

Consultation Responses

MCA Response

From: [navigation safety](#)
To: [MS Marine Licensing](#)
Subject: 00010439 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response
Date: 28 September 2023 16:12:18
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image003.png](#)

Dear Claire,

Thank you for the opportunity to comment on the Marine Licence application for the Ferry Terminal Development at North Haven, Fair Isle, Shetland. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents received and would like to comment as follows:

We note that the works fall within the jurisdiction of a Statutory Harbour Authority (SHA), namely North Haven, Shetland Council and therefore they are responsible for the safety of navigation within their waters.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the following risk mitigation measures take place:

Conditions:

None

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.
2. The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

The MCA has considered the relevant Marine Plan as part of its assessment of this application.

If you have any questions on this response, please let us know.

Kind regards,

Jo Cooke

Policy Advisor

Marine Licensing and Consenting

UK Technical Services Navigation NavigationSafety@mca.gov.uk



<Redacted>

Maritime & Coastguard Agency
Spring Place, 105 Commercial Road,
Southampton, SO15 1EG



Safer Lives, Safer Ships, Cleaner Seas

www.gov.uk/mca

From: <Redacted>

On Behalf Of

MS.MarineLicensing@gov.scot

Sent: Friday, September 1, 2023 11:21 AM

Subject: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023

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Dear Sir/Madam,

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Ferry Terminal Development at Fair Isle, Shetland. An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 along with supporting documentation. The licence applications, EIA report and supporting documentation can be accessed via the following link:

[Fair Isle Harbour Improvement Works | Marine Scotland Information](#)

Please forward your comments on these proposals via electronic communication to ms.marinelicensing@gov.scot the address detailed below by 01 October 2023.

Kind regards,
Claire

Claire McGregor (she/her)

From: [navigation_safety](#)
To: [MS Marine Licensing](#)
Subject: 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development Capital Dredging and sea disposal - Fair Isle, Shetland - Response
Date: 28 September 2023 16:11:47
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image002.png](#)

Dear Claire,

Thank you for the opportunity to comment on the Marine Licence application for Capital Dredging and sea disposal at North Haven, Fair Isle, Shetland. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents received and would like to comment as follows:

We note that the works fall within the jurisdiction of a Statutory Harbour Authority (SHA), namely North Haven, Shetland Council for both the capital dredge site and sea disposal site, and therefore they are responsible for the safety of navigation within their waters.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the following risk mitigation measures take place:

The site is within port limits and the Harbour Authority may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary. Any change data including engineering drawings, hydrographic surveys, details of new or changed aids to navigation must then be passed onto The Source Data Receipt team, UK Hydrographic Office, (email: sdr@ukho.gov.uk) as per guidance in 'Harbour Master's Guide to Hydrographic and Maritime Information Exchange' published on the UK Hydrographic Office (ADMIRALTY) website.

The MCA has considered the relevant Marine Plan as part of its assessment of this application.

If you have any questions on this response, please let us know.

Kind regards,

Jo Cooke

Policy Advisor

Marine Licensing and Consenting

UK Technical Services Navigation NavigationSafety@mca.gov.uk



Maritime &
Coastguard
Agency

<Redacted>

Maritime & Coastguard Agency
Spring Place, 105 Commercial Road,
Southampton, SO15 1EG

NLB Response



Northern Lighthouse Board

84 George Street
Edinburgh EH2 3DA

<Redacted>

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

Your Ref: 00010439/00010529
Our Ref: GB/ML/S2_01_346

Ms Claire McGregor
Marine Licensing Support Officer
Licensing Operations Team - Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

25 September 2023

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland

Thank you for your e-mail correspondence dated 1st September 2023 regarding the application submitted by **Shetland Islands Council (per Stantec)** for consent to undertake ferry terminal development works at North Haven, Fair Isle, Shetland.

Northern Lighthouse Board have no objection to the proposed construction works or dredging/ disposal and advise the following;

Construction Works (00010439)

- **Shetland Islands Council** issue Notices to Mariners as needed throughout the project informing of the scope and timeframe of the works.
- The applicant engage with NLB regarding any temporary and/ or permanent Aids to Navigation required during the construction phase and on completion of the project.
- On completion of the works, a copy of the 'as built' plans should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts and publications can be updated.

Dredging and Disposal (00010529)

- Marine safety information as considered appropriate is issued prior to the commencement of each dredging campaign.

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To find out more, please see our Privacy Notice at www.nlb.org.uk/legal-notice/

- On completion of the dredge works, the final survey data should be submitted to the UK Hydrographic Office (sdr@ukho.gov.uk) in order that the associated charts can be updated with the revised water depths.

Yours sincerely
<Redacted>

Peter Douglas
Navigation Manager

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RYA Response

From: [\[Redacted\]](#)
To: [\[Redacted\]](#)
Subject: RE: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023
Date: 04 September 2023 13:55:46
Attachments: [msg004.png](#)
[msg005.png](#)
[msg001.png](#)

Hi Claire,

I write to inform you that RYA Scotland has no objections to this application.

Kind Regards

Pauline

Pauline McGrow
Senior Administrator
<Redacted>
Royal Yachting Association Scotland
T: 0131 317 7388
<Redacted>



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From: [\[Redacted\]](#) On Behalf Of MS.MarineLicensing@gov.scot
Sent: 01 September 2023 11:21
Subject: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023

Dear Sir/Madam,

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland

Marine licences have been requested under the Marine (Scotland) Act 2010 in regards to the proposed Ferry Terminal Development at Fair Isle, Shetland. An Environmental Impact Assessment ("EIA") report has also been submitted under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 along with supporting documentation. The licence applications, EIA report and supporting documentation can be accessed via the following link:

[Fair Isle Harbour Improvement Works | Marine Scotland Information](#)

Please forward your comments on these proposals via electronic communication to ms.marinelicensing@gov.scot the address detailed below by 01 October 2023.

Kind regards,
Claire

Claire McGregor (she/her)
Marine Licensing Support Officer, Licensing Operations Team, Marine Directorate
Scottish Government, Marine laboratory, 375 Victoria Road, Aberdeen, AB11 9DB
T: 0300 244 5046
<Redacted>

The Scottish Government

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Scottish Fishermens Federation Response

From: <Redacted>
To: <Redacted> ; [MD Marine Licensing](#)
Cc: <Redacted>
Subject: Re: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023
Date: 01 October 2023 16:39:10
Attachments: [image.png](#)
[Outlook- Users ali.png](#)

Dear Claire,

Thanks for sharing this consultation opportunity with SFF.

Hereby, SFF would like to file a 'nil return' response' on this particular consultation.

Best wishes,

Fahim Mohammad Hashimi
Offshore Energy Policy Officer

Scottish Fishermen's Federation

24 Rubislaw Terrace | Aberdeen | AB10 1XE

<Redacted>

<Redacted> | sff.co.uk

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Registered Address | Scottish Fishermen's Federation (SFF) | 24 Rubislaw Terrace | Aberdeen | AB10 1XE

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Dear Sir/Madam,

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development -

HES Response



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
Your ref: 00010439 / 00010529

29 September 2023

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal
Development - Fair Isle, Shetland

Thank you for your consultation which we received on 01 September 2023. We have considered it and its accompanying EIA Report in our role as a consultee under the terms of the above regulations and for our historic environment remit as set out under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Our remit is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes (GDLs) and battlefields in their respective inventories, and historic marine protected areas.

You should also seek advice from the Shetland Islands Council's archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Proposed Development

We note that this consultation relates to a full planning application and associated marine consents for the improvements to the existing ferry port at North Haven, Fair Isle to facilitate a new ferry. The Site is located within the administrative boundary of Shetland Islands Council.

The details of the works required are:

- A new quay structure to 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 vessel and associated control hut;



- 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;
- Substantial enlargement of existing noust, with room for access up one side of the parked vessel, and a steel access steps;
- Replacement of the existing cradle, slipway and winch to accommodate the increased size of the new vessel.
- New lighting will extend along the rear of the extended quay to the north of the existing quay.

EIA Report

As it is noted in the EIA Report (paragraph 2.4.5) the scheduled monument: [North Haven, Crane, Fair Isle \(SM 6589\)](#), which was included within the development site boundary, was removed from the site in the last few years. We are currently pursuing our investigations to understand what had happened, in line with our enforcement proceedings. The surface of the pier into which the crane was set remains and therefore forms part of the existing scheduling. This designation will be reviewed once the investigations are finalised. However, it is unlikely that the proposed development would affect either the site or setting of the crane. Consequently, **we do not object** to the proposed development.

We have no comments to make on the EIA Report.

Our Advice

We have considered the information received and do not object the proposals. Our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

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
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

[historic-environment-guidance-notes/](#). Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupczynska who can be contacted by phone on 0131 668 8983 or by email on Urszula.Szupczynska@hes.scot.

Yours faithfully

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 & Shetland Marine Planning Partnership Response

From: [Marine Plan Shetland](#)
To: [MS Marine Licensing](#)
Cc: marine.planning@shetland.gov.uk
Subject: RE: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023
Date: 25 September 2023 11:12:02
Attachments: [image004.png](#)
[image003.png](#)

Good morning

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland

With regards the consultation on the above application, the Shetland Marine Planning Partnership have the following comments:

- The proposed works are exempt from the requirement for a works licence under the Zetland Council Act 1974 in this instance as the Council is the developer.
- A planning application has been lodged for the proposal (ref: 2023/142/PPF) and is currently under determination.
- We welcome the inclusion of a biosecurity management plan and a waste management plan and can confirm it conforms to the requirements set out in the Shetland Islands Regional Marine Plan.

Kind regards

Kathryn

(Sent on behalf of the Shetland Marine Planning Partnership)

Kathryn Allan
Marine Planning Officer

<Redacted>

UHI | SHETLAND

shetland.uhi.ac.uk

Scottish charity no. SC050701

From: <Redacted>

On Behalf Of

MS.MarineLicensing@gov.scot

Sent: Friday, September 1, 2023 11:21 AM

Subject: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023

Dear Sir/Madam,

**MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017**

00010439/00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland

NatureScot Response

Claire McGregor
Marine Licensing Support Officer
Licensing Operations Team
Marine Directorate
Scottish Government
Marine laboratory
375 Victoria Road
Aberdeen

Email to ms.marinelicensing@gov.scot

Or ref: CEA172590

26 September 2023

Dear Claire

MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING
THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS
2017

00010439/00010529 - SHETLAND ISLANDS COUNCIL (PER STANTEC) - FERRY TERMINAL
DEVELOPMENT - FAIR ISLE, SHETLAND

Thank you for your email of 1 September consulting us on the above marine licence
application.

Summary

Fair Isle SPA

There are natural heritage interests of international importance on the site, but our advice
is that these will not be adversely affected by the proposal.

Shetland National Scenic Area

The proposal will not have an adverse effect on the integrity of Shetland National Scenic
Area or the objectives of the designation.

Fair Isle MPA(RD)

The proposal will not significantly compromise Fair Isle Research and Demonstration Marine Protected Area (MPA[RD]) objectives.

Appraisal and advice

Fair Isle SPA

The proposal is within Fair Isle Special Protection Area (SPA), protected for its breeding arctic skua, arctic tern, Fair Isle wren, fulmar, gannet, great skua, guillemot, kittiwake, puffin, razorbill, seabird assemblage, and shag.

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.NatureScot.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

Our advice is that this proposal is likely to have a significant effect on the 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.

To help you do this we advise that based on the appraisal carried out to date, our conclusion is that the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the impact of the proposals on the following factors:

Disturbance during construction

The EIA demonstrates that disturbance to breeding birds (e.g. though construction noise) will be temporary and will not affect any breeding population to a significant extent. An Ecological Clerk of Works will be present on site and liaise with Fair Isle Bird Observatory warden to ensure the arctic tern colony at Bu Ness is not affected, and to minimise any impacts on other birds.

Works will commence in early spring so that potentially disturbing activities are already underway when birds begin to nest, giving them opportunity to habituate or avoid.

Modification of marine environment

Changes to water and sediment quality during dredging and other construction activities, and operation, are predicted to be negligible and not significant.

Direct loss of breeding habitat

Habitat supporting 7 nesting pairs of fulmar will be lost to the footprint of the proposed quay. This represents 0.02% of the SPA population. Nesting habitat within the SPA is not likely to be limiting, so these pairs could relocate. Fulmar is a very common and widespread species throughout Shetland. These impacts are therefore negligible.

A permanent fence will be placed on the new quay to stop people accessing the stack and disturbing nesting fulmars.

Accidental introduction of land predators

Implementation of the Biosecurity Management Plan will minimise the risk introducing predatory mammals.

Shetland National Scenic Area

Although adverse landscape effects are predicted during construction, the harbour will be reinstated to similar conditions to that of the current baseline, so there will be no significant long-term landscape impacts.

The objectives of designation and the overall integrity of the area will not be compromised.

Fair Isle MPA(RD)

Impacts on the wider marine environment during construction and operation are assessed as negligible and non-significant.

The Biosecurity Management Plan outlines measures that will minimise the risks of introducing invasive marine species on vessel hulls.

The proposal will not significantly compromise Fair Isle Research and Demonstration Marine Protected Area (MPA[RD]) objectives.

Yours sincerely



Operations Officer

[REDACTED]

From: [REDACTED]
Sent: 12 December 2023 09:38
To: [REDACTED]
Cc: NORTH
Subject: RE: Emailing: 00010439 00010529 - Upgrade of Fair Isle ferry terminal - NatureScot response - 26 September 2023

Hi [REDACTED]

Given that the Noust is outwith the scope of this marine licence (above MHWS) and there is mitigation in place to protect breeding birds (e.g. ECoW present to protect bird interests), I don't think there is further mitigation required to avoid adverse impacts on designated sites.

Regards

Juan

[REDACTED] | 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

-----Original Message-----

From: [REDACTED]
Sent: 12 December 2023 08:26
To: [REDACTED]
Cc: NORTH <North@nature.scot>
Subject: RE: Emailing: 00010439 00010529 - Upgrade of Fair Isle ferry terminal - NatureScot response - 26 September 2023

Caution! This message was sent from outside NatureScot.

Hi [REDACTED],

Thanks for your consultation response. I have a query regarding your advice around the timing of the works, you advised:

Disturbance during construction

The EIA demonstrates that disturbance to breeding birds (e.g. though construction noise) will be temporary and will not affect any breeding population to a significant extent. An Ecological Clerk of Works will be present on site and liaise with Fair Isle Bird Observatory warden to ensure the arctic tern colony at Bu Ness is not affected, and to minimise any impacts on other birds.

Works will commence in early spring so that potentially disturbing activities are already underway when birds begin to nest, giving them opportunity to habituate or avoid.

Within the EIA Report the applicant stated:

'Given the extreme environmental weather on Fair Isle, construction work will need to be undertaken during the period March – October, which conflicts with the typical nesting period of wrens typically April – July. It is hoped that construction within the noust will commence in March before breeding commenced, and as such this may encourage birds to nest outside the Site. However, this cannot be guaranteed.'

I would be grateful if you can advise, if the works are unable to start in march and will instead commence between April and July, would there be any additional mitigation required for the protection of breeding birds or should the works not commence during these months?

I believe the main construction noise will arise from the extension to the noust, above MHWS, will there also be disturbance for works below MHWS?

Regards

-----Original Message-----

From: [REDACTED] >
Sent: 26 September 2023 17:06
To: MS Marine Licensing <MS.MarineLicensing@gov.scot>
Subject: Emailing: 00010439 00010529 - Upgrade of Fair Isle ferry terminal - NatureScot response - 26 September 2023

Please see NatureScot response attached.

Your message is ready to be sent with the following file or link attachments:

00010439 00010529 - Upgrade of Fair Isle ferry terminal - NatureScot response - 26 September 2023

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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 NàdarAlba.

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SEPA Response

From: [Planning.North](#)
To: <Redacted> ; [MS Marine Licensing](#)
Subject: FW: 00010439 / 00010529 - Shetland Islands Council (per Stantec) - Ferry Terminal Development - Fair Isle, Shetland - Consultation - Response required by 01 October 2023
Date: 05 September 2023 10:41:53

PUBLIC

Thank you for your consultation.

Please refer to [SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations lups-gu13.pdf \(sepa.org.uk\)](#) September 2022 – extracts as below.

Marine Scotland

2.2 Please do not routinely consult SEPA directly on any applications which are purely within the marine environment, including at any stage of EIA or repeat consultations. Please consider our standing advice in Section 3 and Table 1 as SEPA's views and consultation response, where relevant.

2.3 Notwithstanding the advice above, should there be a development proposal of potentially significant impact on aspects of the environment directly regulated by SEPA which is not dealt with adequately by our standing advice or is novel or unusual, then please do consult us specifying exactly the aspect of the environment regulated by SEPA on which advice is sought.

3. Advice for Marine Scotland

The following standing advice applies to all development proposals where appropriate. In addition, Table 1 below sets out specific advice for aquaculture.

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.

Kind regards

Clare

Clare Pritchett

Senior Planning Officer

Planning Service, SEPA

Email: planning.north@sepa.org.uk

<Redacted>

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

3. Advice for Marine Scotland

The following standing advice applies to all development proposals where appropriate. In addition, Table 1 below sets out specific advice for aquaculture.

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 \(netregs.org.uk\)](https://netregs.org.uk/gpp-5-works-and-maintenance-in-or-near-water.pdf). 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 \(sepa.org.uk\)](https://sepa.org.uk/CAR_a_practical_guide.pdf) 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.

Scottish Water Response

Monday, 04 September 2023



Marine Licensing
375 Victoria Road

Aberdeen

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
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, Ferry Terminal Development,
Fair Isle, ZE1 0HB
Planning Ref: 00010439 / 00010529
Our Ref: DSCAS-0093571-ZT9
Proposal: Environmental Impact Assessment Report - Fair Isle Harbour
Improvement Works**

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:

- ▶ This proposed development will be fed from Fair Isle Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity 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.
-

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 5kg 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,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@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."

Marine Directorate - Science, Evidence, Data and Digital (SEDD) Response

Fair Isle Harbour Improvement Works

Science, Evidence, Data and Digital (SEDD¹) Response **Marine Directorate**

The Fair Isle Harbour Improvement Works licensing application includes a description of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

In the scoping opinion, the MAU (now part of SEDD) agreed with the proposed assessment of economic impacts and have recommended to further explore social impacts and social value of a more reliable ferry service². The recommendation was also made to explore potential negative socio-economic impacts. We noted that consultation with relevant stakeholders including the Council will be undertaken. We agreed with this approach and recommended to include all the businesses, groups and people who may be impacted by the development.

We are pleased to note that a range of sectors (housing, labour market, tourism and recreation, education, healthcare) were considered in the baseline section of the application report. A range of potential beneficial effects have been identified (including impacts on jobs, economic development, accessibility) as a result of the assessment. No negative effects have been discovered in the socio-economic chapter of the EIR report.

With regards to engagement, we note that the developer consulted the local Council but did not consult local communities, businesses, and people who might be impacted by the development in the course of the assessment. Consultation with local communities would be beneficial. The project is relatively small in size and intends to improve the existing harbour, resulting in overall positive outcomes for the community. Bearing in mind the proportionality principles of the assessment, we consider that no additional engagement for the purposes of the assessment is necessary. However, we advise to keep communities informed about the project and set up mechanisms for community feedback about the project.

Overall, we consider that the assessment of socio-economic impacts set out in the EIR report is satisfactory.

¹ As a result of the organisational development in 2023, Marine Scotland has been re-named to Marine Directorate, and Marine Analytical Unit (MAU) was merged with Marine Science to form Science, Evidence, Data and Digital (SEDD) delivery area. This advice on socio-economics comes from what used to be the MAU team.

² <https://marine.gov.scot/node/23504>