

Date: 02 July 2024

By email to MD-LOT and SIC Planning  
[MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)  
[development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk)

Dear Sir/Madam,

## Road Protection Works at South Haven, Fair Isle

### 1. Introduction

This letter represents an Environmental Impact Assessment (EIA) Screening Request to Marine Directorate (MD-LOT) and Shetland Island Council (SIC) in respect of the 'use of replacement rock on South Haven beach to protect the road to North Haven harbour' (hereafter referred to as the 'proposed development'). The proposed footprint of the works is 0.33ha. SIC (the Applicant) intends to submit an application to gain consent to undertake the works (as shown in **Appendix A**).

This EIA Screening Request seeks an opinion from both the SIC, as the relevant Local Planning Authority (LPA), and MD-LOT (in relation to works below the Mean High Water Springs (MHWS) mark) as to whether the proposal constitutes an EIA development. The request is submitted in accordance with Regulation 8 of the Town and Country Planning (Scotland) (EIA) Regulations 2017 (the 'EIA Regulations') for works on land and to the Mean Low Water Springs (MLWS) mark, and The Marine Works (EIA) (Scotland) Regulations 2017 (as amended), for the Marine Scotland Act 2010 (Marine Licences) to be consented by MD-LOT for the deposit or removal of a substance or object below the MHWS mark.

### 2. Consideration of the EIA Regulations

Under the EIA Regulations, certain developments should be screened to determine whether a statutory EIA should be carried out. Criteria and guidance thresholds are provided. Schedule 1 developments are mandatory EIA developments, whilst Schedule 2 developments require the discretion of the consenting authority.

The proposed development does not fall within the developments identified as Schedule 1 development in the EIA Regulations that automatically requires an EIA.

Criteria and guidance thresholds are provided to determine if a development falls within Schedule 2. A Schedule 2 development is only an EIA development if it is likely to have significant effects on the environment by virtue of factors such as its size, characteristics or location.

The proposed development is classified under Section 10 'infrastructure projects' within Schedule 2 of the EIA Regulations and more specifically part "(69) Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works." A point for consideration is that the majority of the original noust rocks have been washed away, however some concrete foundations have been added which can be seen in the photograph 1 below so these works could be classed as maintenance works. However, due to the environmental sensitivities at Fair Isle it was considered appropriate to undertake a Screening Assessment to consider the critical question to be addressed in EIA screening which is "*would this particular development be likely to have significant effects on the environment?*". The proposed footprint of the works is 0.33ha.

To answer this question, it is necessary to provide the information detailed in Regulation 8 and screen the development against the criteria contained in Schedule 3 of the EIA Regulations.



3rd Floor, Capital Square  
58 Morrison Street,  
Edinburgh  
EH3 8BP

Registered Office:  
Stantec UK Ltd  
Buckingham Court  
Kingsmead Business Park  
Frederick Place, London Road  
High Wycombe HP11 1JU  
Registered in England No. 1188070

### 3. Site and Surrounding Area

Schedule 3 of the EIA Regulations screening criteria relates to environmental sensitivity of the geographical area likely to be affected by a proposed development. The site and surrounding area are considered against these criteria in **Table 1** below.

Table 1 – Assessment of Locational Sensitivity

Screening Criteria	Assessment
<p>Existing and approved land use</p>	<p>The existing use of the site is as a rocky beach at South Haven. The beach does not have any recreational use. Its functional use is limited to providing a foundation / base for rocks to protect the road from wave erosion / damage. The photograph below shows that the previous rock protection for the road has largely been eroded away due to recent storms.</p>  <p>Photograph 1 January 2024</p>
<p>The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground</p>	<p>Fair Isle Harbour Improvement Works, which is adjacent to the site, will have an excess amount of rock generated through the required excavation of the noust. It is intended that this excavated rock be used to replace the rock that was previously on South Haven beach to protect the road, between North and South Haven beaches, from coastal erosion.</p>  <p>Photograph - Beck Williamson – taken October 1990 ('Good Shepherd IV' in dry dock at North... © Becky Williamson :: Geograph Britain and Ireland)</p>
<p>The absorption capacity of the natural environment, paying particular attention to the following area:</p> <ul style="list-style-type: none"> <li>• Wetlands, riparian areas, river mouths;</li> <li>• Coastal zones and the marine environment;</li> <li>• Mountain and forest areas;</li> <li>• Nature reserves and parks;</li> <li>• European sites and other areas classified or protected under national legislation;</li> <li>• Areas in which there has already been a failure to meet the environmental quality standards ... or in which it is considered that there is such a failure;</li> <li>• Densely populated areas;</li> </ul>	<p>The natural environment will be able to absorb this works into the coastal area as it was previously contained material along the South Haven beach protecting the road. Therefore this works will be replacing what was previously within the landscape. The rock that is intended to be used from the same geological location (the nearby noust) is at the site and therefore is in balance with the geological and visual landscape.</p>

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| <ul style="list-style-type: none"> <li>Landscapes and sites of historical, cultural or archaeological significance.</li> </ul> |  |
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#### 4. Proposed Development

The proposed development relates to the placement of the rock removed from the excavated noust as a result of the Fair Isle Harbour Improvement Project (SIC Planning application number: 2023/066/PPF; and MD-LOT application number: MS-00010439). Rather than remove this excess rock from the island, a sustainable option is to place it on the beach at South Haven and thus protect the road from further coastal erosion. It is intended that gabion baskets (or similar) are filled with the excavated rock and placed close to the Mean Low Water Springs mark (MLWS) and then backfilled behind up to the road wall with the remaining loose rock. ,

In accordance with Regulation 8(3) of the EIA Regulations, a framework for design principles and environmental mitigation measures is being applied to guide the detailed design and construction of the proposed development in order to avoid or prevent any likely significant environmental effects. The design principles adopted for the proposed development are:

- Avoidance** of the loss of sensitive environmental features and assets through careful siting decisions and options appraisals;
- Minimisation** through siting and design of likely direct and indirect adverse environmental effects where these cannot be avoided; and
- Mitigation** through the incorporation of appropriate measures into the construction of the proposed development to address likely direct and indirect adverse environmental effects where these cannot be reduced to an acceptable level through siting or design.

The implementation of all embedded mitigation measures will be confirmed through the planning application and any subsequent permissions granted for the proposed development. It should be acknowledged that the contractor for this proposal will be the same as that undertaking the works to construct the harbour at North Haven. Thus, the contractor will be working in accordance to environmental mitigation measures contained within the Construction Bird Mitigation Plan, Construction Environmental Management Plan and Grassland Management Plan (for the Fair Isle Harbour Improvement Works (SIC Planning application number: 2023/066/PPF; and MD-LOT application number: MS-00010439) that are currently in the process of being discharged for the Fair Isle Harbour Improvement Project. There will also be an Ecological Clerk of Works (ECoW) overseeing the Fair Isle Harbour works.

In accordance with Regulation 8(3) of the EIA Regulations, any measures proposed at this stage to avoid or prevent significant adverse effects on the environment must be taken account of when determining this EIA screening request. Schedule 3 of the EIA Regulations identifies screening criteria relating specifically to the characteristics of a development proposal. The proposed development is considered against these criteria in **Table 2**.

Table 2 – Assessment of Development Characteristics

Screening Criteria	Assessment
The size and design of the development.	The proposed development has an anticipated site boundary of 0.33 ha, the physical development works would require only limited land-take, the majority a large section of which will be within the footprint of previous rock protection. On this basis, the scale of proposed development is not itself considered likely to result in significant environmental effects.
Accumulation with other existing development and/or approved development.	All elements of the proposed development requiring authorisation from SIC/MD-LOT will be contained within the site. No development further to that listed above is required or proposed as part of the proposals. The site area is not known to benefit from any relevant or extant planning permissions, however the Fair Isle Harbour Improvement Project is adjacent to the site. Following the mitigation plans for the adjacent project and these will adequately encompass any potential effects for the proposal at South Haven and therefore no significant effects are considered likely in relation to the potential cumulative impacts with other developments.
The use of natural resources, in particular land, soil, water and energy.	The development will require land and natural construction materials. However, the development will utilise the rock excavated from the Fair Isle Harbour Improvement Project.

Screening Criteria	Assessment
The production of waste.	There will be no waste generated as a result of the development rather it will re-use the inert waste generated from a neighbouring development. Any unsuitable or contaminated materials encountered during the construction processes would be extracted and subject to disposal in accordance with all regulatory requirements, including through obtaining appropriate environmental permits, if required. No significant environmental effects related to waste production are considered likely.
Pollution and nuisances.	<p>During construction there will be dust and pollutants released from the use of construction plant and machinery. These releases will be controlled and managed in line with relevant regulations, standard and best practices.</p> <p>It is expected that construction activities will be controlled in line with British Standard 5228: Code of practice for noise and vibration control on construction and open sites.</p> <p>By the very nature of the proposed development, it is not anticipated that during operation there will be any levels of pollution and nuisance to cause any impact on the environment.</p>
The risk of major accident and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge.	The risk of major accident and/or disasters is not considered relevant to this proposed development. During the construction phases, the Construction (Design and Management) Regulations 2015 (CDM Regulations) will be implemented. Under this, <i>“designers are required to avoid foreseeable risks so far as reasonably practicable by eliminating hazards from the construction, cleaning, maintenance, and proposed use and demolition of a structure, reducing risks from any remaining hazard, and giving collective safety measures priority over individual measures”</i> (IEMA, 2020) <sup>1</sup> .
The risk to human health (for example, due to water contamination or air pollution).	Usual construction activities will require the use of fuels, oils and lubricants in plant and machinery. During construction there will be a potential risks for these to spill, causing harm to people or the environment. Risks of this nature will be managed or controlled through regulations, standards and best practices. The potential environmental impact to human health during the operational phase, is unlikely in relation to potential water contamination or air pollution and not considered further. As such, it is not necessary to address such issues under EIA in regard to this proposed development.

## 5. Potential and Likely Significant Environmental Effects

Table 3 – Assessment of Likely Significant Effects

Environmental Aspects	Relevant Environmental Topic	Potential Construction and Operation Effect	Proposed Approach and Mitigation	Significance of Likely Effects
Air and Climate	Air Quality	Construction: Dust emissions from construction activities. Operation: There will be no dust emissions during operation.	During construction, dust from on-site activities and trackout by vehicles has the potential to generate dust within the site however with appropriate dust mitigation measures in place, the effects of construction dust will not be significant (IAQM, 2014).	Not Significant
	Noise and Vibration	Construction: Noise and potential vibration from construction activities. Operation: There will be no noise emissions during operation.	It is expected that construction activities will be controlled in line with British Standard 5228: Code of practice for noise and vibration control on construction and open sites. Noise associated with the construction works would also be temporary and therefore not considered to be significant.	Not Significant
	Climate Change	Construction: Embedded carbon from materials and machinery used. Operation: There will be no impacts during operation.	Whilst the proposed development is not at the detailed design stage, the Applicant is committed to ensuring that the proposal will meet the required standards for sustainable design, materials to ensure the construction and operation of the proposed development will meet the Scottish Government’s net zero targets and commitment to tackling the biodiversity / nature crisis.	Not Significant
Biodiversity, flora, fauna, land and soil	Ground Conditions and Land Use	Construction + Operation: Disturbance to ground conditions / land use.	There is no potential for significant effects arising in relation to land use, ground conditions and geology as a result of the proposal.	Not Significant

<sup>1</sup> [IEMA – Major Accidents and Disasters in EIA: A Primer](#)

Environmental Aspects	Relevant Environmental Topic	Potential Construction and Operation Effect	Proposed Approach and Mitigation	Significance of Likely Effects
	Ecology	Construction: Loss and disturbance of existing habitat and noise disturbance.	Best practice techniques will reduce noise, and works will be timed to minimise impact on any sensitive or protected species using the site. The site will be further investigated for any potential ecological value and mitigation considered, if appropriate, during construction activities. The first iteration of the Environmental Management Plan (fiEMP) and Construction Bird Mitigation Plan for the Fair Isle Harbour Improvement Works will be used to minimise impacts to the surrounding ecological features.	Not Significant
Marine Environments	Coastal Processes	It is anticipated that the proposed development would not result in any significant impacts to coastal processes.	Following discussions with ABPmer (marine technical consultants involved with the Fair Isle Harbour improvements project), an initial high level review of the rocky coastline along the eastern and western sides of the bay suggests that the material on South Haven beach is maintained within the bay itself, further indicating that placing the rocks onto the foreshore will not interrupt littoral transport of material to other locations along the coast. Consequently, it is considered unlikely that the proposed rock placement would result in significant impacts to the wider coastline.	Not significant
Water	Hydrology and Drainage	It is anticipated that the proposed development would not result in any significant impacts to hydrology and drainage.	No mitigation measures are considered to be necessary in relation to water environment.	Not Significant
Population, human health and material assets	Traffic, Transport and Access	It is anticipated that the proposed development would not result in any significant impacts to traffic and transport.	No mitigation measures are considered to be necessary in relation to traffic and transport environment.	Not Significant
	Population and Human Health effects	It is anticipated that the proposed development would not result in any significant population and human health effects	No mitigation measures are considered to be necessary.	Not Significant
	Waste	It is anticipated that the proposed development would not result in any significant waste effects	The proposal will re-use material from another nearby project. Waste generated from this proposal will be negligible and no mitigation measures are considered necessary.	Not Significant
Cultural heritage and landscape	Archaeology and Heritage	It is anticipated that the proposed development would not result in any significant archaeology and heritage effect	Following discussions with Shetland Amenity Trust and Stantec's Archaeologist there are no significant concerns for archaeology at South Haven.	Not Significant
	Landscape and Visual	It is anticipated that the proposed development would not result in any significant landscape and visual effects.	Overall, the design and construction methodology to be adopted for the proposed development will incorporate appropriate design measures to minimise landscape and visual impacts, such as maintaining an orderly and tidy site. No residual significant effects are considered likely to occur.	Not Significant
	Arboriculture	There are no trees within the study area and therefore this topic is not considered further.	N/A	Not Significant

## 6. Summary

The main objective of this screening exercise is for the LPA and MD-LOT to determine whether the proposed development is likely to give rise to significant effects on the environment, once all embedded

mitigation measures are employed. If it is, then the proposal should be classed as an 'EIA Development' and a formal EIA exercise will be required to be undertaken in support of a planning application. If it is not, then a formal EIA exercise and EIA Report need not be progressed.

This screening opinion request demonstrates that the proposed development would not give rise to significant environmental impacts and therefore **would not** constitute EIA development in accordance with the EIA Regulations. The contractor used for the proposal will be the same as the one undertaking the Fair Isle Harbour Improvement works and will be undertaking the works using the existing FiEMP, Construction Bird Mitigation Plan and an ECoW will be present on the adjacent site, these documents will be updated to include this proposed development's red line boundary. The Applicant is therefore seeking written confirmation from SIC / MD-LOT that an EIA **is not** required, and that the consent applications do not need to be accompanied by an EIA Report. We would be grateful if SIC / MD-LOT could provide a formal screening opinion and confirmation if any additional stand-alone documents would be required other than those identified above.

Yours sincerely,

**Janet Burns**  
**Senior Associate**  
on behalf of Stantec UK Ltd



# Appendix A Red Line Boundary Location Plan at South Haven

Red Line Boundary for coastal road protection works at South Haven



Ref: ESRI World Imagery