

Appendix One

Consultation Responses

Scottish Environment Protection Agency

Hutchison D (David) (MSC)

From: Planning.North <Planning.North@sepa.org.uk>
Sent: 12 May 2022 14:00
To: MS Marine Licensing
Subject: RE: SCR-0034 – Stantec – Harbour Development – Grutness Harbour - Response required by 13 May 2022 - SEPA Response 5068

OFFICIAL

Hi Thomas,

Hope you are well. Unfortunately, this type of development falls below our consultation thresholds. Instead please refer to Section 2.3 and Table 1 of our standing advice which are available on our website - [Marine Scotland – SEPA standing advice for Marine Scotland on marine licence consultations](#).

If you are seeking advice on something specific then please re-consult us specifying what advice you require.

Many thanks

Cerian

Cerian Baldwin
Planning Officer - Planning Service North
Graesser House, Dingwall Business Park, Dingwall
Email: planning.north@sepa.org.uk
Mobile: 07917428610

[Who's whom in Water and Planning?](#)

Please note my working days are Tuesday to Thursday only.

Disclaimer

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From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 22 April 2022 17:18
Cc: David.Hutchison2@gov.scot
Subject: SCR-0034 – Stantec – Harbour Development – Grutness Harbour - Response required by 13 May 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,

Historic Environment Scotland



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ALBA

By email to: ms.marinelicensing@gov.scot

Thomas Inglis
Marine Licensing Casework Manager
Marine Scotland (Aberdeen Office)

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Our case ID: 300058112
Your ref: SCR-0034

23 May 2022

Dear Thomas Inglis

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Grutness Harbour - Stantec - Harbour Development - Marine Licence
Request for Screening Opinion**

Thank you for your consultation which we received on 22 April 2022 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. Under the Marine (Scotland) Act 2010 our historic environment interests cover Historic Marine Protected Areas (HMPAs) and undesignated marine cultural heritage features. In terms of the terrestrial planning system our interest include world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories. Advice on impacts on terrestrial historic environment assets should also be sought from Shetland Islands Council's archaeology and conservation services.

The Proposal

We understand that this screening report is in support of an application for 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 Grutness development, this will upgrade and extend the existing pier to provide shelter for a new linkspan structure to allow for the berthing of a new vessel type. The proposals will require marine licence consent and planning permission.

Our Screening opinion

We note from the screening report that impacts on the historic environment as a result of the proposal are not considered to be significant. We agree that there are unlikely to be impacts on our historic environment interests of a level that would require consideration through the Environmental Impact Assessment (EIA) process.

We note that a Construction Environmental Management Plan is to be submitted and we would recommend that this document should include an archaeological mitigation



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scheme to account for potential impacts on undesignated archaeological remains and a Protocol for Archaeological Discoveries provided to deal with stray finds.

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

Yours sincerely

Historic Environment Scotland

Shetland Islands Council

Hutchison D (David) (MSC)

From: Simon.Pallant@shetland.gov.uk
Sent: 25 April 2022 14:47
To: MS Marine Licensing
Cc: marine.planning@shetland.gov.uk; john.rosie@shetland.gov.uk;
ryan.leask@shetland.gov.uk; Hutchison D (David) (MSC);
development.management@shetland.gov.uk
Subject: RE: SCR-0034 – Stantec – Harbour Development – Grutness Harbour - Response required by 13 May 2022

Dear Sir/Madam,

Thank you for the opportunity to comment on the above Screening Opinion.

The Council's Coastal and Marine Planning Team are aware that the Council's Development Management section has been consulted on the land based elements of this proposal under the Town and Country Planning EIA Regulations and will be providing a response in due course on behalf of the Planning Authority. I have copied them in for awareness.

With regards to the request under the Marine Works EIA Regulations my team has no comments to make other than:

- 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 screening opinion.

Kind regards

Simon

Simon Pallant | Coastal Zone Manager – Coastal & Marine Planning Team | Shetland Islands Council | Development Services
8 North Ness Business Park | Lerwick | Shetland | ZE1 0LZ
Tel: 01595 744805
Mobile: 07384 878706

From: MS.MarineLicensing@gov.scot <MS.MarineLicensing@gov.scot>
Sent: 22 April 2022 17:18
Cc: David.Hutchison2@gov.scot
Subject: SCR-0034 – Stantec – Harbour Development – Grutness Harbour - Response required by 13 May 2022

Dear Sir/Madam,

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

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

NatureScot

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

12 May 2022

Our ref: CEA166739

By email to ms.marinelicensing@gov.scot

Dear Mr Inglis

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

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

SCR-0034 – STANTEC – PIER CONSTRUCTION AND ASSOCIATED DREDGE – GRUTNESS HARBOUR

Thank you for your email of 22 April, consulting us on this screening request.

Summary

We are content that a full EIA is not required, but detail information required to assess the key environmental concerns within our remit.

Background

We gave a screening opinion on this development to Shetland Islands Council on 31 December 2021 (2021/329/SCR). Our conclusion was that a full EIA was not needed, but the planning application should be supported by sufficient information to allow an appropriate assessment under the Habitats Regulations.

Appraisal and advice

Sumburgh Head SPA

The proposal is within Sumburgh Head Special Protection Area (SPA) protected for its breeding Arctic tern, fulmar, guillemot, kittiwake, and seabird assemblage.

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. 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.nature.scot/doc/legislative-requirements-european-sites>).

The following information should be provided to allow Marine Scotland to carry out this appraisal:

- An assessment of disturbance impacts (particularly during construction) on SPA birds nesting nearby (Arctic tern and fulmar), the magnitude and duration of these impacts, and mitigation proposed to minimise impacts.
- An assessment of the likely impacts of disturbance and displacement of SPA birds using the sea area affected (for loafing and feeding), particularly during construction, including dredging.
- The area of sea lost to the development, and its significance in the context of the conservation objectives of the SPA.

4.4.8 of the Screening Request Report states "Piling operations will not take place during the early breeding season (April and May) to allow nest establishment". This is questionable for two reasons:

- a) Most of this period is before Arctic terns and fulmars settle to nest, and
- b) Commencement of a disturbing activity once birds are settled is perhaps more likely to have greater impacts than allowing birds to habituate to existing activity.

Otters

Offences with regards to otters include deliberately or recklessly:

- capturing, injuring or killing an otter
- harassing an otter or group of otters
- disturbing an otter in a holt or any other structure or place it uses for shelter or protection
- disturbing an otter while it is rearing or otherwise caring for its young
- obstructing access to a holt or other structure or place otters use for shelter or protection, or otherwise deny the animal use of that place
- disturbing an otter in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young

It is also an offence to:

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

01463 667600 [nature.scot](https://www.nature.scot)

NatureScot is the operating name of Scottish Natural Heritage

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)

Otter shelters are legally protected whether or not an otter is present.

(This is not an exhaustive list).

If the development is likely to result in any of the above, the applicant must apply for a licence from NatureScot.

Cetaceans

We recommend that the applicant applies to Marine Scotland for EPS licence, due to potential impacts on cetaceans (whales, dolphins and porpoises).

The Ecological Appraisal Report should include noise modelling to help inform likely impacts and mitigation required.

Conclusion

Taking account of proposed mitigation measures, we are content that a full EIA is not required (for interests within our remit). The proposed Ecological Appraisal Report (incorporating baseline ecological surveys), Habitat Regulations Assessment and Construction Environmental Management Plan should take into account all of the above.

Yours sincerely,

Juan Brown
Operations officer

Hutchison D (David) (MSC)

From: Juan Brown <Juan.Brown@nature.scot>
Sent: 06 June 2022 10:30
To: Hutchison D (David) (MSC)
Subject: RE: SCR-0034 - Stantec - Pier construction and associated dredge - Grutness Harbour - NatureScot response - 12 May 2022 (A3728861)

Hi David

We have concluded that an EIA is not required, but more information and assessment is required to enable the determination of the impacts of the proposal at the application stage.

The mitigation referred to is that in the Screening Request Report submitted by the applicant.

Regards

Juan

Juan Brown | Operations Officer

NatureScot | Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, Shetland LE1 0LL | 07787 864 144

nature.scot | [@nature_scot](https://twitter.com/nature_scot) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

From: David.Hutchison2@gov.scot <David.Hutchison2@gov.scot>
Sent: 06 June 2022 09:25
To: Juan Brown <Juan.Brown@nature.scot>
Subject: RE: SCR-0034 - Stantec - Pier construction and associated dredge - Grutness Harbour - NatureScot response - 12 May 2022 (A3728861)

Hi Juan,

Thank you for your response. I would just like to confirm your view as to whether or not an EIA is required? Your response implies that this is not an EIA project but that this view is potentially reliant on mitigation measures being implemented. If this is the case, I am not clear from your response, exactly what these mitigation measures are. Please could you confirm if your view is that it is not an EIA project but this is based on mitigation, what the specific mitigation measures are that you are referring to?

Thanks

David

David Hutchison

Marine Licensing Casework Officer

Marine Scotland - Marine Planning & Policy

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

Email: david.hutchison2@gov.scot
Telephone: 07825968899
Website: <http://www.gov.scot/marinescotland>

COVID-19: Marine Scotland - Licensing Operations Team(MS-LOT) is working from home and as a result determination of applications may take longer than our stated timelines. In addition MS-LOT is unable to respond