

Appendix One

Consultation Responses

Scottish Environment Protection Agency

From: [Planning.North](#)
To: [David Hutchison](#)
Subject: RE: SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle - Consultation on Request for Screening Opinion - Response Required by 30 July 2024
Date: 31 July 2024 11:50:18
Attachments: [image005.png](#)

OFFICIAL

Hello David

Your attached email doesn't show to me the email address you sent it to – but presuming it was this one then I don't know what has happened as we didn't receive it I'm afraid, which is a bit concerning.

My understanding is that we continue to not want to be consulted on any marine EIA screenings but it's been agreed, like you suggest below, that if Marine Scotland does consult us we will respond, which I'm happy to do. I can therefore confirm that in relation to SEPA's limited marine interests EIA is not required and you and the developer are simply referred to our standing advice.

Kind regards

Susan

Susan Haslam | Senior Planning Officer
Scottish Environment Protection Agency

Historic Environment Scotland



By email to:
MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

T: 0131 668 8600

Our case ID: 300074267
Your ref: SCR-0087

23 July 2024

Dear Marine Directorate

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 SCR-0087 - Road Protection Works at South Haven, Fair Isle Request for Screening Opinion](#)

Thank you for your consultation which we received on 9 July 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, Historic Marine Protected Areas (HMPAs), gardens and designed landscapes and battlefields on their respective Inventories. In this case, our advice also includes matters relating to marine archaeology beyond the scope of the terrestrial planning system.

Shetland Islands Council's 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 understand that the proposal involves placement of the rock removed from the excavated noust as a result of the consented Fair Isle Harbour Improvement Project on the beach at South Haven and thus protect the road that runs along the head of the beach from further coastal erosion. The overall red line boundary falls partly onshore, partly within foreshore (i.e. between Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS)), and partly below MLWS. We note that the proposal would effectively restore the profile of rocky beach to a position similar to what was present on site around 35 years ago (as shown in the photo taken in October 1990 in the applicant's letter of screening request).

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



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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 [REDACTED]

Yours faithfully

Historic Environment Scotland

Shetland Islands Council

From: marine.planning@shetland.gov.uk
To: [MD Marine Licensing](#)
Cc: [REDACTED]; marine.planning@shetland.gov.uk;
Subject: FW: SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle - Consultation on Request for Screening Opinion - Response Required by 30 July 2024
Date: 19 July 2024 10:37:48
Attachments: [image001.png](#)
[South Haven EIA Screening Request FINAL 02072024 .pdf](#)

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**

**SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle-
Screening Request**

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

The proposal relates to projects as described in 10(m) of Schedule 2 of the above Regulations (Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works) for which the EIA screening threshold is 'All works'. The proposed works are therefore a Schedule 2 development.

Given the nature and scale of the proposed development, 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.

This opinion is however given with the caveat that the relevant consenting authority, in this case Marine Directorate - Licensing Operation Team (MD-LOT), will be required to undertake a Habitats Regulations Appraisal (HRA) as part of the determination of the marine licence application for the proposed works given the proposed site being in the Fair Isle Special Protection Area. Furthermore, the developer will be required to undertake an otter survey of the proposed site area to inform whether a European Protected Species licence to disturb otter will be required.

Kind regards,

Shetland Islands Council - Marine Planning Team

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: 09 July 2024 10:16
Subject: SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle - Consultation on Request for Screening Opinion - Response Required by 30 July 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

NatureScot

From: [REDACTED]
To: [MD Marine Licensing](#)
Subject: RE: SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle - Consultation on Request for Screening Opinion - Response Required by 30 July 2024
Date: 18 July 2024 16:10:31
Attachments: [image001.png](#)

Dear David

The proposed works will not have a 'significant effect on the environment' within the context of the EIA Regulations for areas within our remit.

Yours sincerely

[REDACTED] | **Operations Officer**
NatureScot | Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, Shetland LE1 0LL | [REDACTED]
[nature.scot](#) | [@nature_scot](#) | *Scotland's Nature Agency* | *Buidheann Nàdair na h-Alba*

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

Sent: Tuesday, July 9, 2024 10:16 AM

Subject: SCR-0087 - Shetland Islands Council (per Stantec) - Road Protection Works - South Haven, Fair Isle - Consultation on Request for Screening Opinion - Response Required by 30 July 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

SCR-0087- Stantec - Road Protection Works- South Haven, Fair Isle

Shetland Islands Council (per Stantec) 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 30 July 2024.

Regards
David