

[REDACTED]

From: C Fleming <cfleming@envirocentre.co.uk>
Sent: 01 December 2016 13:29
To: MS Major Projects
Cc: E Cormack; 'amcnair@north-ayrshire.gov.uk'
Subject: Hunterston Marine Construction Yard
Attachments: 004 Briefing Document Hunterston Marine Yard Final For Issue to MSLOT.pdf

Dear MS-LOT,

We have been commissioned to assist with environmental appraisals of a project at Hunterston, Fairlie, North Ayrshire. The project is briefly described in the attached and has both a terrestrial component and marine component. We have been in discussion already with North Ayrshire Council (NAC) regarding this project to seek their views. As this project however straddles the jurisdictional boundaries of NAC and Marine Scotland we would seek an agreed view from yourselves and NAC as to who would act as the lead consultee. We are mindful that any environmental work will have to be consulted upon and agreed so that the environmental scope addresses both marine and terrestrial issues and the interactions between them and can support both any planning applications and also marine license applications. This development is also expected to be classed as major development and therefore we would also wish to carry out one pre-application consultation (PAC) exercise in the future to address the relevant terrestrial and marine legislation.

Once you have had the chance to consider the email above and attached development summary we would welcome a discussion on the way forward for the project development. We have also copied in our contact at North Ayrshire Council.

Regards,

Campbell

Dr. Campbell G. Fleming PhD CGeol FGS
Director

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Gordon Craig
North Ayrshire Council (NAC)
By Email Only

Our ref 168612/ec/005
Telephone 0141 341 5040
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20 February 2017

Dear Gordon

**Request for a Screening Opinion under Regulation 6 of the Town and Country Planning
Environmental Impact Assessment (Scotland) Regulations 2011 ("EIA Regulations")
Hunterston Marine Construction Yard**

We write on behalf of our clients, Peel Ports, with reference to the Hunterston Marine Construction Yard located at grid reference NS 18612 53050.

Our clients intend to lodge an application to amend the current planning permission to allow decommissioning / reverse engineering activities at the site. This will require improvements to the hammerhead quay, creation of dock gates to the existing dry dock and dredging works. The nature of the development is described in more detail in the attached Environmental Review.

We therefore request that your Council (as planning authority) formally adopt a screening opinion under Part 2, Regulation 5 of the EIA Regulations in relation to the proposals. In accordance with Regulation 5 (2) (a) and (b) we enclose a site location plan identifying the land to which the proposed development relates.

As discussed in our meeting of 23 January 2017 we are mindful that the quay improvement works and associated dredging (only) also fall under The Marine Works (Environmental Impact Assessment) Regulations 2007. This screening request is therefore copied also to Mike Bland of Marine Scotland (MS-LOT) for his consideration. Our preference would be for a joint screening response from NAC and MS-LOT for the project, and advice on the process to satisfy the two sets of Regulations going forward without duplication of consultation or any conflicting opinions.

Proposed Development (As a Whole)

Currently the site is consented to allow the construction, repair and subsequent removal on completion of large marine related structures. It is proposed to apply for amendment of Condition 1 of the current planning consent to include decommissioning / reverse engineering for such structures. This will also necessitate consents for improvements to the existing quay and creation of caisson dock gates although these (in particular the caisson construction) could be interpreted as 'construction of large marine structures' which is already consented. Dredging will also be required to around -12m Chart Datum in front of the hammerhead quay and the new dock gate system.

Site Setting

The existing Peel Ports Hunterston Marine Construction Yard, lies on the Firth of Clyde, north of the EDF Hunterston Power Stations and west of the Hunterston Coal Terminal (refer to Drawing No 168612-001 Rev A). The site is adjacent to the Offshore Wind Turbine Test Facility operated by SSE, but is otherwise vacant at present, although maintenance is ongoing.

The site is reclaimed land that has historically been used for construction; it currently comprises an access road, service infrastructure, a deep void with a bund in place and a hammerhead quay.

Environmental Impact Assessment

We have reviewed the proposals against The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (the 2011 Regulations) and, in our opinion, the proposals are not Schedule 1 development under the 2011 Regulations.

Having also considered Schedule 2 development categories it is possible that the development proposals could be considered as falling under Item 13 as it is a change of development of a description mentioned in Items 1 to 12 of Column 1 in Schedule 2 where that development is already authorised, executed or in the process of being executed. Examples of categories which could apply to the proposed works are:

- Item 4 (g) Production and processing of metals – shipyards;
- Item 10 (m) 'maritime works capable of altering the coast...'; and
- Item 11(e) storage of scrap (within 100m of controlled waters)'.

The floorspace associated with the proposed development will exceed the 1,000m² applicable thresholds and criteria associated with the Item 4(g) development category, and scrap will be stored within 100m of controlled waters (Item 11 (e)).

To inform our development of this application and assist in reaching a Screening Decision we have provided a desk-based Environmental Review for the site and the potential impacts of the development proposals as a whole (see attached). The environmental review concludes that the development as proposed, with fairly standard construction and operational mitigation will not result in adverse effects on the environment, although it identifies the need for an Environmental Appraisal to accompany the planning application. The Environmental Appraisal of the proposed development should include consideration of the Water Environment, Ecology, and potentially Noise in our view.

Should you require further information to assist in this matter please do not hesitate to contact us.

Yours sincerely
for EnviroCentre Ltd


Emma Cormack
Principal Consultant


Dr Campbell G. Fleming PhD CGeol FGS
Director

Enc: 1 Drawing No 168612-001 Rev A
2 Environmental Review (Report Ref No 7467, dated February 2017)

CC: Mike Bland, Marine Scotland (by email) and Douglas Coleman, Peel Ports, (by email)



Legend

Approximate Planning Boundary

Note: Approximate planning boundary derived from approved planning drawing 11 - 00230 PPM

Do not scale this map

Client
Peel Ports Group

Project
Hunterston Marine Yard

Title
Site Location

Status	Final
Drawing No.	Revision
168612-001	A

Scale	A3	Date
1:25,000		06 Feb 2017
Drawn	Checked	Approved
MN	EC	CGF



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Dr. Campbell G. Fleming
EnviroCentre
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13 June 2017

Dear Dr Fleming

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017
HUNTERSTON MARINE CONSTRUCTION YARD**

I refer to the above and enclose our screening opinion regarding the proposal at Hunterston marine construction yard together with a copy of the consultation response from Scottish Natural Heritage as referred to therein.

As previously advised, you will require a marine licence and I look forward to receiving your application for consideration in due course. In this regard, I note that you have indicated within your Environmental Review that you will be completing desk based assessments. If you wish to provide an outline scope of the desk based assessments you intend to carry out in respect of the marine licence applications we can provide advice on this matter.

Please be advised that a European Protected Species ("EPS") licence may be required in respect of the proposed works. EPS are animals and plants (species listed in Annex IV of the Habitats Directive) that are afforded protection under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). All cetacean species (whales, dolphins and porpoise) are EPS. If any activity is likely to cause disturbance or injury to an EPS, a licence is required to undertake the activity.

An EPS licence may only be granted to undertake such activities if the following strict criteria are met:

- There is a licensable purpose.
- There are no satisfactory alternatives.
- The actions authorised will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

Applicants must give consideration to the three fundamental tests and should refer to the guidance on the protection of marine European Protected Species for more detailed

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www.gov.scot/Topics/marine/Licensing/marine

information in relation to Scottish Inshore Waters.

I also draw your attention to the Water Framework Directive (2000/60/EC) ("WFD") which was introduced in the year 2000 to establish systems to manage Europe's water environment - rivers, lochs, estuaries and coastal waters. A WFD assessment must be provided to support your marine licence applications. Further information regarding WFD can be found online as noted below.

Finally, I advise that the proposed marine activity may also be of a class or description prescribed in the Marine Licensing (Pre-application Consultation) Regulations 2013 (PAC). To confirm if PAC is required please submit a formal PAC statement request, which must be accompanied by:

- a chart or map (or both) sufficient to identify the location of the project and of the regulated activity;
- a brief description (including a plan) of the nature and purpose of the project and the regulated activity and their possible effects on the environment;
- a statement of the working methods to be used in the course of the project and in carrying out the regulated activity; and
- such other information or representations as the applicant may wish to provide or make.

Legislation and guidance

The marine licensing requirements can be found in Part 4 of the Marine (Scotland) Act 2010, which can be accessed via:

<http://www.legislation.gov.uk/asp/2010/5/contents>

Further marine licensing information and guidance can be obtained from our website at:

<http://www.gov.scot/Topics/marine/Licensing/marine>

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 can be accessed via:

<http://www.legislation.gov.uk/ssi/2013/286/made>

Guidance on Marine Licensable Activities subject to Pre-application Consultation can be found at:

<http://www.scotland.gov.uk/Topics/marine/Licensing/marine/guidance/preappconsult>

Further information on the WFD can be found at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32000L0060&from=EN>

Guidance for Scottish Inshore Waters relative to the protection of Marine European Protected Species from injury and disturbance can be found at:

<http://www.gov.scot/Resource/0044/00446679.pdf>

The European Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna) can be accessed via:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

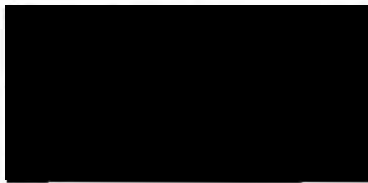
The Marine Works (Environmental Impact Assessment) Regulations 2017 can be accessed via:

<http://www.legislation.gov.uk/ssi/2017/115/contents/made>

It is important that you are fully conversant with all of the rules that apply to your activity and your attention is drawn to the information and advice provided above.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,



Mike Bland
Marine Licesning - Section Head
Marine Scotland – Licensing Operations Team

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Ms E Cormack
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13 March 2012

Dear Ms Cormack,

**SCREENING DECISION UNDER PART 2, REGULATION 11 OF THE MARINE WORKS
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)**

**CLYDEPORT – HUNTERSTON PORT, PROPOSED UPGRADE AND EXTENSION TO
EXISTING QUAY ON NORTH OF CONSTRUCTION YARD AND ASSOCIATED DREDGING**

Thank you for the submission of the document titled Clydeport – Hunterston Port, Proposed Upgrade and Extension to Existing Quay on North of Construction Yard and Associated Dredging in which you request a Screening Opinion from Marine Scotland.

I can confirm that, following consultation with the Scottish Environment Protection Agency, Scottish Natural Heritage and North Ayrshire Council, Marine Scotland do not consider that an Environmental Impact Assessment will be required for this project.

Marine Scotland Licensing Operations Team have been advised to request an Environmental Review that gives more detailed consideration of the following issues.

1. There is potential for the presence of eel grass beds featuring *Zostera noltii* and *Z. marina* on the site of the proposed dredge pocket. These are Scottish Biodiversity Strategy/List priority habitats. Their presence should be checked and, if present, mitigation proposals to maximise the conservation of these habitats incorporated in the application.
2. The habitats within the adjacent Sites of Special Scientific Interest (SSSI) are dependant on the nature of the soft sediments and the profile of the beach levels. Mitigation should be in place such that the sides of the dredge pocket will not be subject to slumping which could in turn alter the beach profiles and habitats within the adjacent SSSI and that the pocket could act as trap for fine mobile particles removing them from the intertidal ecosystem.
3. A study into the stability of the dredge pocket sides and the local sediment transport systems should be undertaken. Should the study show that impacts on the SSSI are likely, appropriate mitigation measures should be incorporated into the design of the upgrade and extension proposals.

4. Accidental introduction of Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation. Controls should be included in development planning for MNNS in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and [EU Biodiversity Strategy](#) targets.
5. Accidental introduction of MNNS can occur via attachment to construction plant, specialised equipment and moorings as these are moved from one area to another. A protocol or method statement to remove the risk of introducing MNNS into a particular area during the construction, operational or decommissioning phases of a project should be drawn up.
6. Guidance that may be drawn upon includes:
 - The alien invasive species and the oil and gas industry guidance produced by the Oil & Gas industry (www.ogp.org.uk/pubs/436.pdf).
 - SNH web-based advice on Marine non-native species (www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/marine-nonnatives/)
 - Marine Non-Native guidance from the GreenBlue (recreation advice) (www.thegreenblue.org.uk/clubs_and_training_centres/antifoul_and_invasive_species/best_practice_invasive_species.aspx).
7. The Firth of Clyde is currently subject to a Biosecurity plan consultation ([Firth of Clyde Biosecurity](#)) being undertaken by the Firth of Clyde Forum. It is recommended that the developers consult this plan and consider local measures that would prevent the spread of MNNS into the area.
8. The environmental review should provide information on the likely timings of the works and in combination effects with other developments/activities in the vicinity e.g. marine works associated with the new Hunterston coal fired power station.
9. The review should provide information on the area of seabed within the dredge and quay extension footprints, dredging history of the site, sediment type, presence of contamination and quantities of sediment to be removed.
10. Further consideration should be given to how the dredging will change sediment erosion and deposition patterns in the vicinity of the works and how the risk of erosion/drawdown during the operational phase will be minimised.
11. To safeguard pollution prevention and marine ecology interests it is vital that good working practice is adopted and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors.
12. Information on dredging techniques and mitigation measures to minimise water quality impacts should also be provided.

The applicant should refer to the appropriate sections in the following guidance:

- SEPA's Pollution Prevention Guidelines (PPGs) (www.sepa.org.uk/about_us/publications/guidance/ppgs.aspx)
- CIRIA Guidance, in particular C584 - Coastal and Marine Environmental Site Guide (www.ciria.org)

All waste materials should be removed and disposed of at a licensed onshore site.

Thank you for consulting with us on this matter and if you require any further assistance or information on marine licensing matters please do not hesitate to contact the Licensing Operations Team at MS.MarineLicensing@scotland.gsi.gov.uk.

Yours sincerely,



Mike Bland
Marine Licesing Casework Manager
Marine Scotland

Hunterston Marine Yard – Marine Related Decommissioning.

1.1 The Site

The existing Peel Ports Hunterston Marine Construction Yard, shown below, lies on the Firth of Clyde, north of the EDF Hunterston Power Stations and west of the Hunterston Coal Terminal. The site is adjacent to the Offshore Wind Turbine Test Facility operated by SSE, but is otherwise vacant at present, although maintenance is ongoing.

The site currently consists of a large scale dry dock with associated pumping infrastructure, laydown area/operational land and a hammerhead quay on the northern part of the construction yard with associated dredging activity. Previously to provide egress from the dry dock it was necessary to dredge out the northwest facing bund area and then replace it, also through dredging, to close off the dock again. This is shown in the right hand picture below (Image from <http://www.hunterston.eu/drydock>).



1.2 The Proposal

The site is proposed to also allow reverse engineering and decommissioning of marine structures, oil industry structures, and obsolete vessels.

Designs are in the process of being considered, however to provide a more functional facility and minimise/eliminate impacts on the site surrounds a new more conventional purpose built access structure will be required. This is expected to consist of a concrete caisson type structure to allow ready access and egress to the dry dock. In addition it is expected that the existing quay will require extending and strengthening. The locations of these two features are shown in the image below.

The shore based infrastructure requirement is also in development but is expected to include office accommodation, workshops, welfare facilities, waste storage areas, laydown areas and ancillary infrastructure.



1.3 Environmental Setting

There are no local designations in the surrounding area that we are aware of presently.

The construction yard site is bounded on the landward side (to south, east and north) by the Southannan Sands Site of Special Scientific Interest (SSSI). The Southannan Sands SSSI is notified for the intertidal sandflat habitats which make up Fairlie Sands, Southannan Sands and Hunterston Sands. Eelgrass is also mentioned with the SSSI citation as an important component of the SSSI. There are no bird or protected species designations in the site or surrounding area.

The closest European designated site is the Renfrewshire Heights Special Protection Area (SPA) some 10km (six miles) to the northeast of Hunterston Marine Yard, which is designated for breeding hen harrier populations.

1.4 Planning Consent Process

There are two key aspects to obtaining planning consent:

- A. Application for variation of condition No.1 of Planning Permission (N/16/00268/PP) from 'the construction, repair and subsequent removal on completion of large marine related structures' to include decommissioning/reverse engineering activity for such structures; and
- B. Consent for improvements to quay, creation of dock gates and shore based infrastructure.

It is expected that particularly for consent under B above that assessment of potential environmental impacts may be required under the EIA Regulations. It is noted that an application to Marine Scotland for consent to construct an extension of the quay and to potentially undertake a limited amount of dredging will also be required.