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Date: 14 June 2022

Dear Ms. Burns,

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

Thank you for your screening opinion request dated 08 April 2022, in regards to the proposed harbour improvement works, including a sheet piled pier extension and linkspan, capital dredging and dredged material deposit at Grutness Harbour, Shetland Islands (“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 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, or are not, 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 (“NS”) (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 take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

Characteristics of the works

The Proposed Works are to carry out improvements to upgrade the infrastructure at Grutness Harbour, Shetland. The Proposed Works include a pier extension with rock armour protection in a 'dog-leg' shape to provide shelter for a new linkspan structure, that will be used by the new Ro-Ro vessel which will be employed on the Grutness to Fair Isle ferry service.

The Proposed Works include an extension to the existing 30 metre("m") pier. The new pier will be 78m long and 9m wide and will be constructed using 300 sheet piles, installed through a combination of vibro and impact piling. The area will be infilled with 5,090m³ of material and rock armour installed for the pier. The height of the rock armour on the existing pier will also be increased to the north of the pier to reduce the frequency and severity of swell overtopping during storm events.

The Proposed Works also include capital dredging and deposit of dredge material at a designated sea deposit site to provide a sufficient water depth for the new vessel around the proposed pier extension and linkspan. The area of dredging is approximately 12,000m² to bring the depth to 4/4.5m below chart datum.

The Proposed Works are anticipated to take place over two consecutive summers with the pier extension being carried out in the first year and the linkspan being carried out in the second year.

Location of the works

The Proposed Works are located within the Sumburgh Head Special Protection Area ("SPA") which is designated for breeding arctic tern, kittiwake, fulmar, guillemot and sea bird assemblage. NS advised that the proposed works have potential to disturb or displace the qualifying interests however this would not be significant and can be dealt with through the Habitat Regulations Appraisal ("HRA") process as part of the marine licence application.

NS concluded that an EIA was not required for the Proposed Works however did identify the assessments which should be provided to support the HRA process and Stantec are directed to the NS consultation response in Appendix I for further details.

NS confirmed any mitigation necessary to minimise disturbance to cetaceans could be secured through the European Protected Species ("EPS") licence process without the need for EIA. NS also confirmed should otters be identified in the vicinity of the Proposed Works, Stantec should seek further advice from NS with regards to the need for an EPS licence.

HES noted the impacts on the historic environment as a result of the Proposed Works are not considered significant and therefore do not require an EIA. HES recommended that an archaeological mitigation scheme, should be submitted for consideration as part of the marine licence application.

Characteristics of the potential impact

Shetland Islands Council have issued a negative screening for the related terrestrial based components and advised that they have no further comments on the marine aspects of the Proposed Works.

SEPA advised they had no comments to make on the aspects of the Proposed Works that fall within their remit.

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 Scotland - 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

Thomas Inglis

Marine Scotland - Licensing Operations Team