

Appendix One

Consultation Responses

Scottish Environment Protection Agency

David Hutchison

From: Farquhar, Alan <alan.farquhar@SEPA.org.uk>
Sent: 08 March 2024 15:52
To: David Hutchison; MD Marine Licensing
Subject: RE: PCS-20000594 SEPA Response to SCR-0075

OFFICIAL

I can confirm that an EIA is not required relative to our interests.


Regards,

Alan Farquhar | Planning & Contaminated Land

Scottish Environment Protection Agency

 01698 581013

 Alan.farquhar@sepa.org.uk

 Angus Smith Building | 6 Parklands Avenue | Eurocentral | Holytown |
North Lanarkshire | ML1 4WQ



For the future of our environment

Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to: MD.MarineLicensing@gov.scot

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

David Hutchison
Marine Licensing Casework Officer
Licensing Operations Team
Marine Directorate

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

Our case ID: 300071314
Your ref: SCR-0075
06 March 2024

Dear David Hutchison

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 SCR-0075 - Shetland Islands Council \(per Niras\) - Sullom Voe Construction Jetty Request for Screening Opinion](#)

Thank you for your consultation which we received on 21 February 2024 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. That is 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.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

The Proposal

We note that the proposed development involves refurbishment of the Sullom Voe Terminal (SVT) Construction Jetty in Shetland, and the works will be limited to those required to refurbish the structure and will involve minimal change to the overall footprint and form of the structure. We understand that the extent of the proposed work is partly onshore and partly below Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS).

Our Screening opinion

We have reviewed the information received and consider the proposals unlikely to have impacts on our historic environment interests of a level that would require consideration through the EIA process.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Adrian Lee and they can be contacted by phone on [REDACTED] or by email on adrian.lee@hes.scot.

Yours sincerely

Historic Environment Scotland

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

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Shetland Islands Council

David Hutchison

From: marine.planning@shetland.gov.uk
Sent: 15 March 2024 16:22
To: David Hutchison
Cc: Simon.Pallant@shetland.gov.uk; ryan.leask@shetland.gov.uk; john.rosie@shetland.gov.uk; development.management@shetland.gov.uk; Kirsten Watson; marine.planning@shetland.gov.uk
Subject: RE: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Good afternoon David,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the EIA Regulations”)
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS**

Shetland Islands Council (per Niras) – Proposed refurbishment of Sullom Voe Construction Jetty, Shetland

Thank you for your email below of 14th March following our initial comments of 12th March, and for forwarding NatureScot’s screening opinion response to this proposal.

I can advise that Shetland Islands Council are of the view that the proposal is not likely to result in any significant effects on the environment and so is not an EIA project as defined in the above Regulations.

We would however reiterate NatureScot’s expectation for further assessment on impacts on Sullom Voe SAC (including appropriate assessment) and marine mammals at the consenting stage.

Kind regards,

John Rosie
Marine Planning Officer
Shetland Islands Council

From: David.Hutchison2@gov.scot <David.Hutchison2@gov.scot>
Sent: 14 March 2024 09:04
To: Marine Planning@Development Services <marine.planning@shetland.gov.uk>
Cc: Pallant Simon@Marine Planning <Simon.Pallant@shetland.gov.uk>; Leask Ryan@Marine Planning <ryan.leask@shetland.gov.uk>; Rosie John@Marine Planning <john.rosie@shetland.gov.uk>; Development Management@Development <development.management@shetland.gov.uk>; Kirsten.Watson@gov.scot
Subject: RE: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Hi John,

Thanks for your response.

Under regulation 10 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Shetland Islands Council as a ‘consultation body’ are required to give its view on whether the proposed works are an EIA project (as defined under regulation 2). Unfortunately the response received does not provide such a view. I should therefore be grateful if you would please confirm the view of Shetland Islands Council in this regard as soon as possible.

Regards

David

From: marine.planning@shetland.gov.uk <marine.planning@shetland.gov.uk>

Sent: Tuesday, March 12, 2024 10:04 AM

To: MD Marine Licensing <MD.MarineLicensing@gov.scot>

Cc: Simon.Pallant@shetland.gov.uk; ryan.leask@shetland.gov.uk; john.rosie@shetland.gov.uk; marine.planning@shetland.gov.uk; development.management@shetland.gov.uk

Subject: RE: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Good morning,

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (“the EIA Regulations”)
CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS**

Shetland Islands Council (per Niras) – Proposed refurbishment of Sullom Voe Construction Jetty, Shetland

Thank you for consulting Shetland Islands Council Planning Authority under the above Regulations.

The proposal relates to projects as described in 10(g) of Schedule 2 of the above Regulations. Whilst the 1 hectare threshold applicable to that project type is not met or exceeded in this case, the proposal is nevertheless Schedule 2 development given it is located in a “sensitive area” as defined in Regulation 2(1), namely Sullom Voe Special Area of Conservation (SAC).

Shetland Islands Council notes the opinion in the submitted EIA Screening Request Report that “It is respectfully submitted that the Proposed Works do constitute an 'EIA Development' according to the EIA Regulations and consequently a formal Environmental Impact Assessment (EIA) is not considered to be necessary”. We also note the expected impact on significance, as summarised in Table 8.1 ‘Summary of Potential Effects’.

As the proposal is located in an environmentally sensitive location (Sullom Voe SAC) thorough consideration should be given by the consenting authority (in the case of the Marine Licence, the Marine Directorate of the Scottish Government), to the impacts upon the SAC. The Planning Authority notes that NatureScot have been consulted as above and their views should be sought, especially with regards to the likelihood of potential significant effects on biodiversity and habitat loss directly upon the SAC, impacts upon designated sites and Protected Species.

It is further noted that in Table 8.1, the ‘Pressures/Impact Pathways’ section for Habitat Loss states: “Any changes in the footprint area of the Construction Jetty are estimated to represent an increase of no more than 10% of the footprint area. A subtidal survey is required to identify the presence of any sensitive benthic habitats immediately adjacent to, or within potential range for impact.” It should be considered whether this particular information (subtidal survey) is required at this stage to adopt a screening opinion, and we also recommend that the views of NatureScot are sought on this matter.

We note that Section 5.1 ‘Protected Sites’ includes reference to the role of the Shetland Oil Terminal Environmental Advisory Group (SOTEAG) with regards to ornithological monitoring. SOTEAG hold a wealth of information on such matters and it is therefore recommended that they are consulted especially with regards to potential impacts upon black guillemots which use the jetties in the Sullom Voe Harbour Area. Their contact is Will Miles: wtsm@st-andrews.ac.uk

Please note, we have copied in our terrestrial planning colleagues (development.management@shetland.gov.uk) to this response given they may be required to assess the proposal under the corresponding Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Kind regards,

John Rosie

Marine Planning Officer
Shetland Islands Council

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: 21 February 2024 10:02
To: Marine Planning@Development Services <marine.planning@shetland.gov.uk>; planning.north@sepa.org.uk;
hmconsultations@hes.scot; north@nature.scot
Subject: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Dear Sir/Madam,

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

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

Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty – Shetland

Shetland Islands Council (per Niras) have requested the Scottish Ministers adopt a screening opinion in relation to the above proposed works under regulation 10(1) of the EIA Regulations.

I should be grateful if you would please review the information found attached and, as required by regulation 10(5) of the EIA Regulations, provide your view as to whether the above proposed works are an EIA project as defined in the EIA Regulations.

In accordance with regulation 10(6) of the EIA Regulations, please ensure you provide your view no later than 13 March 2024.

Kind regards,
David

David Hutchison
Marine Licensing Casework Officer, Licensing Operations Team, Marine Directorate
Scottish Government | Marine Laboratory | Aberdeen | AB11 9DB
M: [REDACTED] | E: david.hutchison2@gov.scot
My working days are Tuesday to Friday

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NatureScot

David Hutchison

From: Juan Brown <Juan.Brown@nature.scot>
Sent: 12 March 2024 16:35
To: MD Marine Licensing
Subject: RE: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Dear David

Thank you for consulting us on a screening opinion on the above proposal.

We do not consider that the proposal will have a significant effect on the environment for areas within our remit as defined by the EIA Regulations.

We would, however, expect further assessment on impacts on Sullom Voe SAC (including appropriate assessment) and marine mammals at the consenting stage.

Yours sincerely

Juan Brown | Operations Officer

NatureScot | Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, Shetland LE1 0LL | 01463 667602
nature.scot | @nature_scot | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

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

Sent: Wednesday, February 21, 2024 10:02 AM

To: marine.planning@shetland.gov.uk; planning.north@sepa.org.uk; hmconsultations@hes.scot; NORTH <north@nature.scot>

Subject: SCR-0075 - Shetland Islands Council (per Niras) - Sullom Voe Construction Jetty - Consultation on Request for Screening Opinion - Response Required by 13 March 2024

Dear Sir/Madam,

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

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In accordance with regulation 10(6) of the EIA Regulations, please ensure you provide your view no later than 13 March 2024.

Kind regards,

David

David Hutchison

Marine Licensing Casework Officer, Licensing Operations Team, Marine Directorate

Scottish Government | Marine Laboratory | Aberdeen | AB11 9DB

M: [REDACTED] | E: david.hutchison2@gov.scot

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