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Marine Scotland - Licensing Operations Team Scoping Opinion

**Scoping Opinion adopted by the Scottish Ministers
under Part 4 of The Marine Works (Environmental
Impact Assessment) (Scotland) Regulations 2017**

South Nesting Boating Club (per Mott MacDonald)

Marina Construction, Catfirth, Shetland

July 2023

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1. Introduction

1.1 Background

- 1.1.1 On 28 October 2022, the Scottish Ministers received a scoping report from South Nesting Boating Club (per Mott MacDonald) (“the Applicant”) as part of its request for an Environmental Impact Assessment (“EIA”) scoping opinion relating to Catfirth Marina Construction and Dredging (“the Proposed Works”). An updated scoping report (“the Scoping Report”) was subsequently received on 09 February 2023. In accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”) the Scottish Ministers considered the content of the Scoping Report to be sufficient.
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the 2017 MW Regulations (“the Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and using professional judgment, based on expert advice from stakeholders and Marine Scotland in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works. The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken. In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under the Marine (Scotland) Act 2010 (“the 2010 Act”). In the event that the Applicant does not submit applications for marine licence/s under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Works

2.1 Introduction

- 2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

2.2 Description of the Proposed Works

- 2.2.1 The purpose of the Proposed Works is to construct a new 50 berth marina within Catfirth Voe, on the east coast of Shetland. There is currently no marina, slipways or other relevant infrastructure in the vicinity of this proposal, the land currently being open foreshore used for rough sheep grazing. The total area for the proposed development is 1.985 hectares. The Proposed Works are anticipated to take at least 24 months to complete working Monday to Saturday each week. All construction will be carried out from the land, with no requirement for water based plant or equipment. All materials will be delivered by road to the site.
- 2.2.2 The works are being proposed in two phases. The first stage will comprise the groundworks preparation and dredging operations and the second phase will comprise the construction of the new infrastructure. A bottomless concrete arch culvert will be installed within the nearby Mill Burn under the marina to allow the continued flow of the burn and allow vehicle access to the site. The size of this culvert will be appropriate to the flow rate of the burn.
- 2.2.3 Capital dredging of 15,000 tonnes of material is proposed and this will be carried out by a long reach excavator from the shore. The total area to be dredged covers approximately 10,700 m². Rock breaking may be required to achieve a safe navigable depth and this will be carried out by a mechanical rock breaker. Material from dredging is to be used for land reclamation on site, or stored on adjacent fields. No deposit of any materials at sea is proposed.
- 2.2.4 Two rock armour breakwaters totalling 190 m length will be constructed and will comprise compacted core fill, geotextile membranes then armouring with primary and secondary rock armour. Approximately 4000 tonnes of primary (2-3 t size) armour and approximately 6000 tonnes of secondary (0.2-0.3 t size) armour will be required. A combined total of approximately 40,000 tonnes of general fill material will be required for the breakwater infill and the land reclamation for the car parking, hard standing and quayside. It is anticipated that where onsite material is not suitable for use in constructing the breakwater

that this will be sourced from local quarries on Shetland. Construction will be carried out using a land based plant such as excavators, dump trucks, mobile crane and compaction equipment. These breakwaters are being constructed to shelter two floating pontoons providing a total of 50 berths.

- 2.2.5 A concrete quay of at least 40 m length and 5.25 m tall is proposed in the seaward side of the breakwater for vessels to tie up alongside and/or be lifted in and out of the water. Alongside this quay will be a 10 m wide by 35 m long concrete slipway. The total estimated concrete for this is 1500 tonnes which will be poured on site into temporary formwork and be reinforced with 50 tonnes of steel. Concrete to be poured underwater will be done using a tremie pipe.
- 2.2.6 Land reclamation of 0.47 hectares is proposed to allow for the creation of car parking, hard standing and the quayside. Behind the quay a concrete area of 40 m by 15 m will also be constructed to allow a working area. This will be constructed using general fill reclamation build-up from material won from the dredging operations and quarried rock. This material will be bounded by the new quay wall being constructed, as detailed above.

2.3 Onshore Planning

- 2.3.1 The Scottish Ministers are aware the Applicant has sought a separate scoping opinion from Shetland Islands Council for the construction works above Mean High Water Springs (“MHWS”) It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a ‘whole’ is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works.
- 2.3.2 The Scottish Ministers advise that the EIA Report must explicitly detail the licensable marine activities to be carried out below MHWS as part of the Proposed Works and identify which activities overlaps with Shetland Islands Council’s remit.

2.4 The Scottish Ministers’ Comments

Description of the Proposed Works

- 2.4.1 The Proposed Works will include dredging but no proposed sea deposit of the dredged material. The Applicant has indicated that if found to be suitable, the dredged material will be used as infill in the land reclamation and breakwater construction. The Scottish Ministers note that site investigation and material characterisation have not yet been undertaken however this must be done in advance of the preparation of the EIA Report so that the results can be

presented and an assessment made of the environmental impacts of the final design decision. The Scottish Ministers advise that if there is any doubt as to the suitability of the dredge material for use in the land reclamation and breakwater construction, the worst case scenario must be assessed whereby all of the dredged material requires to be deposited at sea (subject to no contamination issues being found and a suitable deposit site being identified) and all of the infill material requires to be sourced from an alternative location and transported to site. The Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered.

Sections missing from the Scoping Report

2.4.2 There is a lack of detail in the scoping report regarding the potential impacts on the marine environment, other legitimate users of the sea and safety of navigation. The main body of the scoping report is concentrated on the terrestrial impacts and largely fails to consider the impacts upon marine receptors.

2.4.3 The Applicant has not given consideration to navigation safety impacts of the Proposed Works as part of the Scoping Report. In its response the MCA expects an appropriate Navigation Risk Assessment (“NRA”) to be carried out for both the construction and operation phases of the marina. The Scottish Ministers direct the Applicant to the MCA response for guidance on what is expected from the NRA and what information it should contain.

The NLB in its response also noted the lack of an NRA and the requirement for this to be carried out given the potential for a significant uplift in marine traffic navigating in the area of Catfirth.

The Scottish Ministers advise that navigation safety impacts during the construction and operational phases must be scoped in for further assessment within the EIA Report.

2.4.4 In summary, there is little consideration in the report regarding the potential impacts upon navigation and marine ecology. The Scottish Ministers strongly advise that the impacts from the Proposed Works upon these receptors are adequately considered within the EIA Report.

Design Envelope

2.4.5 The Scottish Ministers advise that if the Applicant chooses to adopt a design envelope approach the Applicant must make every attempt to narrow the range

of options. Where details of the Proposed Works cannot be defined precisely the Applicant must apply a worst case scenario.

- 2.4.6 If the Proposed Works or any associated activities materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.4.7 The EIA Regulations require that the EIA Report include 'a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the proposed works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'. The Scottish Ministers note that the Applicant's Scoping Report did not indicate any consideration of alternatives.
- 2.4.8 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

- 3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in section 5 of this Scoping Opinion.

3.2 EIA Scope

- 3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA report.
- 3.2.2 The Scottish Ministers note that there is a lack of detail in the Scoping Report regarding the potential impacts on marine receptors. Therefore, without more information the Scottish ministers cannot provide detailed comment on receptors to be scoped in or out. In addition, the Applicant has not given consideration to the navigation safety impacts of the Proposed Works as part of the Scoping Report.

3.3 Mitigation and Monitoring

- 3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.
- 3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.

- 3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.
- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

3.4 Risks of Major Accidents and/or Disasters

- 3.4.1 The EIA Report must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Works to major accidents and disasters. The Applicant should make use of appropriate guidance, including the recent Institute of Environmental Management and Assessment (“IEMA”) ‘Major Accidents and Disasters in EIA: A Primer’, to better understand the likelihood of an occurrence and the Proposed Works susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Works to a potential accident or disaster and also the Proposed Works potential to cause an accident or disaster.
- 3.4.2 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.
- 3.4.3 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that will be employed to prevent, reduce or control significant effects should be included in the EIA Report.

3.5 Climate and Greenhouse Gases

- 3.5.1 The Scoping Report proposes that there will be no impact from the Proposed Works on climate change so effects will not be considered within the ecological topics of the EIA Report neither will there be a standalone topic or chapter on climate. The Scottish Ministers are however mindful that Greenhouse Gas (“GHG”) emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide “Assessing Greenhouse Gas Emissions And Evaluating Their Significance” (“IEMA GHG Guidance”), which states that “GHG emissions have a combined environmental effect that is approaching a scientifically defined

environmental limit, as a such any GHG emissions or reductions from a project might be considered significant.” The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment (“LCA”) approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30 day consultation process, which commenced on 24 February 2023. There was a second consultation to capture several fishing interest bodies which were inadvertently missed from the initial consultation. This consultation commenced on 31 March 2023. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- **NatureScot**
- **Maritime and Coastguard Agency (“MCA”)**
- **Northern Lighthouse Board (“NLB”)**
- **Historic Environment Scotland (“HES”)**
- **Shetland Marine Planning Partnership**
- **Shetland Islands Council – Local Authority**
- **Scottish Environment Protection Agency**
- The Crown Estate Scotland
- Fisheries Office Lerwick
- Royal Society for the Protection of Birds
- Shetland Shellfish Management Organisation
- Ministry of Defence
- UK Hydrological Office
- UK Chamber of Shipping
- Nesting and Lunnasting Community Council
- *Whiteness, Weisdale and Tingwall Community Council*
- Whale and Dolphin Conservation
- Marine Scotland Planning and Policy
- Marine Safety Forum
- National Trust for Scotland
- Scottish Creel Fishermens Federation
- Scottish Fishermens Federation
- Scottish Fishermens Organisation
- **Scottish Water**
- Visit Scotland
- Fisheries Management Scotland
- Shetland Inshore Fisheries Group

4.1.2 Specific advice was sought from the Marine Scotland – Marine Analytical Unit and Transport Scotland.

4.2 Responses received

- 4.2.1 From the list above a total of 8 responses were received. The purpose of the consultation was to seek representations to aid the Scottish Ministers' consideration of which potential effects should be scoped in or out of the EIA Report.
- 4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the 2017 MW Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

- 5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Air Quality

- 5.2.1 The Applicant has considered the potential impacts on air quality during the construction and operation phases of the Proposed Works and detailed this in Section 4 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped air quality out for both construction and operational phases. The Applicant proposes that any deterioration in air quality due to dust or vehicle emissions during the construction phase will be of a short temporary duration.
- 5.2.2 To the extent that the effects relate to the marine licensable activities of the Proposed Works, the Scottish Ministers are content that air quality can be scoped out of the EIA Report.

5.3 Cultural Heritage

- 5.3.1 The Applicant has considered the potential impacts on cultural heritage during the construction and operation phases of the Proposed Works and detailed this in Section 5 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped cultural heritage in for the construction phase and out for the operational phase.
- 5.3.2 HES representation provided details of several cultural heritage assets in the vicinity of the Proposed Works. It was noted that while there are no designated Historic Marine Protected Areas within the proposed development area there is the potential for undesignated features to be present either within or close to the site boundary. Potential mitigations measures to prevent impacts on the cultural heritage sites have also been provided by HES in its response.
- 5.3.3 HES representation advises that the EIA Report must consider the potential impacts on the setting of nearby scheduled monuments during the construction phase and the operational phase as well. The Scottish Ministers direct the Applicant to the HES representation and advise that it is used to inform the EIA Report.

- 5.3.4 The Scottish Ministers advise that cultural heritage impacts during the construction and operational phases must be scoped in for further assessment within the EIA Report.

5.4 Landscape and Visual Amenity

- 5.4.1 The Applicant has considered the potential impacts on landscape and visual amenity during the construction and operation phases of the Proposed Works and detailed this in Section 6 of the Scoping Report and summarised in Table 15.1. The Applicant acknowledges the potential for significant impacts and has scoped landscape and visual amenity in for both the construction and operational phases.
- 5.4.2 The Scottish Ministers agree that landscape and visual amenity impacts during the construction and operational phases should be scoped in for further assessment in the EIA Report.

5.5 Ecology

- 5.5.1 The Applicant has considered the potential impacts on ecology during the construction and operation phases of the Proposed Works and detailed this in Section 7 of the Scoping Report and summarised in Table 15.1. The Applicant indicates the potential for loss of habitat and/or disturbance to species within designated areas and has scoped ecology in for both the construction and operational phases.
- 5.5.2 NatureScot representation indicates that the effects on migrating fauna, including fish and invertebrates should be addressed in relation to the installation of the new culvert in the Mill Burn as well as the physical loss of supporting habitat and disturbance of SPA species. NatureScot requested the impact of the agricultural improvements proposed be assessed in relation to local biodiversity. In its response NatureScot also highlighted the potential for sediment plumes to have an impact on foraging SPA species during the construction phase.
- 5.5.3 Scottish Ministers note, that whilst the Applicant has acknowledged that impacts on marine life will need to be considered within the EIA Report. Shetland Islands Council Natural Heritage Officer provided a response in their Scoping Opinion, specifically mentioning that consideration of potential impacts on benthic and maritime habitats and species, marine mammals, fish and priority marine features should be assessed.
- 5.5.4 The Scottish Ministers agree with the ecology impacts that have been scoped in during the construction and operational phases for further assessment within

the EIA Report. Additionally, the Scottish Ministers advise that to the extent that the effects relate to the marine licensable activities of the Proposed Works that impacts on marine ecology must be scoped in for further assessment during both the construction and operational phases. Beyond this, without more information the Scottish ministers cannot provide detailed comment on receptors to be scoped in or out.

5.6 Geology and Soils

- 5.6.1 The Applicant has considered the potential impacts on geology and soils during the construction and operation phases of the Proposed Works and detailed this in Section 6 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped geology and soils out for both construction and operational phases. The Applicant proposes that the land quality is low and there will be no negative impacts during the construction or operational phases. Any impacts will be of short duration due to the storage of excavated materials of a similar composition to the set down area.
- 5.6.2 The Scottish Ministers agree with the conclusions of the Scoping Report and are content that geology and soils can be scoped out of the EIA Report.

5.7 Materials and Waste

- 5.7.1 The Applicant has considered the potential impacts of materials and waste during the construction and operation phases of the Proposed Works and detailed this in Section 9 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped materials and waste out for both the construction and operational phases due to locally sourcing the required materials and recycling waste on site.
- 5.7.2 The Applicant has not assessed the impacts of the disposal of the dredged material as a waste product from the construction phase. There is no sea disposal proposed however it has also not been ascertained if the material is suitable for the proposed land reclamation as part of the Proposed Works. The Scottish Ministers require that the proposed dredge area be sampled according to the pre-dredge sampling guidance and the investigation into the suitability of the material to be used as infill for land reclamation be included in the EIA Report.
- 5.7.3 The Scottish Ministers advise that materials and waste impacts during the construction and operational phases must be scoped in for further assessment within the EIA Report.

5.8 Noise and Vibration

- 5.8.1 The Applicant has considered the potential impacts of noise and vibration during the construction and operation phases of the Proposed Works and detailed this in Section 10 of the Scoping Report and summarised in Table 15.1. In Section 10 the Applicant has scoped noise and vibration out for both the construction and operational phases due to there being a low population density of humans in the vicinity of the works. However, Table 15.1 indicates that noise is scoped in for construction. In addition, it is noted that in Section 12 of the Scoping Report, the Applicant intends to undertake underwater noise modelling.
- 5.8.2 The Scottish Ministers agree that noise and vibration impacts during the operational phases can be scoped out for further assessment in regard to impacts on the local population. The Scottish Ministers advise that to the extent that the effects relate to the marine licensable activities of the Proposed Works that noise and vibration impacts including those resulting from underwater noise during construction must be scoped in for further assessment within the EIA Report.

5.9 Population and Human Health

- 5.9.1 The Applicant has considered the potential impacts on population and human health during the construction and operation phases of the Proposed Works and detailed this in Section 11 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped population and human health out for both the construction and operational phases due to there being a low population density of humans in the vicinity of the works.
- 5.9.2 The Scottish Ministers broadly agree with the conclusions of the Scoping Report and the Applicants proposed mitigation measures to reduce impacts on the population and human health. Any impacts are likely to be small and of short duration and the mitigation measures are proportionate to the potential risks.
- 5.9.3 The Scottish Ministers agree that population and human health can be scoped out of further assessment.

5.10 Water Environment

- 5.10.1 The Applicant has considered the potential impacts on population and human health during the construction and operation phases of the Proposed Works and detailed this in Section 12 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped water environment in for both the construction and operational phases. The applicant acknowledges the direct impacts the proposal will have on hydrodynamics, sediment dynamics and water quality of the Mill Burn.

- 5.10.2 With regards to water quality the Applicant has not proposed any assessment in relation to water quality or to provide information for any Water Framework Directive consideration. Impacts on water quality are often identified from construction and dredging, the release of contaminated sediments, deposit of dredged material at sea and pollution events occurring from the works themselves (paints/chemicals/lubricants etc.). In the absence of such detail and further the lack of detail provided in respect of the construction elements and dredging volumes of the Proposed Works, the Scottish Ministers advise that impacts on water quality must be assessed in the EIA Report.
- 5.10.3 The Applicant proposes to undertake underwater noise modelling noise modelling. The Scottish Ministers are in agreement with this and direct the Applicant to section 5.8 of this opinion (noise and vibration).
- 5.10.4 In its consultation response Shetland Marine Planning Partnership highlighted the Biosecurity Plan for the Shetland Islands as an element to have regard to within the EIA Report to prevent the introduction of non-native species during the works.
- 5.10.5 The Scottish Ministers agree that water quality impacts during the construction and operational phases should be scoped in for further assessment within the EIA Report.

5.11 Climate Change

- 5.11.1 The Applicant has considered the potential impacts on climate change during the construction and operation phases of the Proposed Works and detailed this in Section 13 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped climate change out for both the construction and operational phases on the grounds that the emissions from the Proposed Works are unlikely to be significant, and that the design takes into account possible effects of future climate change.
- 5.11.2 For the reasons stated in paragraph 3.5, the Scottish Ministers advise that climate change impacts during the construction and operational phases should be scoped in for further assessment within the EIA Report.

5.12 Cumulative Effects

- 5.12.1 The Applicant has considered the potential impacts of cumulative effects during the construction and operation phases of the Proposed Works and detailed this in Section 14 of the Scoping Report and summarised in Table 15.1. The Applicant has scoped cumulative effects in for both the construction and

operational phases due to there being the potential for a new housing development adjacent to the Proposed Works.

- 5.12.2 The Scottish Ministers agree that cumulative effects impacts during the construction and operational phases should be scoped in for further assessment within the EIA Report. The Scottish Ministers advise that any further assessment should also consider marine developments and impacts, which are absent from consideration in the Scoping Report.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW EIA Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 The Scottish Ministers note the need to carry out an assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This assessment must be coordinated with the EIA in accordance with the 2017 MW Regulations.
- 6.1.3 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Regulatory Approval

7.1 Background

- 7.1.1 The 2017 MW Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principle decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 MW Regulations is as follows: “application for multi-stage regulatory approval” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the works permitted by the regulatory approval may be begun”.
- 7.1.3 A marine licence, if granted, by the Scottish Ministers for the Proposed Works, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage approval the Applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 If during the consideration of information provided in support of an application for multi-stage regulatory approval the Scottish Ministers consider that the works may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the 2017 MW Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

DAY JULY 2023

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

I

To whom it may concern
Marine Scotland

Our Ref: 8552
Your Ref: SCOP-0019

SEPA Email Contact:
planning.north@sepa.org.uk

By email only to: ms.marinelicensing@gov.scot

4 April 2023

To whom it may concern

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Consultation Under Part 4, Regulation 14(4) of the MW EIA Regulations
SCOP-0019 – Scoping Opinion for South Nesting Boating Club (per Mott MacDonald) - Marina
Construction, Catfirth, Nesting, Shetland**

Thank you for your scoping opinion consultation which was received by SEPA on 14 March 2023 in relation to the above proposal.

Advice for the determining authority

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023, that “From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers’ planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when determining planning applications on or after 13 February”, our position and advice given below is based on the NPF4 policy.

We confirm that our response to Shetland Council (dated 30 September 2022, SEPA Ref 6610) in regard to the works covered under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 are still relevant although we highlight any future proposal will now be considered under NPF4.

In relation to works under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 we refer you back to our previous response dated 24 February 2023 (SEPA Ref.8348). We confirm we are satisfied with the proposed scoping in of effects on the water environment and that the waste aspects can be scoped out. The latter will be dealt with through the relevant waste permitting regulations.

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.



Chairman
Bob Downes

CEO
Nicole Paterson

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

Tel: 03000 99 66 99
www.sepa.org.uk

[Type here]

OFFICIAL

Yours faithfully


Senior Planning Officer
Planning Service

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 - www.sepa.org.uk/environment/land/planning

OFFICIAL

From: [navigation safety](#)
To: [MS Marine Licensing](#)
Subject: RE: SCOP-0019 - Applicant (per Agent) - Works, Location – Consultation on Request for Scoping Opinion – Response Required by 26 March 2023
Date: 28 March 2023 09:11:33
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Dear Lizzie,

Thank you for the opportunity to comment on the Scoping report for the proposed South Nesting Boating Club Marina at Catfirth. 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 report has been considered by representatives of UK Technical Services Navigation.

We note that the new marina would accommodate approximately 50 berths along two floating pontoons. A concrete slipway (approximately 10m wide and to extend a least 1m below CD) would be provided alongside facilities. A quay wall of at least 40m in length would also be constructed to enable lifting of boats in and out of the water and to allow local mussel boats to berth and work from the site. The quay would be provided with standard accessories such as mooring bollards, toe rails, quayside ladders and lifebuoy. The site would also have installation of power, water, and external lighting. All elements of the project will be constructed from the land side and there will be no requirement for jack-up barges etc. The new marina will significantly increase boating activity in and around the marina at the head of Catfirth Voe.

The MCA would expect the Scoping Report to include consideration of the impact of the construction and operation of the new marina on marine users (shipping and navigation) and an appropriate Navigation Risk Assessment (NRA) should be carried out. The existing baseline traffic levels should be considered within the study area. The hazards and risks introduced as a result of the construction and operation of the marina on any existing and future commercial, recreation and fishing vessel activity should be listed, and the report should explain how these risks would be mitigated to ALARP to ensure safety. It is our understanding that the location falls outside of any Statutory Harbour Authority (SHA) jurisdiction.

The NRA should therefore address both the construction phase and the ongoing safe operation of the site and what is required with regards to risk mitigation. The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the Navigation Risk Assessment and further stakeholder consultation. The MCA would expect the new marina to be treated as marine facilities under the Port Marine Safety Code (PMSC) and its Guide to Good Practice to address the ongoing safe operation of the marina. The applicant will need to develop a robust Safety Management System for the marina under this Code. The PMSC is applicable both to statutory harbour authorities and to other marine facilities which may not have statutory powers and duties.

We would be interested in whether The Shetland Island Council or other body have any intention of applying for Statutory Harbour Authority status for this site through a Harbour Empowerment Order. The MCA advises that further discussion on this takes place subject to the outcome of the Navigation Risk Assessment and local consultation.

The MCA would therefore recommend that the above be addressed in the Scoping report, relative to the scale of the works, to provide a sound basis for an Environmental Impact Assessment from the shipping and navigation perspective.

We hope you find this useful at scoping stage.

Kind Regards

[REDACTED]

Maritime Licence Advisor
Marine Licensing and Consenting
UK Technical Services Navigation



[REDACTED]

[REDACTED] [@mcga.gov.uk](mailto:[REDACTED]@mcga.gov.uk)

Maritime & Coastguard Agency

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

Safer Lives, Safer Ships, Cleaner Seas

www.gov.uk/mca

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

Sent: 24 February 2023 10:28

Subject: SCOP-0019 - Applicant (per Agent) - Works, Location – Consultation on Request for Scoping Opinion – Response Required by 26 March 2023

CAUTION: This email originated from outside the UK Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Please use the Report Message function to report suspicious messages.

Dear Sir/Madam,

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

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

SCOP-0019 – South Nesting Boating Club (per Mott MacDonald) - Marina Construction, Catfirth, Nesting, Shetland

In respect of the proposed marine licence applications for the above works under the Marine (Scotland) Act 2010, South Nesting Boating Club (per Mott MacDonald) has requested the Scottish Ministers adopt a scoping opinion in relation to the above proposed works under regulation 14 of the MW EIA Regulations.

The scoping report submitted by the applicant can be found at: [Marine Licence - Marina Construction - Catfirth, Nesting, Shetland | 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



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: MSL SCOP-0019
Our Ref: AL/OPS/ML/PJMS_004_23

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

27 February 2023

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

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

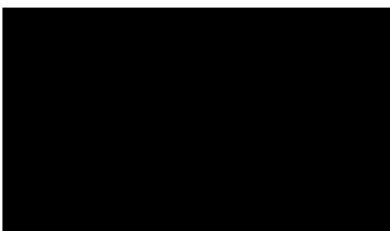
SCOP-0019 – South Nesting Boating Club (per Mott MacDonald) – Marina Construction, Catfirth, Nesting, Shetland

Thank you for your e-mail correspondence dated 24th February 2023 relating to the EIA Scoping Report submitted by **South Nesting Boating Club (per Mott MacDonald)** in relation to the proposed construction of a new marina in Catfirth, Shetland.

Northern Lighthouse Board note that no appraisal will be made of the impact upon marine navigation within the EIA. The development of a 50 berth marina could present a significant uplift in marine traffic navigating within the area, and as such, NLB are of the opinion that a Navigational Risk Assessment should be completed for the marina development.

NLB have no objection to the existing content of the Scoping Report.

Yours sincerely



Navigation Manager

NLB respects your privacy and is committed to protecting your personal data.
To find out more, please see our Privacy Notice at www.nlb.org.uk/legal-notices/

██████████
Executive Manager – Planning Service
Shetland Islands Council

By email to
development.management@shetland.gov.uk

17 October 2022

Our ref: CEA168497

Dear ██████████

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 (REGULATION 25).

2022/250/SCO REQUEST FOR SCOPING OPINION IN RELATION TO PROPOSED NEW MARINA
CATFIRTH, NESTING

Thank you for your email of 26 September, requesting a scoping opinion for the above proposal.

We are generally content with the proposed scope of assessment detailed in the Scoping Report, but have the following comments:

- Section 7.5.1 highlights potential disturbance effects of SPA species during construction and operation of the marina. The EIA should also consider potential impacts of release of sediment plumes on foraging SPA species during the construction phase, and how this will be mitigated.
- Physical loss of SPA supporting habitat by the footprint of the marina should be included in the assessment.
- The effects of the culvert under the marina on the migration of fauna (including fish and invertebrates) should be assessed, and mitigation to avoid negative effects explored. This may be significant in terms of sustaining prey populations for SPA species, as well as having wider ecological importance.
- Potential impacts should be assessed against the conservation objectives of the SPA.

- Existing data on bird distribution within the SPA should be utilised, in addition to that from bespoke bird surveys, in the assessment of likely impacts.
- Section 2.2.1.2 describes the temporary storage of excavated materials and refers to “eventual agricultural improvements”. The EIA should include any potential impacts of these proposed agricultural improvements on local biodiversity interests.

Yours sincerely



Operations Officer

From: [Marine Plan Shetland](#)
To: [MS Marine Licensing](#)
Cc: marine.planning@shetland.gov.uk
Subject: RE: SCOP-0019 - Applicant (per Agent) - Works, Location – Consultation on Request for Scoping Opinion – Response Required by 26 March 2023
Date: 13 March 2023 15:21:12
Attachments: [image001.png](#)
[image002.jpg](#)

Good afternoon

SCOP-0019 – South Nesting Boating Club (per Mott MacDonald) - Marina Construction, Catfirth, Nesting, Shetland

With regards this scoping opinion request, the Shetland Marine Planning Partnership would comment as follows:

- A works licence is required from Shetland Islands Council for this development under the Zetland County Council Act 1974.
- 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 \(uhi.ac.uk\)](#). The EIA should also have due regard to the Council's Works Licence Policy 2017 which can be found at: [Marine Planning Policy – Shetland Islands Council](#)
- We would like to draw the applicants attention to the Biosecurity Plan for the Shetland Islands which can be found at: [Marine Spatial Planning - Biosecurity \(uhi.ac.uk\)](#) along with current baseline data relating to non-native species found within the Shetland State of the Environment Assessment [Marine Spatial Planning - State of the environment assessment \(uhi.ac.uk\)](#)

Kind regards,

██████████

(sent on behalf of the Shetland Marine Planning Partnership)

██████████
Marine Planning Officer

██████████ [@uhi.ac.uk](#)
01595 772324 ██████████



shetland.uhi.ac.uk

Scottish charity no. SC050701

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

Sent: 24 February 2023 10:28

Subject: SCOP-0019 - Applicant (per Agent) - Works, Location – Consultation on Request for



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: 300061030
Your ref: SCOP-0019

24 March 2023

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCOP-0019 - South Nesting Boating Club (per Mott MacDonald) - Marina Construction, Catfirth,
Nesting, Shetland
Scoping Report

Thank you for your consultation which we received on 24 February 2023 about the above scoping report. We have reviewed the details in terms of our historic environment interests. Under the terms of the Marine (Scotland) Act 2010 our historic environment interests include Historic Marine Protected Areas (HMPAs) and undesignated marine cultural heritage features. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, our historic environment interests include world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

Proposed Development

We understand that the proposals comprise the construction and operation of a small boat marina at Catfirth, Shetland

Scope of assessment

We have identified a potential for impacts on marine and terrestrial heritage assets in our remit located in the vicinity of the proposed marina development. We therefore recommend that any environmental impact assessment (EIA) undertaken in support of the development should include an assessment of impacts on the historic environment. This assessment should be undertaken by a suitably experienced heritage professional with an understanding of marine issues. The assessment should meet the requirements of [Scottish Planning Policy](#) (SPP, 2014), [Scotland's National Marine Plan](#) (2015), the [Historic Environment Policy for Scotland](#) (HEPS, 2019) and associated Managing Change Guidance Notes. Additional guidance can also be found in the Cultural Heritage Appendix to the [EIA Handbook](#) (SNH, HES, 2018)

Marine Heritage Assets

While no Historic Marine Protected Areas (HMPAs) are located inside the development site boundary, a potential exists for undesignated marine archaeological features located in the area to be impacted by the proposals. The CANMORE maritime record, for example, identifies up to 3



wreck sites close to the development site boundary. These include two wrecks of early 20th century date, with a third having been moved ashore and surviving as a boiler, propshaft and ribs. The development site is also located immediately adjacent to the remains of the WW1 Catfirth Seaplane Base which extends across the intertidal zone.

Potential impacts on marine archaeological features should therefore be considered as part of the environmental impact assessment (EIA) undertaken in support of the proposals. This assessment should be underpinned by appropriate archaeological survey and analysis. The assessment should also support the development of a strategy for mitigating any potential impacts identified.

We note that Section 5.4 (Potential Effects and Mitigation) of the EIA Scoping Report sets out that a marine geophysical survey will be undertaken to identify potential impacts on marine archaeological features. We recommend that this survey work is undertaken in a way that allows for archaeological assessment and analysis. We advise that the survey work is designed so that it will not only be able to identify discrete structures such as wrecks or buildings but will also allow the absence/presence of submerged or semi-submerged paleo-landscapes to be identified, especially in the intertidal zone. It will be important that any specific measures and decisions on archaeological survey are fully explained within the EIA Report for the proposals. We would be happy to engage further on methods of archaeological survey as the project is progressed.

Any strategy for mitigating impacts on marine archaeological features is likely to involve the below elements.

- Avoidance of known/identified heritage features using Archaeological Exclusion Zones and a pre-defined buffer
- Archaeological monitoring of works in the intertidal zone at potentially sensitive landfalls, covered by a Written Scheme of Investigation (WSI);
- Implementation of a Protocol for Archaeological Discoveries (PAD) for works below the low water mark where a watching brief would not be feasible.

Terrestrial Heritage Assets

An environmental impact assessment (EIA) should also consider the potential for impacts on the setting of nearby scheduled monuments caused during the construction and operational phases of the development. These scheduled monuments include the **Loch of Freester, chambered cairn 100m SE of Old Trafford (SM3595), the Loch of Houlland, cairn 470m E of Clack (SM3601) and the Hard Knowe, cairn 330m N of Muness (SM3598)**. We have provided further information on these heritage assets in the attached Annex.

In each case we would expect an assessment to demonstrate a full appreciation of the setting individual heritage assets. This should recognise that a range of factors apply and that these need to be considered and assessed on a site-by-site basis. Our Managing Change guidance note on [Setting](#) (2016, 2020) is likely to be helpful in this regard. An assessment should also clearly demonstrate where potential impacts have been reduced or avoided and, also, consider where any residual effects may occur.



We recommend that impacts on the setting of heritage assets should be assessed using photomontage and wireframe visualisations where impacts are likely to be highest. We have provided further information on the format and location of assessment visualisations in the attached Annex.

EIA Scoping Report (February 2023)

We have reviewed the consideration of potential impacts on the historic environment at Chapter 5 (Cultural Heritage) of the EIA Scoping Report. Here, we welcome where it is proposed to consider impacts on heritage assets located both above and below water. In line with this, we recommend that the list of baseline data sources at Section 5.2 is expanded to include further information about the marine historic environment taken from the UKHO wreck register, nautical charts, and site-specific survey work.

We also recommend that the scope of the assessment is broadened to consider impacts on the setting of terrestrial heritage assets during the operational phase of the development. This is because setting impacts are most likely to occur while the marina is in use. Further to this, we recommend that consideration is given to impacts on the setting of the **Loch of Houlland, cairn 470m E of Clack (SM3601)** and the **Hard Knowe, cairn 330m N of Muness (SM3598)** scheduled monuments during the operational phase of the development. This is because these cairns share visual relationships with the **Loch of Freester, chambered cairn 100m SE of Old Trafford (SM3595)** which may be impacted by the introduction of the marina.

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 Sam Fox and they can be contacted by phone on 0131 668 6890 or by email on samuel.fox@hes.scot.

Yours faithfully

Historic Environment Scotland



Annex

Loch of Freester, chambered cairn 100m SE of Old Trafford (Scheduled Monument, SM3595)

This monument is located roughly 230m east-north-east of the development site. It is the remains of a heel-shaped chambered cairn dating to the Neolithic period, built probably between 4000BC and 2500BC. It survives as a low turf-covered mound on a knoll that dominates the head of Catfirth some 350m to the west. Its cultural significance is vested in its survival (despite historic stone robbing) within an area rich in prehistoric burial and settlement remains.

The setting of the monument includes its shared visual relationships with the nearby Loch of Houlland, cairn 470m E of Clack (SM3601) and Hard Knowe, cairn 330m N of Munes (SM3598) cairns. Its positioning on a conspicuous knoll at the head of Catfirth implies that the monument was designed to be seen by people in the surrounding landscape, as well as there being a broad outlook from the monument itself.

There is a potential for impacts on the setting of this monument caused by the appearance of the marina in outward views from the cairn, as well as the marina appearing in views towards the cairn from Catfirth and its shoreline. These impacts are likely to occur during the operational lifetime of the marina as well as during its construction phase. We would therefore expect any EIA undertaken in support of the proposals to include an assessment of these impacts. This assessment should be supported by visualisations. In line with this, we recommend that a wireframe/photomontage is prepared showing the proposed marina in views from the monument and, also, its inter-related views.

Loch of Houlland, cairn 470m E of Clack (Scheduled Monument, SM3601) & Hard Knowe, cairn 330m N of Munes (Scheduled Monument, SM3598)

These two cairns are both located within 1km of the proposed development site. Both monuments are round cairns dating to the Neolithic or Bronze Age. They are situated on locally prominent knolls between water bodies, and both have a very similar setting to **Loch of Freester, chambered cairn 100m SE of Old Trafford (SM3595)** with which they are inter-visible.

It is possible that the proposed marina will appear in some outward views from each of the monuments. In particular, the marina may appear as a backdrop in views between **Loch of Houlland, cairn 470m E of Clack (SM3601)** and **Loch of Freester, chambered cairn 100m SE of Old Trafford (SM3595)** looking west south-west, and in reciprocal inward views. These impacts are likely to occur during the operational lifetime



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of the marina as well as during its construction phase. We would therefore expect any EIA undertaken in support of the proposals to include an assessment of these impacts. This assessment should be supported by visualisations. In line with this, we recommend that a photomontage/wireframe visualisation is prepared showing the marina in views from each monument, and inter-related views.

Historic Environment Scotland

24 March 2023

Wednesday, 05 April 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,

New Marina, Catfirth Nesting, Shetland, ZE2 9XA
Planning Ref: SCOP-0019
Our Ref: DSCAS-0084360-S9R
Proposal: South Nesting Boating Club (per Mott MacDonald) - Marina
Construction - Catfirth, Nesting, Shetland – Consultation on Request for
Scoping Opinion

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:

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 63mm MDPE main within the boundary of your site.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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

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 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."

Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
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