

Historic Environment Scotland

From:
Sent: 22 July 2022 16:20
To: MS Marine Licensing
Subject: Shetland Islands Council - Fair Isle Harbour Improvement Works - Fair Isle - Marine EIA Scoping Consultation
Attachments: 20220722 HES Response - Marine Licence scoping.pdf

Please find attached our response to the above consultation.

Regards

| Business Support Officer – Casework Technician | Heritage
Historic Environment Scotland | Àrainneachd Eachdraidheil Alba
Longmore House, Salisbury Place, Edinburgh, EH9 1SH
T: 0131 668 8770

www.historicenvironment.scot

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By email to:

MS.MarineLicensing@gov.scot

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300058058

22 July 2022

Dear Marine Scotland

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017](#)
[Shetland Islands Council - Fair Isle Harbour Improvement Works - Fair Isle - Marine EIA](#)
[Scoping Consultation](#)

Thank you for your consultation which we received on 22 June 2022 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, and inventory battlefields. Under the Marine (Scotland) Act 2010 our historic environment interests also cover Historic Marine Protected Areas (HMPAs) and undesignated marine cultural heritage features.

Proposed Development

We understand that the proposals comprise the redevelopment of the Grutness to Fair Isle ferry route. The project will provide improved transport links by increasing the resilience of both the vessel and terminal infrastructure. Regarding the Fair Isle development, this will require a new quay structure, a new linkspan structure to allow for the berthing of a new vessel type, increase in size of the existing breakwater, the re-fendering of the existing pier and dredging. The proposals will require marine licence consent and planning permission. The marine licence relates to a programme of 8 boreholes and 6 vibrocores to provide details of the seabed to inform the design and planning of the infrastructure.

Scope of assessment

We note that the cultural heritage chapter of the scoping report submitted in support of the Marine Licence is broadly similar to the report submitted in support of the EIA application (2022/108/SCO). Our previous advice remains the same and has been included in our response below for reference.

There is one scheduled monument located within the development boundary known as **North Haven, crane, Fair Isle (SM 6589)**, and we consider that there is the potential for an adverse indirect impact on its setting and a direct impact on the fabric of the



monument. We note that the potential direct impacts have not been considered at Scoping. However, we expect that this will be addressed within an EIA Report which should clearly set out what mitigation will be utilised to address historic environment concerns. Whilst setting impacts are unlikely to be of a severity that would raise issues of national interest such that we might object, the same cannot be said if direct physical impacts are proposed and cannot be mitigated.

Further information is included in the annex below.

Further information

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://conservation.historic-scotland.gov.uk/>.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is _____ and they can be contacted by phone on 0131 668 6890 or by email on _____

Yours faithfully

Historic Environment Scotland



Annex

North Haven, crane, Fair Isle (SM 6589)

The monument comprises a small hand-operated crane located at the edge of the old pier formerly used by the Fair Isle ferry, and now replaced by a new pier and slip to the north-east. The crane is of iron construction, and the mechanism survives in working order, although the hoist cable has been removed. The crane is probably of late 19th century date and may have come second-hand from elsewhere in the north, possibly from a lighthouse station.

The cultural significance of the monument is vested in its rare survival as a once ubiquitous type of pre-mechanisation harbour furniture, and it carries with it a tangible link to the past in that it was a critical component for survival on the island.

The setting of the monument is functional and focused on the harbour and pier onto which it is installed. Retention of these key characteristics is critical to an understanding, appreciation and experience of the monument and its setting.

Impact on the setting of the monument (SM 6589).

The figure 'Insert 2' on page 7 of the scoping report indicates the likely scope of works in the vicinity of the monument. Closest to the monument will be the expansion of the noust which entails localised rock removal activity, and the existing pier to the immediate north of the monument will be repaired and extended. Further away from the monument, the breakwater will be extended, its height increased, and a solid quay constructed to form a new linkspan berth. The scoping report also indicates that during construction a layout area will be required, but no details are given as to where this might be located.

Section 7.1.13 of the scoping report addresses cultural heritage. Whilst the distinction between built heritage (designated and undesignated) and archaeological remains (designated and undesignated) appears unnecessary and confusing, we nevertheless welcome that cultural heritage will be scoped in to the EIAR. However, the scoping report erroneously suggests that as the crane is in a state of disrepair then this may reduce its significance.

However, we consider that the condition of the crane has no bearing on its cultural significance; it remains of national importance. Its condition was considered when it was scheduled. Should the applicants have concerns around the cultural significance of the monument, they should contact our designations team to review the site before any application and associated EIAR is submitted.

Based on the information supplied to date it is likely that the proposed works will alter the character of the harbour by further removing the location at which the lifeline vessel docks from where it was when the crane was functional and critical to the survival of the island. As such, this will have an adverse impact on the setting of the monument.



However, we consider that the severity of this impact is not such that we would be likely to object to this scheme.

Potential direct impacts on the monument (SM 6589)

As the scheduled monument is located within the development site and close to where significant ground-breaking and construction activity will take place, we understand that there is a substantial risk of direct impacts to the monument, either by design or inadvertently during works. This is recognised as a risk in the construction section of the scoping report (see 7.1.44 and following sections). Preservation of the monument in situ and within an appropriate setting is a key tenet of SPP145, and this must be thoroughly considered within a forthcoming EIA Report.

Potential mitigation

It may be possible to mitigate the scale of impacts during both construction and operation through careful design. We would be happy to comment on proposals as they develop to help identify a suitable mitigation strategy. We recommend that further consultation with us is undertaken at an early stage to ensure that our advice can be effectively incorporated into the design.

Comments on other monuments

Whilst there are a number of other monuments within the vicinity of the proposed harbour redevelopment, setting impacts are only likely to occur with Landberg fort, South Haven (SM 2082) which is located approximately 250m south-west of the development boundary. The monument comprises a promontory fort of likely Iron Age date, with a series of ramparts and ditches cutting off the neck of a promontory overlooking South Haven. The setting of the monument includes key views of both South Haven and North Haven; monuments of this type are often located in commanding positions so that they could control access between maritime and terrestrial areas. Given the information supplied so far, it is likely that the proposed harbour redevelopment will be clearly visible in views of North Haven from the monument. There is therefore the potential for adverse impacts on the setting of the monument and this should be adequately assessed within any forthcoming EIA Report to determine whether the effects will be significant.

Comments on marine issues

There are a number of Canmore Maritime records located within the harbour area, so we welcome that the marine historic environment has been scoped into the EIA Report. Given that this is a functional harbour that will have been subject to periodic dredging of the main channels, it is likely that the likelihood of survival of sensitive underwater archaeology is low within the areas previously dredged but higher within areas not previously dredged. These impacts will need to be adequately assessed within any forthcoming EIA Report



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Historic Environment Scotland 19 July 2022

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Marine Analytical Unit

From:
Sent: 22 July 2022 12:58
To:
Cc:
Subject: RE: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Advice – By Friday 22nd July 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Hi

Many thanks for your response.

Kind Regards,

From:
Sent: 22 July 2022 12:57
To:

Subject: RE: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Advice – By Friday 22nd July 2022

Hi

Please find link to MAU advice here - [Fair Isle Harbour Improvement Works - Scoping Response details - Objective ECM \(scotland.gov.uk\)](#)

Thanks,

Assistant Economist
Marine Analytical Unit | [marinescotland](#)
Scottish Government | Victoria Quay | Edinburgh EH6 6QQ

From:
Sent: 22 June 2022 17:09
To:

Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Advice – By Friday 22nd July 2022

Good Afternoon,

Stantec on behalf of Shetland Islands Council have requested a Scoping Opinion in relation to the Fair Isle Harbour Improvement Works.

MS-LOT requests advice from MAU on what you consider should be included in or excluded from the scope of the EIA in relation to socio-economic impacts from the proposed works.

The scoping report submitted by the applicant can be found at [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

Please contact MS-LOT if you have any questions.

Many thanks,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

Fair Isle Harbour Improvement Works

Marine Analytical Unit Response

The Fair Isle Harbour Improvement Works scoping report includes descriptions of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

Marine Scotland is producing guidance on how to carry out Socio-Economic Impact Assessments for licensing and consenting of offshore development projects. The guidance is still in draft form and so cannot be shared, but the recommendations included in this response align with the broad contents of the guidance document and the principle of a proportional approach.

Socio-economics

The assessment of socio-economics impacts is considered in the 'Socio-economics' section of the scoping report. We agree with the scoping report that socio-economic impacts should be scoped into the EIA and recommend that this is done so in a Socio-Economic Impact Assessment (SEIA).

The methodological approach set out to assess socio-economics seems sensible and we particularly welcome the proposed approach to assess economic impacts. The SEIA may wish to explore social impacts in more detail, such as the social value of a more reliable ferry service. The SEIA should also consider any potential negative socio-economic impacts as a result of disruption during the construction phase of the development.

Further details on carrying out SEIA are provided in annex 1 and 2. A proportionate approach is recommended, based on the size and scale of development and the degree of socio-economic impacts that are anticipated

Stakeholder engagement

The scoping report states that consultation with relevant stakeholders including the Council will be undertaken. We agree that this should be done as engaging with stakeholders, checking assumptions and asking them whether they anticipate impacts from the development is crucial for impact assessment. Relevant stakeholders should include all the businesses, groups and people who may be impacted by the development.

We appreciate that the project involves extending an existing project, and the impacts may be relatively small, however stakeholder engagement is an important part of socio-economic impact assessment and we would expect a comprehensive list of consultees to be engaged with.

Annex 1

Table *Error! No text of specified style in document.* Types of socio-economic impact (taken

<ol style="list-style-type: none">1. Direct economic:<ul style="list-style-type: none">• employment, including employment cohort and safeguarding of existing employment;• unemployment and underemployment• characteristics of employment (e.g. skill group);• labour supply and training; and• other labour market effects, including wage levels and commuting patterns2. Indirect/induced/wider economic/expenditure:<ul style="list-style-type: none">• employees' retail expenditure (induced);• linked supply chain to main development (indirect);• labour market pressures;• wider multiplier effects;• effects on existing commercial activities (eg tourism; fisheries);• effects on development potential of area; and• GVA and GNP.3. Demographic:<ul style="list-style-type: none">• changes in population size; temporary and permanent;• changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and• settlement patterns4. Housing:<ul style="list-style-type: none">• various housing tenure types;• public and private;• house prices and rent / accommodation costs;• homelessness and other housing problems; and• personal and property rights, displacement and resettlement5. Other local services:<ul style="list-style-type: none">• public and private sector;• educational services;• health services; social support;• others (e.g. police, fire, recreation, transport); and• local authority finances6. Socio-cultural:<ul style="list-style-type: none">• lifestyles/quality of life;• gender issues; family structure;• social problems (e.g. crime, ill-health, deprivation);• human rights;• community stress and conflict; integration, cohesion and alienation; and• community character or image7. Distributional effects:<ul style="list-style-type: none">• effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice

from Glasson 2017¹)

¹ Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), *Methods of Environmental and Social Impact Assessment*, Abingdon: Routledge

Annex 2

Key components of a socio-economic impact assessment

Participatory approach

Creating participatory processes and a deliberative space to facilitate community discussions about desired futures, the acceptability of likely negative impacts and proposed benefits, and community input into the SEIA process.

- Assess community capacity to engage – capacity building may be necessary
- Appoint Community Liaison Officer(s) for each affected community
- Set up governance structures so that communities feel they can voice opinions and be listened to
- Begin community engagement as soon as possible, brief communities on project with as much detail as possible so that they can prepare
- Ensure that community engagement is done with sensitivity to avoid causing stress or anxiety

Baseline

This is the starting point for the socio-economic assessment and the benchmark against which to measure impacts. It is important to gain a good understanding of the communities and stakeholders likely to be affected by the project (i.e. profiling) including their needs and aspirations and any key social issues that may arise as a result of the project.

- Develop social and economic profile of the area including:
 - History, culture and context
 - Industrial structure i.e. existing businesses in the area
 - Socio-economic conditions i.e. levels of employment, income etc.
 - Related industries i.e. fishing, tourism
 - Local planning policies, where relevant
- Select a range of indicators, e.g.:
 - Employment and unemployment levels
 - Structure of working age population/skills/qualifications
 - GVA
 - Wellbeing
 - Community cohesion
- Engage with community to learn of any other important features/indicators to include in baseline. There may be useful local datasets
- Analysis may draw on a combination of existing datasets and primary data

Prediction or Appraisal

Forecasting the social and economic changes that may result from the project and the impacts these are likely to have on different groups of people. A list of potential socio-economic impacts can be seen in Table 1. Many of these impacts can be considered from a social and economic perspective. In the following sections we describe in more detail how this could be done.

- Identify potential/anticipated socio-economic impacts including:
 - Impacts related to GVA
 - Impacts related to employment, skills and training
 - Impacts on related industries – tourism, fishing, etc.

- Impacts relating to wellbeing
- Impacts relating to culture
- Identify suitable method for predicting impacts
- Collect necessary evidence to conduct analysis
- Engage with community to check predictions and assign significance to predicted impacts
- Impact prediction should include
 - Assessment of different phases of the project (development, construction, operation & maintenance, decommissioning) and phases within phases (early construction, peak construction)
 - Consideration of transition between phases
- Impacts may be direct, indirect and induced
- It is important to look at the distribution of impacts at the national, regional and local level, and across different groups e.g. businesses, individuals, income levels, organisation, women, youth, elderly, disadvantaged etc.

Other economic considerations may include:

- Displacement - an assessment of the effect of the intervention on the structure of local factor and final goods markets
- Substitution - where the intervention causes an employed factor to be replaced by a currently unemployed factor
- Deadweight - This is the net impact, after taking into account what would have happened in the absence of the intervention
- Cumulative effects - effects from multiple pressures and/or activities

Mitigation and enhancement

Identifying ways of mitigating potential negative impacts and maximising positive opportunities.

- Engage with community to develop strategy for enhancing benefits and mitigating against impacts
- This may involve Community Benefit Agreement (CBA)
- Care should be taken to ensure that CBA and any associated funds should have accessible application procedures so that allocated funds can be used

Monitoring and management

Developing a monitoring and management plan to track and manage implementation, success of mitigation actions, and any unanticipated social changes, especially negative impacts.

- Develop management plan and monitoring strategy
- Engage with community – especially with regard to both
 - Community may have concerns that they particularly want to be monitored
 - There may be local considerations regarding timing of monitoring and methods used e.g. access to internet for particular groups

- Link management plan to governance structures so that community can continue to engage with the project

Marine Scotland Science

From:
Sent: 27 July 2022 17:59
To:
Subject: RE: Shetland Islands Council - Fair Isle Harbour Improvement Works Scoping Report - Request for Advice - By 22nd July 2022
Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

Please find the MSS advice for this case attached in the link below:

2022-06-23 - Fair Isle Harbour Improvement Works - REEA Response Letter to MS-LOT
<https://erdm.scotland.gov.uk:8443/documents/A38788533/details>

Kind regards,

Renewables Advice Officer
marinescotlandscience | www.scotland.gov.uk/marinescotland
Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen AB11 9DB

From:
Sent: 15 July 2022 14:44
To:
Subject: FW: Shetland Islands Council - Fair Isle Harbour Improvement Works Scoping Report - Request for Advice - By 22nd July 2022

Good Afternoon,

Following our request for advice in relation to the scope of the EIA for the Fair Isle Harbour Improvement Works, please find attached both responses from NatureScot and RSPB for your information.

Many thanks in advance for your assistance.

Kind Regards,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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From:

Sent: 22 June 2022 17:27

To:

Subject: Shetland Islands Council - Fair Isle Harbour Improvement Works Scoping Report - Request for Advice - By 22nd July 2022

Good Afternoon,

Please see attached MSS Proforma requesting MSS' advice in relation to the scope of the EIA for the Fair Isle Harbour Improvement Works.

The Scoping Report can be found here [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

NatureScot's representation will be forwarded upon receipt.

Many thanks,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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E: MSS_Advice@gov.scot

Marine Scotland Licensing Operations Team
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

27 July 2022

FAIR ISLE HARBOUR IMPROVEMENT WORKS

Scotland Science (MSS) have reviewed the Fair Isle Harbour Improvement Works Environmental Impact Assessment Scoping Report (April 2022) prepared by Santec Ltd on behalf of Shetland Islands Council. Responses from NatureScot (NS) and RSPB were received by MSS on the 18th of July 2022 and provide the following comments.

**No Comments = "We have considered the request and have no advice to provide."*

Marine Ornithology

MSS agree with the NS advice that the proposal is likely to have a significant effect on the bird qualifying interests of the Fair Isle SPA and that an EIA should, in order to inform the AA, include the risks of predatory mammal Invasive Non-Native Species (INNS) by means of vessel and material movements, and an assessment of impacts on birds during construction and how these impacts will be mitigated.

MSS are broadly satisfied with the content of the scoping report, but have a number of comments in regards to marine ornithology.

Key bird species identified as having potential to be affected by the works are Arctic Tern and Fulmar (Sections 7.5.29 and 7.5.30), as these species are likely to be present in the North Haven bay (where the construction activity would occur). NS identify an inaccuracy in the scoping report, and state that Arctic tern are not generally present in New Haven, but there is a colony on the east side of Bu Ness. MSS advise that consideration should be given to the potential for effects (e.g. airborne noise) on all birds from the development beyond the North Haven bay area and species identified in that context in the report.

MSS agree with comments from NS that the generic dates reported for Arctic Tern and Fulmar breeding season may not be strictly adhered to and birds could be present in that area (and vulnerable to impacts) beyond those dates. MSS advise that assessments consider presence and impacts beyond those general dates.

In terms of the scoping of potential significant effects, MSS agree that above-water noise and visual disturbance effects during construction should be scoped in for birds, as well as the potential for the introduction of INNS. It is MSS' opinion that ornithology should be considered as part of the scoped-in underwater noise impact during the construction phase, for the reasons given for fish and marine mammals in the scoping report, as diving seabirds are likely to be present in the bay area (indeed, black guillemot are cited as being present; paragraph 7.5.26). In addition, given the scoping in of direct

loss of benthic habitat during the operational phase, MSS advise that changes in bird foraging habitat should be included in parallel with the scoped in impacts of changes to benthic habitats and water quality/sediment impact pathways as well.

Paragraph 7.5.26 also states that year-round monitoring by the Fair Isle Bird Observatory will be utilised as a source of baseline data. MSS recommend that clarification is sought with regards to the continuity of such records from recent years. Monitoring activities may have been interrupted due to the 2019 Fair Isle Bird Observatory fire, disruption due to Covid-19 pandemic during 2020-2021 seasons and the current (2022) HPAI (Highly Pathogenic Avian Influenza) disease outbreak and associated fieldwork restrictions. Clarification should be sought as to whether any interruption to the Fair Isle Bird Observatory data may result in a paucity of contemporary data relating to the species mentioned here; potentially dedicated surveys may be required should data gaps be identified.

MSS recommend that areas stated as being likely to experience “no significant effects” (i.e. inner bay south of breakwater and small intertidal area south of the bay (paragraph 7.5.45) are scoped in. Even though it is stated that these areas are not important for foraging birds, evidence that this is indeed the case would be considered valuable. MSS therefore recommend surveys are carried out at the above areas.

Marine Mammals

As finer details of the construction plan and baseline environment are lacking, it is difficult to fully assess what impacts and species should be scoped in or out for the EIA process. A far more detailed characterisation of the baseline environment will be required for the EIA, specifying which marine mammal species are likely to be affected. We note this is planned in the desk-based review.

MSS broadly agree with the list of marine mammal species occurring around Fair Isle, whilst noting that not all the species described are migratory (as is stated in 7.5.24). Grey seals are absent from the list of marine mammals under consideration in section 7.5.24. Given their wide-ranging distribution and notable presence during the SMRU August aerial survey in 2019 (the only seal aerial survey to cover Fair Isle to date), MSS suggest they are scoped into the EIA (see Table 19 in Morris *et al.* 2021). We also note that Risso’s dolphin and white-beaked dolphin are known to occur in the area and are missing from the scoping report. We recommend Hague *et al.* 2020 as a recent summary of marine mammal baselines in Scottish waters and in addition to Sea Watch Foundation marine mammal sightings data, MSS suggest the use of quantitative seal distribution maps from Carter *et al.* (2022). MSS note that key marine mammal species to be brought forward in the EIA have not been identified in the scoping report, and we recommend that this list of species is provided following refinement during the desk-based review.

MSS are content that injury and disturbance due to underwater noise, the primary impact pathway of concern for marine mammals, has been scoped into the EIA. We also recommend that any potential impacts during preconstruction (e.g., geophysical and geotechnical surveys) are also included in the EIA. However, without more specific information on the methods of construction MSS cannot confirm if all potential effects are included. Others to consider include the position of the dredge deposit site if required and vessel traffic to and from this area.

Piling is mentioned as a potential noise source, however in section 7.5.34 it states that currently it is not considered that piling will be used. Any noisy activities that might be used, such as pile driving and dredging, will need to be addressed in the underwater noise assessment mentioned in section 7.5.58. A quantitative assessment of numbers of seals and cetaceans potentially injured or disturbed may be required, which will inform any appropriate mitigation measures. If piling is to be used, MSS advise that an EPS license may be required.

References

Carter, M. I., Boehme, L., Cronin, M. A., Duck, C. D., Grecian, W. J., Hastie, G. D., ... and Russell, D. J. 2022. Sympatric seals, satellite tracking and protected areas: habitat-based distribution estimates for conservation and management. *Frontiers in Marine Science*. 9:875869.

Hague, E.L., Sinclair R. R. and Sparling, C. E. 2020. Regional baselines for marine mammal knowledge across the North Sea and Atlantic areas of Scottish waters. *Scottish Marine and Freshwater Science* Vol 11 No 12

Morris, C.D., Duck, C.D., and Thompson, D. 2021. Aerial surveys of seals in Scotland during the harbour seal moult, 2016-2019. *NatureScot Research Report 1256*.

Marine fish ecology

The scoping opinion for the Fair Isle Harbour Improvement Works has identified marine fish species that are likely to be present in the inshore development area such as cod, skate, mackerel and potentially sand eels. However, there is no information presented on any fish spawning or nursery areas within the vicinity of the proposed development area. MSS recommends that this information is included and considered in the EIA.

MSS are content with the impacts that have been scoped in and scoped out of the EIA with regards to marine fish species.

Diadromous fish

MSS note that the Atlantic salmon is considered likely to be present in the scoping report. MSS advise that robust information on the presence of diadromous fish in the waters around Fair Isle is lacking, but there is no evidence that diadromous fish including salmon are present in any significant numbers.

MSS therefore advise that specific consideration of diadromous fish can be scoped out of the EIA.

Benthic Ecology

MSS have reviewed benthic species and habitat records in the area and agree with the potential significant effects identified in the Scoping Report.

Sea caves are an Annex I habitat and the feature includes submerged sea caves as well as partially submerged caves which are only exposed to the sea at high tide. Although not a feature of the Fair Isle SAC, the UK has the most varied and extensive sea caves on the Atlantic coast of Europe and Fair Isle contains great examples of Scottish sea caves. For example, the 2021 surveys by Heriot-Watt University found a 81 m long cave approximately 50 m north of the breakwater (ID: CI04), which may be indirectly affected by hydrodynamic changes as a result of the harbour development. There is also an intertidal cave inside the breakwater (CI05), which could be covered by the proposed new solid quay depending on how far this extends. The results of the Heriot-Watt survey work are yet to be finalised but should be considered in the EIA where possible.

Physical environment / coastal processes

We have reviewed the relevant documents and agree with chapter 7.4 of the scoping report covering hydrodynamics and sediment transport regimes (marine geomorphology). Marine geomorphology should be scoped in as the proposed project will have an impact on sedimentation, and hydrodynamics around the study area during both the construction and operation phase (table 7.11). We also encourage the development of a CEMP, as mentioned.

The report mentions that the study area will be defined using the local tidal excursion distances. If the data and models show though that impacts will occur outwith this study area (i.e. further than the tidal excursion distance, due to wind, residual currents, cumulative effects, etc.) then this study area will need to get expanded to take that into account and expand to a suitable area that will get affected.

In relation to Baseline Sources: Appendix B Oceanographic data (including local tidal, current flow and wave information), provided by survey campaign and/or numerical modelling tools, we advise that both hydrodynamic modelling will be conducted and field data collected, if possible.

Hydrodynamic modelling can be used to compare existing conditions with those once the new development is in place. If field studies are possible to collect data for model validation this is strongly encouraged, but historical data might also exist in the region that could get utilised. The model needs to get validated appropriately and details of the model, boundary conditions and forcing, including sensitivity analysis, provided.

Hopefully these comments are helpful to you. If you wish to discuss any matters further, then please contact the REEA Advice inbox at MSS_Advice@gov.scot.

Yours sincerely,

Renewable Energy Environmental Advice group
Marine Scotland Science



Maritime and Coastguard Agency

From: navigation safety <navigationsafety@mcga.gov.uk>
Sent: 18 July 2022 11:51
To: MS Marine Licensing
Subject: RE: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022
Attachments: Fair Isle Scoping Report MCA Letter.docx
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Saved to eRDM

Dear

Please find attach the MCA response for the Fair Isle Harbour Improvement Works Scoping Report.

If you have any question please let me know.

Kind Regards

Maritime Licence Advisor
Marine Licensing and Consenting
UK Technical Services Navigation



**Maritime &
Coastguard
Agency**

Maritime & Coastguard Agency

Bay 2/25, Spring Place
105 Commercial Road,
Southampton SO15 1EG



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www.gov.uk/mca

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 22 June 2022 17:00
Cc:
Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

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Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)
("the EIA Regulations")

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Shetland Islands Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under Regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate only to the proposed marine licence applications and not the onshore elements of the works.

Yours faithfully,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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Maritime &
Coastguard
Agency

Maritime and Coastguard Agency

Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

18 July 2022

Via email: MS.MarineLicensing@gov.scot

Dear

Fair Isle Harbour Improvement Works Scoping Report

Thank you for your email dated 22 June 2022 inviting comments on the Scoping Report for the proposed harbour improvement works at Fair Isles. The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the MCA would like to respond as follows:

We note that the project comprises of replacement of the existing ferry, and the upgrade of the berthing site including (but not limited to):

- A new quay structure be formed between the northern end of the existing quay and the existing breakwater;
- A new linkspan to facilitate the new roll on – roll off (Ro-Ro) vessel;
- The existing breakwater is to be increased in size and height to provide greater shelter to the new quay structure and linkspan berth;
- Dredging to provide a sufficient water depth for new vessel around the proposed pier extension and linkspan;
- Repairs and re-fendering of the existing finger pier aligning structure to accommodate the new vessel; and
- Replacement of the existing cradle, noust, slipway and winch to accommodate the increased size of the new vessel.

We note that all imported material will be transported to the site via shipping. The report also states that the scale of the works and requirements for vessels (including dredgers and barges) will be minimal and highly localised to the area around the existing pier. The report states that considering the negligible increase in vessel traffic during construction, this impact pathway has been scoped out.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations.

The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine (Scotland) Act 2010) before carrying out any marine licensable works. We would usually expect to see reference in the Scoping Report to the impact of the proposed works on other marine users, relative to the scale and extent of the works. However, we note on this occasion that the works are localised to the jetty, and it is likely that any risk to other marine users can be mitigated through suitably worded conditions and advisories at the formal Marine Licence application stage. We would however expect the applicant to consider any potential impact on fishing, recreational and commercial vessels at that stage.

We also note that the works fall within the jurisdiction of a Statutory Harbour Authority (SHA) – Shetland Islands Council and therefore they are responsible for the safety of navigation within their waters. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

To address the ongoing safe operation of the marine interface for this project, we would like to point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to ensure a robust Safety Management System (SMS) is in place for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely.

I hope you find this information useful at Scoping Stage.

Yours sincerely,

maritime licence advisor
UK Technical Services Navigation

NatureScot

From:
Sent: 11 July 2022 17:00
To: MS Marine Licensing
Subject: Shetland Islands Council - Fair isle Harbour Improvement Works - Scoping Consultation - NatureScot response - 11 July 2022 (A3777352)
Attachments: Shetland Islands Council - Fair isle Harbour Improvement Works - Scoping Consultation - NatureScot response - 11 July 2022.pdf; 2022_108_SCO - Scoping opinion on upgrade of Fair Isle Harbour - NatureScot response - 5 May 2022 (A3722101).pdf
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Saved to eRDM

Please see NatureScot response, and our response letter to Shetland Islands Council (as referenced).

has sent you a copy of "Shetland Islands Council - Fair isle Harbour Improvement Works - Scoping Consultation - NatureScot response - 11 July 2022" (A3777352) v1.0 from Objective.

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Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a- mach bho NatureScot.

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

By email to ms.marinelicensing@gov.scot

11 July 2022

Our ref: CEA167443

Dear

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
(AS AMENDED) ("THE EIA REGULATIONS")

SHETLAND ISLANDS COUNCIL - FAIR ISLE HARBOUR IMPROVEMENT WORKS – SCOPING
CONSULTATION

Thank you for your email of 22 June consulting us on the scoping report for the above works.

We responded to a consultation from Shetland Islands Council on the same scoping report on 5 May. For completeness, a copy of that response, which includes advice on the terrestrial elements of the work, accompanies this letter.

The following applies to the marine elements of the proposal only:

Fair Isle Special Protection Area

The proposal is within Fair Isle Special Protection Area (SPA) classified for its breeding seabirds and Fair Isle wren.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, Marine Scotland is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements (<https://www.snh.scot/professional-advice/safeguarding-protected->

areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations).

In our view, this proposal is likely to have a significant effect on the bird qualifying interests of Fair Isle SPA. Consequently, Marine Scotland, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

The EIA should include the following, to inform the appropriate assessment:

- How risks of introducing mammalian predators through the movement of vessels and importing of materials during construction will be minimised. This should be detailed in a Biosecurity Management Plan.
- An assessment of the impacts on SPA birds by disturbance during construction, and how these impacts will be mitigated.

There are inaccuracies in 7.5.14 and 7.5.30 of the Scoping Report, and we would like to clarify the following:

- Arctic tern does not generally nest at North Haven, but there is a colony on the east side of Bu Ness.
- The fulmar nesting period extends beyond 1 August (but the most sensitive period is before then).
- Fulmars are not absent from Fair Isle outside the key breeding period. They are present for most of the year.
- Fair Isle wren also nests at North Haven, so potential impacts on this qualifying interest should also be assessed.

Fair Isle Site of Special Scientific Interest

Part of the proposal lies within Fair Isle Site of Special Scientific Interest (SSSI), notified for its breeding seabirds, moorland juniper, and Palaeozoic palaeobotany.

Impacts on seabirds will be addressed in the SPA assessment, as outlined above.

Fair Isle Marine Protected Area (Demonstration and Research)

Mitigation to minimise the risk of introducing marine invasive non-native species should be detailed, and this should be included in the Biosecurity Management Plan.

Shetland National Scenic Area

We are content with Scoping Report conclusion to scope in landscape / seascape and visual effects during construction, but not operation (because of the scale of the new infrastructure, the limited geographical extent, and that fact that it is associated with existing harbour infrastructure).

Yours sincerely,

Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, Shetland ZE1 0LL

01463 667600 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

Operations Officer

Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, Shetland ZE1 0LL

01463 667600 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

Northern Lighthouse Board

From: <navigation@nlb.org.uk>
Sent: 27 June 2022 13:20
To: MS Marine Licensing
Subject: RE: [EXT] Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022
Attachments: S2_01_343 - NLB Response.docx
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Saved to eRDM

Good afternoon,

Please find attached the NLB response to the above scoping request.

Regards

Official - Northern Lighthouse Board Email

Coastal Inspector

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 22 June 2022 17:00
Cc:
Subject: [EXT] Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Shetland Islands Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under Regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you

may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate only to the proposed marine licence applications and not the onshore elements of the works.

Yours faithfully,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

Your Ref: Shetland Islands Council – Fair Isle Harbour Improvement Works – Scoping Consultation
Our Ref: AL/OPS/ML/S2_01_343

Marine Licensing Casework Manager
Marine Scotland – Marine Planning and Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

27 June 2022

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

Thank you for your e-mail correspondence dated 22nd June 2022 relating to the Scoping Report submitted by **Shetland Island Council** relating to the proposed upgrade of the existing ferry port at North Haven, Fair Isle.

Northern Lighthouse Board note that marine navigation is not proposed to be included within the EIA report. However, due to the low levels of marine traffic within the area, NLB have no objection to the content of the Scoping Report.

NLB do request that the applicant engage with NLB with regard to Aid to Navigation provision, with particular reference to the lit beacon (ALLFS Ref: A3735.5) located within the harbour area.

Yours sincerely

Navigation Manager

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**Royal Society for the Protection of
Birds**

From:
Sent: 11 July 2022 15:54
To: MS Marine Licensing
Subject: Scoping report - Fair Isle Harbour improvement works

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved to eRDM

Thank you for consulting RSPB Scotland on the application - Scoping Report – Fair Isle Harbour improvement works. We have reviewed the report and are content with the scope and level of detail provided and have no comments to add.

Regards

Conservation Officer

Shetland Office Sumburgh Head Lighthouse, Virkie, Shetland, ZE3 9JN
Tel 01950 460800 Mob:

rspb.org.uk

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The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

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Royal Yachting Association

From:
Sent: 13 July 2022 13:44
To: MS Marine Licensing
Subject: RE: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022
Attachments: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation 12.7.22.pdf

Dear

attached RYA Scotland's response to the above noted application.

Kind Regards

Senior Administrator

Mob:

Royal Yachting Association Scotland

T: 0131 317 7388



RYA Scotland, Caledonia House, 1 Redheughs Rigg, South Gyle, Edinburgh, EH12 9DQ
T: 0131 317 7388, Fax: 0844 556 9549

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From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>

Sent: 22 June 2022 17:00

Cc:

Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Shetland Islands Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under Regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate only to the proposed marine licence applications and not the onshore elements of the works.

Yours faithfully,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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RYA Scotland

Royal Yachting Association Scotland

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EH12 9DQ

T +44 (0)131 317 7388
E admin@ryascotland.org.uk
W www.ryascotland.org.uk

12th July 2022

Marine Scotland – Marine Planning and Policy
Scottish Government,
Marine Laboratory,
375 Victoria Road,
Aberdeen, AB11 9DB

Dear

MS/22/68 - Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation

I have read the scoping report on behalf of RYA Scotland. The proposed works are very much needed to protect the lifeline services to this community and will provide additional shelter in northerly gales. However, I was surprised to read so little of the importance of Fair Isle's North Haven for recreational boating. Many boats travelling between Orkney and Shetland stop over at Fair Isle both to berth for the night and to visit the island itself. There is relatively little berthing space so boats may be rafted up several deep with others at anchor. The statement in 7.5.21 that 'While the bay does receive some recreational boat traffic in the summer it is very low in volume ' underplays its importance. There should be data from the log in the honesty box on the pier about the numbers involved. If the skipper of a vessel on passage north plans to berth at Fair Isle and is unable to do so then the next anchorage is at Grutness Voe some 25 nautical miles away across seas that can be challenging. The South Haven and South Harbour anchorages are tricky to access and the former has poor holding so are not appropriate alternatives.

Mitigation measures will be key. If yachts have information on the status of the North Haven harbour in good time then they can assess if it is suitable for them to make the passage between Orkney and Shetland or vice versa or not. There will thus need to be wide distribution of Notices to Mariners about the works including any constraints on mooring and anchoring. Clearly, priority should be given to the berthing arrangements of the Good Shepherd IV before considering recreational craft. Any periods when the North Haven is closed to traffic should be as short as possible. If significant closures are envisaged, then it may be that some recreational boaters may be discouraged from travelling between Orkney and Shetland, and *vice versa* at those times. We would be happy to discuss mitigations so that recreational traffic is minimally impacted while not holding up these essential harbour works.

Yours sincerely,

Planning and Environment Officer, RYA Scotland

**Scottish Environmental Protection
Agency**

From: Planning.North <Planning.North@sepa.org.uk>
Sent: 23 June 2022 10:06
To: MS Marine Licensing
Subject: SEPA Ref 5678 Fair Isle Harbour Improvement Works (Marine Licence only)
Scoping Consultation

OFFICIAL

Fair Isle Harbour Improvement Works (Marine Licence only)
EIA Scoping Consultation
SEPA Ref 5678

Thank you for your consultation. We have no comments on the Scoping Report and refer you to our standing advice below.

Standing advice

For all matters covered by the below advice, SEPA has not assessed the application, has no site-specific comments to make and, where relevant, does not consider EIA is required from our perspective.

Bathing Waters:

Any operation should be cross checked to see if the proposed site is in or adjacent to a designated bathing water (within 2 km). If so, all physical operations should be done outwith the Bathing Water Season (1 June to 15 September).

If works to be done within Bathing Water Season, a strong case should be made as to why a particular operation would not present a risk to Bathing Waters.

Please refer to the Bathing waters section of our website www2.sepa.org.uk/bathingwaters/ for further guidance on the Bathing Waters Directive (2006/7/EC).

Pollution prevention

Many operations could potentially give rise to risk of pollution through silt mobilisation, silt suspension or chemical or oil spillages. To prevent pollution and safeguard marine ecology interests it is vital that good working practice is adopted, and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. Measures need to be in place to minimise the release of sediment plumes and to contain and prevent construction and waste materials e.g., paint from falling from a structure into the water body beneath. Where appropriate, mitigation measures should be sought within method statements and onsite compliance should be confirmed through site visits.

Please refer to [gpp-5-works-and-maintenance-in-or-near-water.pdf \(netregs.org.uk\)](#). This includes working with concrete, cement and grout.

SEPA has no objection to the release of sediment tracing material into the water environment for the undertaking of a dispersion study (e.g. for aquaculture or septic tank flows). However, we strongly recommend the use of biodegradable material. We do not consider the use of non-biodegradable products (e.g. microplastic beads) to be the best environmental option.

On-shore works and restoration

With regard to works on the shoreline, the applicant should refer to the appropriate sections in the Guidance for Pollution Prevention (GPPs) and CIRIA Guidance, in particular [C744 Coastal and marine environmental site guide](#).

[2nd edition, 2015 CIRIA](#). Disturbance to the shoreline should be minimised and the shore restored to as near its former condition following the works as reasonably possible on completion of the works. SEPA recommends that new infrastructure, including sea outfalls (including septic tank outfalls), be buried where possible and redundant structures and materials be removed.

Please refer to [CAR a practical guide.pdf \(sepa.org.uk\)](#) for a guide to The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) including an overview; definitions of the regimes; levels of authorisation and the General Binding Rules.

The developer should consider if waste deposition could constitute landfill and should therefore be subject to authorisation under PPC and should comply with all relevant environmental legislation and to check our website at www.sepa.org.uk/regulations/ and contact SEPA via the online form with any site-specific issues. Where appropriate, any waste materials should be removed and disposed of at a licensed onshore site.

Dredge spoil

Dredged material should be disposed of at an offshore sea disposal site and that work must be carried out in line with best dredging practices. Material should be deposited on the beach below MHWS and allowed to disperse naturally. If any dredged material accumulates above MHWS, disposal operations must cease until the material has dispersed.

Waste material (includes dredge spoil) above the low water mark

Waste material, which includes dredge spoil, deposited above the low water mark is subject to Waste Management Licensing controls regulated by SEPA unless it is subject to a licence issued under Part 4 of the Marine (Scotland) Act 2010 (which can extend to Mean High Water Spring Tide including within estuaries, rivers and channels), in which case it is excluded from such controls. However, if the waste deposition could constitute a landfill, then PPC not Waste Management Licensing would apply, and in this situation no Marine Licence exclusion is provided for.

Where dredge spoil is used for land reclamation works or harbour works then the method of construction will determine how the activity is regulated. If the works are carried out by way of deposit of material directly onto the intertidal zone or within a permeable bunded area (for example a bund made of placed stones) then the works will be considered to be occurring in the marine environment and will be regulated by Marine Scotland. If the works are constructed by way of initially creating an impermeable bund (such as a sheet piled metal wall) then the use of waste such as dredge spoil for infill works will be considered to be occurring above mean high water springs and therefore will be controlled by SEPA. Such works would require either a waste management licence or a waste management exemption.

The applicant should consult the local SEPA Regulatory Services team (see contact sheet for details) for advice on whether or not the proposed waste deposition would constitute a landfill and hence fall within PPC regulation, including for the controlled placement of dredged sands from harbours onto adjacent beaches and/or seabed.

Decommissioning

While MS-LOT consult on Marine Licence applications for decommissioning, the applicant will consult themselves on the Decommissioning Programme (as per Energy Act 2004) required to be submitted as part of the s.36/Marine Licences issued for renewables construction. SEPA does not require to be consulted and will provide no comments on the Decommissioning Programme.

Please ensure that conditions cover decommissioning where appropriate and the removal of all devices and as much of the support infrastructure/cabling is removed and all waste materials are removed and reused, recycled or disposed of at a licensed onshore site.

Senior Planning Officer

Planning Service, SEPA

Email: planning.north@sepa.org.uk

Telephone:

Part Time: Tuesday, Wednesday & Thursday

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising.

We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information.

If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

The information contained in this email and any attachments may be confidential and is intended solely for the use of the intended recipients. Access, copying or re-use of the information in it by any other is not authorised. If you are not the intended recipient please notify us immediately by return email to postmaster@sepa.org.uk.

Registered office: Strathallan House, Castle Business Park, Stirling FK9 4TZ. Under the Regulation of Investigatory Powers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>

Sent: 22 June 2022 17:00

Cc:

Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Shetland Islands Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under Regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate only to the proposed marine licence applications and not the onshore elements of the works.

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

OFFICIAL

Scottish Water

From: Planning Consultations <PlanningConsultations@scottishwater.co.uk>
Sent: 29 June 2022 11:12
To: MS Marine Licensing
Subject: Scottish Water – Application Response - DSCAS-0067780-SCP - Fair Isle Harbour Improvement Works
Attachments: DSCAS-0067780-SCP Planning Consultation.pdf
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Saved to eRDM

Dear Marine Licensing,

Please find attached Scottish Water's response to your application, this includes further information on how to progress your application to the next stage.

Kind Regards,

Technical Analyst
North Regional Team

Strategic Development
Development Services
Dedicated Freephone Helpline: 0800 389 0379

DevelopmentOperations@scottishwater.co.uk

Scottish Water.

Trusted to serve Scotland.

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Opinions, conclusions and other information in this message that do not relate to the official business of Scottish Water ("SW"), Scottish Water Horizons Ltd ("SWH"), Scottish Water International Ltd ("SWI") or Scottish Water Solutions 2 Ltd ("SWS2") shall be understood as neither given nor endorsed by them. The contents of Emails sent and received by SW, SWH, SWI and SWS2 are monitored.

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Scottish Water

www.scottishwater.co.uk

Wednesday, 29 June 2022



Marine Licensing
375 Victoria Road

Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Fair Isle Harbour Improvement Works, , Fair Isle, ZE2 9JU
Planning Ref: Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle
Our Ref: DSCAS-0067780-SCP
Proposal: Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle
There is no active works proposed at these sites, but we must engage with relevant stakeholders if they wish to pass comment on any future plans To access the documents please follow the link below and use the relevant password associated with each site

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Fair Isle Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.
-

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
 - ▶ There is no active works proposed at these sites, but we must engage with relevant stakeholders if they wish to pass comment on any future plans To access the documents please follow the link below and use the relevant password associated with each site
 - ▶
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk

- ▶ www.sisplan.co.uk
 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Development Operations Analyst
Tel: 0800 389 0379
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish

Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Shetland Islands Council

From:
Sent: 22 July 2022 14:15
To: MS Marine Licensing
Cc:
Subject: RE: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Objective: -1

Good afternoon

The Shetland MPP would comment as follows:

- There will be no works licence required under the Zetland County Council Act 1974 for this development by Shetland Islands Council, as the Council is the developer in this instance.
- We are aware of the environmental designations that exist at and adjacent to the location and would advise that the views of NatureScot are sought to inform the scoping opinion.
- The EIA should have due regard to the Shetland Islands Marine Spatial Plan (2015) and its policies. As the Marine Spatial Plan will soon be replaced by the Shetland Islands Regional Marine Plan (SIRMP) which is currently before Scottish Ministers for adoption, regard should also be had to this document. More information on the SIRMP can be found at: [Marine Spatial Planning - Shetland Islands Regional Marine Plan \(uhi.ac.uk\)](http://uhi.ac.uk)

Kind regards

Marine Planning Officer

UHI | SHETLAND

01595 772324 |

shetland.uhi.ac.uk
Scottish charity no. SC050701

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>

Sent: 22 June 2022 17:00

Cc:

Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)
("the EIA Regulations")

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, Shetland Islands Council has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under Regulation 14(1) of the EIA Regulations.

The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

To assist the Scottish Ministers in adopting a comprehensive scoping opinion, which will outline the scope and level of detail of information to be provided in the Environmental Impact Assessment (EIA) Report to be submitted by the applicant with their proposed marine licence applications, please review the scoping report and advise on what you consider should be included within or excluded from the scope of the EIA for the proposed works. In doing so you may wish to consider any comments you may have regarding data sources, proposed methodologies or the requirement for specific studies.

Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a “nil return” response.

Please be advised that the scoping report and this consultation request relate only to the proposed marine licence applications and not the onshore elements of the works.

Yours faithfully,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email. Email addresses are MS.MarineRenewables@gov.scot for marine renewables correspondence or MS.MarineLicensing@gov.scot for all licensing queries.

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Shetland Islands Council (Harbour)

From:
Sent: 27 June 2022 12:58
To: MS Marine Licensing
Cc:
Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved to eRDM

Good Afternoon,

Shetlands Islands Council Marine & Air Operations have no comments to make on the Fair Isle Harbour Improvement Works Scoping Report.

Kind Regards

Executive Manager - Harbour Master

Marine & Air Operations
Shetland Islands Council

Port Administration Building
Sella Ness, Sullom Voe
Shetland, ZE2 9QR

T 01806 244209

M

F 01806 244291

Our Values

excellent service - taking personal responsibility - working well together

Transport Scotland

From:
Sent: 06 July 2022 16:31
To: MS Marine Licensing
Cc:
Subject: Fair Isle Harbour Works Scoping TS Response July 2022
Attachments: Fair Isle Harbour Works Scoping TS Response July 2022.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved to eRDM

Dear Sir/Madam,

Please find attached the Transport Scotland response to the Fair Isle Harbour Works Scoping Consultation.

Regards,

Marine Scotland
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Your ref:

Our ref:
GB01T19K05

Date: 5/7/2022

ms.marinelicensing@gov.scot

Dear Sirs,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)**

**SHETLAND ISLANDS COUNCIL – FAIR ISLE HARBOUR IMPROVEMENT WORKS – FAIR
ISLE**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by Stantec in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, we would provide the following comments.

Proposed Development

We understand that Shetland Islands Council (SIC) intends to submit a planning application and associated marine license application to enhance the existing ferry port at Fair Isle to accommodate the replacement of the existing ferry which is approaching the end of its life and does not meet modern standards. The berthing site at Fair Isle will be upgraded to facilitate this new ferry. The proposed development will comprise a new quay structure, formed between the northern end of the existing quay and the existing breakwater.

The nearest trunk road to the site is the A9(T) at Thurso which lies some 150km to the south.

Assessment of Environmental Impacts

The SR for the development indicates that the topic of Traffic and Transport will be scoped out of the forthcoming Environmental Impact Assessment Report (EIAR) as the construction and operation of the development will not significantly increase the minimal traffic movements to, from or within Fair Isle.

Given the above and the fact that there are no trunk roads on Fair Isle, Transport Scotland is satisfied that this proposal will have no impact on the trunk road network. Consequently, we can confirm that no further information is required in this regard.

We trust that the above is satisfactory but should you wish to discuss, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office on 0141 343 9636.

Yours faithfully

**Transport Scotland
Roads Directorate**

United Kingdom Chamber of Shipping

From:
Sent: 25 July 2022 11:15
To: MS Marine Licensing
Cc:
Subject: Re: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Saved to eRDM
Objective: -1

Dear

Thank you for the follow up, yes confirm a nil return in this instance.

Kind regards

Chamber of Shipping

Sent from my iPhone sorry for any typos

On 25 Jul 2022, at 10:11, MS.MarineLicensing@gov.scot wrote:

Dear Sir/Madam,

The closing date of 22 July 2022 for the consultation on this scoping report has now passed and we haven't received a response from you. Therefore, we are assuming a Nil return.

Kind regards,

From: MS Marine Licensing <MS.MarineLicensing@gov.scot>

Sent: 22 June 2022 17:00

Cc:

Subject: Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle – Scoping Consultation – By Friday 22nd July 2022

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THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)

Shetland Islands Council – Fair Isle Harbour Improvement Works – Fair Isle

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The scoping report submitted by the applicant can be found at: [Scoping Report - Fair Isle Harbour Improvement Works - Fair Isle | Marine Scotland Information](#)

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Please submit your response electronically to ms.marinelicensing@gov.scot by Friday 22nd July 2022. If you are unable to meet this deadline, please contact us as soon as possible to discuss the possibility of an extension to the consultation period. If you have no comments to make please submit a "nil return" response.

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Yours faithfully,

Marine Licensing and Consenting Casework Manager
Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Scotland | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Website: <http://www.gov.scot/Topics/marine/Licensing/marine>

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