

Andrew Inkster
Shetland Islands Council
Ferry & Airport Operations & Port Infrastructure
Marine and Air Operations
Sella Ness
Shetland
ZE2 9QR

Date: 03 April 2024

Dear Mr Inkster,

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

Thank you for your screening opinion request dated 02 February 2024 in regards to the proposed construction works to encapsulate the existing general cargo and heavy lift jetty structure at the Port of Sullom Voe, Shetland (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(g) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. 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 (“SIC”) 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 Proposed Works are required to extend the operational lifetime of the current jetty structure at the Port of Sullom Voe, which consists of sheet piles retaining a rubble infill that are heavily corroded. As such, refurbishment of the structure is considered to be the most suitable option to ensure the facilities it provides are retained and it is capable of fulfilling its future intended use.

The Proposed Works are anticipated to take between 12 to 18 months to complete and will involve encapsulating the existing jetty structure by using sheet piles, tubular steel piles or a similar solution. The proposed installation method is vibro piling with the use of pre drilling or trenching techniques should this be required due to seabed conditions. The piling activities will be undertaken during restricted hours (07:00 to 19:00) and are intended to occur during

the spring/summer months of the first year during fair weather conditions, which are more favourable for construction works.

The void between the existing jetty structure and the new structure will be infilled with granular material and new quayside furniture will be installed or replaced, which will include ladders and fenders. The Proposed Works may result in a minimal increase in the footprint area of the existing jetty, as it will extend to the area encapsulated by the piles, however, this increase is not expected to be greater than 10%. As such, there may be a small area of marine habitat loss resulting from the Proposed Works. No dredging works are currently planned as part of the Proposed Works, however if required, the applicant would consider the options available for the deposit of any dredged material through a Best Practicable Environmental Option Assessment. The screening request details the proposal to implement a Construction Environmental Management Plan for the duration of the Proposed Works, which will set out best practices including those aimed at reducing potential environmental impacts on water quality and biodiversity resulting from the Proposed Works.

Location of the works

The Proposed Works are located within the Sullom Voe Special Area of Conservation (“SAC”), which is designated for reefs, lagoons, shallow inlets and bays. The screening request further notes a number of additional sensitive sites within 15 kilometres of the Proposed Works. You propose to assess potential significant effects on the designated sites and protected species identified within the screening request by way of a Habitats Regulations Appraisal (“HRA”) and Marine Mammal Risk Assessment (“MMRA”), which will include an underwater noise study, and be submitted in support of your marine licensing applications. In their responses, NatureScot and SIC agreed with the need for further assessment on the impact on the Sullom Voe SAC and marine mammals. SIC further noted your proposal to conduct a subtidal survey for the purpose of ascertaining potential sensitive benthic habitats within impact range of the Proposed Works. Scottish Ministers agree that this can also be submitted alongside any subsequent marine licence application(s) and supporting documentation. In their responses, NatureScot and SIC concluded that the Proposed Works are unlikely to have a significant effect on the environment for areas within their remit and therefore do not consider it an EIA project.

Characteristics of the potential impact

In its response, HES advised that the Proposed Works are unlikely to have an impact on its historic environment interests of a level that would require consideration through the EIA process and SEPA further confirmed that it does not consider an EIA is required for the Proposed Works in respect of its interests.

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.

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

Yours sincerely,

Kirsten Watson
Marine Directorate - Licensing Operations Team

