaeology	Shetland Amenity Trust	2011
5b(xxII) Wrecks	Shetland Amenity Trust; RCAHMS; Maritime and Coastguard Agency	2011 12/12/12 2012
5b(xxIII) Community council areas	Shetland Island Council	21/01/2010
5b (xxIV) Marine and coastal recreational areas	Ridley (1992); Scottish Environmental Protection Agency; Anecdotal mapping from local sports clubs.	1992 2012 2012
5c. Productive		
5c(i) Commercial Fishing- indicative demersal fishing effort	VMS data from demersal vessels (2006-2011). Released by permission of SFA and Marine Scotland	19/09/2012
5c(ii) Commercial fishing – important shellfish trawling grounds	Interviews with local Shetland Fishermen (2006-2012); Habitats modelled by Envision Mapping Ltd. (© NAFC Marine Centre); SSMO	2007 2007 2012
5c(iii) Commercial fishing – important shellfish creeling grounds	Interviews with local Shetland Fishermen (2006-2012); Habitats modelled by Envision Mapping Ltd. (© NAFC Marine Centre)	2007 2007
5c(iv) Aquaculture: Licenced farms and policy restricted areas	Shetland Island Council	07/11/2012
5c(v) Aquaculture: Locational Guidelines for finfish aquaculture	Marine Scotland	17/04/2012
5c(vi) Aquaculture : Finfish	Marine Scotland	11/10/2012

Map	Data Source	Date Acquired
management areas		
5c(vii) Tidal resource	Natural Power (2011).	2011
5c(viii) Wave resource	Natural Power (2011).	2011
5c(ix) RLG: Total constraints at sea	Tweddle <i>et al.</i> (2012).	2012
5c(x) RLG: Total constraints at the coast	Tweddle <i>et al.</i> (2012).	2012
5c(xi) Dredging and disposal of dredged material	Shetland Island Council; Lerwick Port Authority	01/11/2012
5c(xii) Marine and coastal tourism: visitor attractions and facilities	Visit Shetland; RSPB	12/11/2012 13/09/2012
5c(xiii) Shore Access	Based on Ordnance Survey OpenData Material	01/11/2012

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Appendix 3

Acronyms

CAS	Consultation Authorities
EDU	Economic Development Unit (SIC)
EIA	Environmental Impact Assessment
EPS	European Protected Species
GES	Good Ecological Status (WFD)
GES	Good Environmental Status (MSFD)
GHG	Greenhouse Gas
HLMO	High Level Marine Objectives
HRA	Habitats Regulation Appraisal
IMP	Integrated Maritime Policy
INNS	Invasive Non-native Species
JNCC	Joint Nature Conservation Committee
LDP	Local Development Plan
LPA	Lerwick Port Authority
MCA	Maritime and Coastguard Agency
MHWS	Mean High Water Spring
MPA	Marine Protection Area
MSFD	Marine Strategy Framework Directive
MSP	Marine Spatial Planning
PMF	Priority Marine Feature
SAT	Shetland Amenity Trust
SEA	Strategic Environmental Assessment
SEPA	Scottish Environment Protection Agency
SG	Supplementary Guidance
SIC	Shetland Islands Council
SMSP	Shetland Marine Spatial Plan
SNH	Scottish Natural Heritage
SSMEI	Scottish Sustainable Marine Environment Initiative
SSMO	Shetland Shellfish Management Organisation
SSSI	Sites of Special Scientific Interest
WFD	Water Framework Directive