

Katherine Holmes  
Lerwick Port Authority  
Per Harris Holden Ltd  
Albert Building  
Lerwick  
Shetland  
ZE1 0LL

Date: 18 July 2024

Dear Ms Holmes,

## SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Thank you for your screening opinion request dated 28 April 2024 in regard to the proposed construction of a new breakwater at Lerwick Marina, Lerwick Harbour, Shetland, (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), Shetland Islands Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

### **Characteristics of the works**

The new breakwater which will be constructed at the entrance to the existing Lerwick Marina within Lerwick Harbour. is required to ensure the ongoing safety of vessels utilising the harbour given weather conditions and tidal action are affecting vessel’s ability to enter and exit the marina.

The Proposed Works will be approximately 72 metres (“m”) in length with a seabed footprint of approximately 2,400 metres squared (“m<sup>2</sup>”). In terms of the construction method, existing rock armour located at the base of the Proposed Works will be removed and stored for re-use and the new breakwater will be constructed using approximately 9,100 cubic metres of

locally sourced inert stone which will be placed on the seabed. A silt boom will be utilised to contain the migration of fines from the advancing breakwater and a geotextile membrane will line the slopes, approximately 20 m from the shoreline. The membrane will be held in place by secondary armour with the process being repeated until the desired length of the new breakwater is achieved. Thereafter, approximately 2,575 m<sup>2</sup> of locally sourced rock armour stone will be placed over the membrane and graded stone will be used to cap the breakwater, providing a suitable surface for maintenance access. A single land based excavator will be utilised to move the construction materials into position and no marine plant will be used. The indicative time frame for the Proposed Works is approximately 5 weeks.

## **Location of the works**

The Proposed Works are located approximately 300 m from the East Mainland Coast Shetland Special Protection Area (“SPA”) which is designated for great northern diver (non-breeding), red-throated diver (breeding) and slavonian grebe (non-breeding). In its response, the Shetland Islands Council advised that a Habitat Regulations Appraisal (“HRA”) will be required prior to the determination of a marine licence given the proximity to the East Mainland Coast Shetland SPA, together with an otter survey to inform whether a European Protected Species licence is required from NatureScot for the Proposed Works. The Scottish Ministers agree that the HRA can be submitted alongside any subsequent marine licence application(s) and supporting documentation.

In its response, the Shetland Island’s Council concluded that the Proposed Works are unlikely to give rise to significant environmental effects. This conclusion was based on the nature and scale of the Proposed Works, which will be located within an existing busy harbour. Similarly, NatureScot advised that the Proposed Works will not have a significant effect on the environment for areas within its remit and therefore do not consider it an EIA project.

## **Characteristics of the potential impact**

In its response, HES advised that they have not identified any potentially significant effects on designated historic environment assets within its remit and therefore advised that an EIA is not required for the Proposed Works.

SEPA further confirmed that the Proposed Works are unlikely to have significant effects in respect of its environmental interests and as such did not consider an EIA to be required.

## **Conclusion**

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to Shetland Islands Council planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website. <https://marine.gov.scot/node/25368>

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Maureen McIntyre  
Marine Directorate - Licensing Operations Team

