

**Lee Coutts**  
**Shetland Islands Council**  
**Ports & Harbours**  
**Sella Ness**  
**Shetland**  
**ZE2 9SQ**

Date: 07 August 2024

Dear Mr Coutts,

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

Thank you for your screening opinion request dated 03 July 2024 in regards to the proposed road protection works, including construction of hard engineered sea defences at South Haven, Fair Isle (“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 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**

SIC are proposing to repair and construct new hard defences to replace previous rock protection which have been eroded by recent storms. The defences protect the only road to/from Fair Isle Harbour to the community. The Proposed Works will have an anticipated site boundary of 0.33 hectares, with the majority of this within the previous defences footprint.

The rock will be sourced from works relating to a terrestrial planning application for Harbour Improvements on Fair Isle ref: 2023/066/PPF. Gabion baskets (or similar) will be filled with the rock and placed at the mean low water springs level, the area between the gabion baskets and road will then be backfilled with loose rock.

### **Location of the works**

The Proposed Works are located within the Fair Isle Special Protection Area, Fair Isle Special Area of Conservation and the Fair Isle Site of Special Scientific Interest. SIC advised that an otter survey of the Proposed Works area be undertaken to determine if a European Protected Species Licence to disturb otter will be required from NatureScot. However, SIC further advised that the Proposed Works are of the nature and scale that it is not likely to result in any significant effects on the environment and SIC would not consider it to constitute an EIA project. The Scottish Ministers are content that the impact to designated sites will be appropriately assessed through the Habitats Regulations Appraisal and marine licensing processes.

NatureScot also advised that the Proposed Works will not have a significant impact on the environment and therefore consider it not to be an EIA project for areas within its remit.

### **Characteristics of the potential impact**

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.

SEPA 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