

# Appendix 1: Consultation Responses



**NatureScot**

Scotland's Nature Agency  
Buidheann Nàdair na h-Alba

By email to [MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

[Redacted]

Marine Licensing Casework Officer,  
Marine Directorate - Licensing Operations Team,  
Marine Directorate  
Scottish Government, 5 Atlantic Quay, 150  
Broomielaw, Glasgow, G2 8LU

07 November 2024

Our ref: CLC177438 -ML 00010868

Dear [Redacted]

**Marine (Scotland) Act 2010, Part 4 Marine Licensing  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
00010868 - Clydeport Operations Limited (per EnviroCentre Limited) – Hunterston – Quay Wall  
Construction**

Thank you for your consultation of 2 October 2024 on the above development and for allowing us additional time to submit our response. The application is supported by the Environmental Impact Assessment Report (EIAR) and supporting technical appendices for the proposal (Envirocentre for Clydeport Operations Limited - May 2024) which have guided our assessment.

## 1. Summary

- 1.1 There are natural heritage interests of national importance at Southannan Sands Site of Special Scientific Interest (SSSI) close to the proposed development site. However, we advise that with the implementation of the mitigation measures detailed in the application, and in section 3.7 below, these will not be affected by the proposal.
- 1.2 We also provide advice on measures that would help ensure impacts on other natural heritage interests, including cetaceans are minimised (Sections 3.11-3.12). It is for the Marine Directorate to determine, within the context of its own policies, whether conditions are necessary to secure the mitigation and enhancement measures set out below.

## 2. Background

- 2.1 We understand that planning permission is sought for the construction of new 450m quay wall, infilling of dry dock basin to upgrade the existing marine construction yard and ancillary works.

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- 2.2 Works within the planning jurisdiction of North Ayrshire Council extend to the MLWS. Beyond MLWS, works are regulated by the Marine Directorate, whose jurisdiction extends landward to the MHWS. This means that works in the intertidal area (between MHWS and MLWS) are covered by both terrestrial and marine regulators.
- 2.3 The proposed project incorporates the following Construction Elements related to this Marine licence application.
- Removal of the existing rock armour on the western boundary;
  - Removal of the existing bund on the western boundary;
  - Installation of sub-surface revetments for the new quay wall;
  - Construction of up to 5 mooring dolphins with walkways
  - Installation, maintenance and removal of temporary grounding pad
- 2.4 The current application for consent is for enabling works. Subsequent application(s) are required for any future operational works. As such the EIAR includes only limited consideration of operational impacts. The EIAR provided in support of the marine Licence applications covers both regulatory jurisdictions
- 2.5 We note that MD-LOT are seeking additional information regarding benthic surveys, which have not been submitted in the EIA Report. A further consultation request on the additional information will be forthcoming once the information has been received. These reports will help better understand the baseline condition of the sub benthic and intertidal areas within and adjacent to the proposal area.
- 2.6 We provided a response to the Marine Directorate EIA scoping consultation on 21 December 2023.

### **3.Appraisal of the impacts and advice**

#### Southannan Sands Site of Special Scientific Interest (SSSI)

- 3.1 The Southannan Sands SSSI extends for over 4km along the coast. It is adjacent to the proposed development and is designated for its nationally important Intertidal marine habitats, saline lagoons and sandflats. The SSSI comprises a coastal section, subdivided into three discrete areas, which together support one of the best examples of intertidal sandflats habitat within the entire Clyde coastline. See NatureScot's SiteLink for more detail<sup>1</sup>. Component habitats of the Sandflats notified feature include the Priority Marine Features (PMF) intertidal seagrass beds and blue mussel beds.
- 3.2 Priority Marine Features do not have legislative protection, but the basis for protection of their national status across Scottish waters is included in the National Marine Plan. The proposal may impact Priority Marine Features (PMFs). Marine Directorate should consider the effect of the proposal on the PMF(s) before it can be consented.
- 3.3 We note that a subtidal survey, covering the area addressed by this marine licence will be submitted in due course.

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<sup>1</sup> <https://sitelink.nature.scot/site/10261>

- 3.4 Currently, our existing information shows that this proposal is unlikely to have a significant impact on the national status of a PMF(s) given the limited footprint of the works and the highly modified nature of the habitat present. The subtidal assessment should provide sufficient detail to determine the distribution and extent of habitats present within the survey area creating broadscale habitat maps and permitting the quantification of areas/habitat types/PMFs which may be impacted by the proposal. The report should also detail mitigation and enhancement measures as appropriate. We will comment further once the additional information is available.
- 3.5 We will advise on any biosecurity measures required when we have the full survey information.

*Advice on the coastal modelling study and coastal geomorphology*

- 3.6 Based on the assessment in Chapter 9 of the EIA, and our own further assessment, significant adverse impacts on the Southannan Sands SSSI in relation to coastal process, including sediment transport, are not considered likely.

*Mitigation proposals*

- 3.7 We welcome the mitigation proposed in sections 9.8 of the EIAR designed to minimise any potential negative indirect impacts on the SSSI and its notified features from water and airborne pollution. We advise that this mitigation should be revisited following the results of the Phase 2 survey and then approved by the Regulatory Authority in consultation with SEPA and NatureScot and fully implemented as part of any consent granted for the application. This is particularly relevant as the EIAR states (section 9.7.2.2) that:

*(i) Impact of a spillage or concrete runoff would be particular detrimental if a spillage was to enter into the SSSI Southannan Sands which borders the site to the south, east and north. The effect of the potential pollution incidences during construction on water quality would be dependent on the scale and nature of the incident, therefore the magnitude of impact may range from low to high prior to mitigation which would give rise to a potential effect of minor to major significance.*

Project elements that may result in concrete spillage include dolphin construction and Installation of sub-surface revetments for the new quay wall.

**Protected species**

Cetaceans & Priority Marine Features (PMFs)

- 3.8 We advise that the following European Protected Species (EPS) and PMF species are all found within the Firth of Clyde: *harbour porpoise, bottlenose dolphin, common dolphin, minke whale, harbour seal, grey seal and basking shark*. Cetaceans are European protected species. Noise and direct disturbance during construction and operation can cause disturbance and auditory injury impacts to these marine species.
- 3.9 In summary, based on our experience with previous coastal infrastructure developments, we believe that the proposed activities could go ahead, with appropriate mitigation measures being fully implemented, without causing injury or significant disturbance to

marine mammals. Some residual disturbance may still occur, which is likely to need an EPS licence which will require consultation with the Marine Directorate.

- 3.10 We disagree with the conclusion that marine mammals (both seals and cetaceans) have low sensitivity to underwater noise (EIAR Impact Assessments in section 5.6.6). However, even if the sensitivity score is increased to High (for Permanent Threshold Shifts) and Medium (for disturbance), we agree that, with mitigation in place, the magnitude is negligible or low, so the overall conclusion of minor significance remains the same. For other impacts (vessel disturbance, collision, dredging noise, pollution), we agree with the conclusions of the impact assessments.
- 3.11 The key activity of concern is the installation of the five dolphin structures, using impact driven piles. This activity has the potential to cause auditory injury and disturbance to marine mammal species. Underwater noise modelling has been carried out and an assessment made of the risks to marine mammals. The assessment does not give sufficient assurance that the risks will be mitigated as proposed. We do not agree that an extended soft start/ramp up procedure will provide appropriate mitigation, as injury can still occur even at reduced piling levels, and by extending the duration of the soft start additional noise is entering the environment. Therefore, **we advise that, if the development is consented, the applicant should provide a piling noise management plan, to be submitted and approved prior to any works commencing.** The piling noise management plan should include, for example:
- Details of the number of piles to be driven, the duration of piling, impact hammer energy.
  - Details of timing of piling (e.g. seasonal, diurnal, tidal cycle).
  - A quantitative assessment of the number of animals likely to experience auditory injury (PTS) and disturbance, for both an individual piling event and the full piling schedule (for those species where density estimates exist).
  - An assessment of the magnitude of these impacts relative to the population of each species, in order to determine the effect on favourable conservation status (for those species where population estimates exist).
  - A detailed, comprehensive mitigation plan, based on the JNCC guidance<sup>2</sup> (2010).
  - Consideration of noise abatement systems to further reduce underwater noise levels, if needed.
- 3.12 To assist with this, we would be happy to meet with the applicant (post-consent) to discuss their noise modelling approach and to advise further on what is required in the piling noise management plan. Given that piling is also proposed in the construction of the quay we advise that this piling management plan includes piling proposed for both marine and terrestrial environments.

#### Other protected species

- 3.13 We note that a Preliminary Ecological Appraisal (PEA) (Technical appendix 5.1) has been submitted in support of this application. No evidence of protected species was identified

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<sup>2</sup> <https://data.jncc.gov.uk/data/31662b6a-19ed-4918-9fab-8fbcff752046/JNCC-CNCB-Piling-protocol-August2010-Web.pdf>

during the one-day visit in September 2023 survey. However, otter records were returned from the desk study and suitable habitat were noted for otter on site and within the adjacent environment.

- 3.14 We advise that a Species Protection Plans should be prepared for otter. Species protection plans should be produced whether a specific species licence is required or not and included with the Construction Environmental Management Plan (CEMP) to be submitted for the approval of the regulatory authority. Species protection plans should incorporate the full range of protection measures identified in the EIAR and updated as required by the pre-construction surveys.
- 3.15 Preconstruction surveys should be carried out to include the site and sufficient buffer of the Gill Burn and other key ecological habitats to ensure that the proposed development will not affect protected species. We note that pre-construction surveys are proposed in EIAR Table 4.1. We welcome this approach but advise that our current guidance<sup>3</sup> is followed. The timing of pre-construction surveys depends on whether it is possible to survey a species at any time of year (e.g. otter) For species that can be surveyed at any time of year, pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works.

#### Wider Countryside Birds - breeding

- 3.16 Whilst limited, there are suitable habitats for small scale breeding opportunities within and adjacent to the proposal footprint, in the absence of current breeding bird survey data, we recommend that the following ornithology mitigation should be implemented:
- Any vegetation clearance or clearance of manmade materials should be scheduled for outside the nesting bird season (March to August). If this is not possible, a suitably experienced ecologist should check the development site before work commences to determine the presence of any nesting birds.
  - Additionally, we advise that if nesting birds are found, a suitably sized buffer zone should be set up around the nest and no work within this zone should commence until the young have fledged or the nest is no longer in use. This will ensure that no nests are destroyed during the site construction works and no offences are committed under the Wildlife and Countryside Act 1981 (as amended).
- 3.17 We also recommend that should consent be granted the applicant should follow our guidance on *Dealing with construction and breeding birds, March 2016*<sup>4</sup>.

#### Wider Countryside Birds - wintering and roosting

- 3.18 The 2023/24 Wintering Bird Survey (Technical appendix 5.7) data provides a clear picture of wintering (non-breeding) bird use of the SSSI adjacent to the proposal area. The site continues to hold a large population of Curlew, a UK Birds of Conservation Concern red listed species, which have suffered continued significant declines since 1995 throughout the UK, with the strongest declines in Scotland, and in particular, within southwestern Scotland<sup>5</sup>.

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<sup>3</sup> <https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms>

<sup>4</sup> <https://www.nature.scot/doc/dealing-construction-and-birds>

<sup>5</sup> <https://www.bto.org/understanding-birds/birdfacts/curlew>

In line with our most recent guidance (Disturbance Distances in selected Scottish Bird Species, 2022) non-breeding curlew can be disturbed at distances of up to 650m which is within disturbance buffers for the proposed development.

- 3.19 Disturbance distances for many of the species seen using the mudflats in winter are greater than those from the studies quoted in the EIAR. Additionally, we are concerned about the level of likely disturbance, with a schedule of year-round work (for 2 years, with no apparent attempt to avoid sensitive periods) and 0700-1900 working hours on Monday - Saturday, 0700-1400 on Sunday and with dredging round the clock for 130 days. If these hours include the winter significant lighting will be needed, and whilst noting the commitment to restrict light spill, from permanent lighting structures, onto the SSSI (EIAR 5.6.4), we anticipate there will be some unavoidable lighting impacts on birds, especially from task-based lighting.
- 3.20 In line with the important ornithological features identified in EIA Report (section 5.6.4), we agree with the proposed mitigation. However, in addition we advise that mitigation, including the following is included in a Wintering Bird Protection Plan and implemented in full:
- Additional screening fencing to be erected along main disturbance routes to help reduce noise, light and dust pollution and hide people moving round (in line with mitigation proposed for the XLCC factory<sup>6</sup>).
  - Work should avoid winter periods, or at least stop before dark and during particularly cold weather, when disturbance will have far greater consequences. There is no obvious replacement roosting habitat for these species so every effort to retain them on the SSSI should be designed into the project. We would be happy to have further dialogue with the applicant to provide a workable framework to detail working arrangements that would maintain the conditions required of roosting birds in this area. particularly the definition of work practices in relation to “particularly cold weather”.
  - Additional restrictions on winter working hours to reduce disturbance to roosting birds to be overseen by an Ornithological Clerk of Works (OCOW)
  - All relevant personal on the site should be made aware of the environmental sensitivities of the site (proximity to designated sites and species of conservation concern) via the site induction and additional task and species-specific toolbox talks.
- 3.21 We also support the proposed ongoing monitoring of bird numbers and behaviour by the OCOW, during construction, to ensure that the proposed mitigation (EIAR sections 5.8.1 - 5.8.4) has the desired effect which should be used to adjust mitigation if necessary.

#### Cumulative impact

- 3.22 if the approved XLCC factory project and the current proposal begin work simultaneously we advise that the impacts on roosting waders will require a coordinated approach to mitigate to acceptable levels.

#### Enhancing biodiversity

- 3.23 We note that technical appendices 5.8 and 5.10 contain detail relating to biodiversity net gain (BNG) assessment (terrestrial) and biodiversity enhancement management plans BEMP (terrestrial) respectively. We note that

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<sup>6</sup> **XLCC CABLE FACTORY - HUNTERSTON** - Environmental Impact Assessment Report Chapter 5: Ecology And Nature Conservation (Part 1 – Terrestrial Ecology)| February 2022- rps (section 5.1.206)

Section 1.2 of the BEMP states that “The proposed development will also aim to deliver enhancements in the marine environment, however, further baseline data is required to inform marine management plans”. We will advise on this when the Subtidal and Phase II intertidal surveys have been completed.

- 3.24 We recommend that our guidance (Planning for development: What to consider and include in Habitat Management Plans<sup>7</sup>) is used to clearly articulate how the combined marine and terrestrial, or separate, BEMP documents will deliver the mitigation, compensation and enhancement works proposed for a project of this scale and scope. Whilst the current BEMP (TA5.10) does contain some good proposals, it would benefit from additional mapping detail and for the prescriptions within section 2.6.3 to provide quantifiable data as to what will be delivered and where.
- 3.25 The Hunterston natural capital assessment undertaken on behalf of the Hunterston Strategic Group, which includes Peel Ports Ltd, North Ayrshire Council and NatureScot, should be used to help achieve the right balance of brownfield redevelopment and enhancement of nature at Hunterston.
- 3.26 More detailed advice for biodiversity enhancements can be found in Annex 1.

### **Concluding remarks**

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. We hope that you will find it helpful in your consideration of this application, but should you require any further information or advice, please contact [ian.cornforth@nature.scot](mailto:ian.cornforth@nature.scot) in the first instance.

Yours sincerely

[Redacted]

Head of Operations – West Central Scotland

CC. [Redacted] - Senior Development Management Officer - North Ayrshire Council  
Graeme Duff- Envirocentre

**Enc-**

**Annex 1-NatureScot Biodiversity Enhancement advice.**

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<sup>7</sup><https://web.archive.org/web/20240518045813/https://www.nature.scot/sites/default/files/2023-12/160324%20-%20HMP%20guidance.pdf>



## **Annex 1 - NatureScot Biodiversity Enhancement advice.**

### Biodiversity enhancement

NPF4 sets out new requirements for development to deliver positive effects for biodiversity, primarily under Policy 3.

For national and major developments, or those subject to EIA, Policy 3b notes that proposals will only be supported where it can be demonstrated that they will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. The policy requires that such proposals demonstrate significant biodiversity enhancement, in addition to any proposed mitigation. Only when actions result in biodiversity being left in a better state than before development are positive effects secured.

The Scottish Government **Draft Planning Guidance on Biodiversity** (published November 2023) provides further advice on delivering biodiversity enhancement to clarify understanding of NPF4 Policy 3. Although labelled as “Draft Guidance” it is intended that it should be used now to assist in implementation and delivery of Policy 3.

We advise that:

- Development proposals should clearly set out the type and scale of enhancement they will deliver, ensuring that applications clearly distinguish between those elements mitigating or compensating for adverse effects and those delivering enhancement.
- Developers should prioritise on-site enhancement before off-site delivery. Where purely on-site enhancement is not possible, the Scottish Government draft guidance sets out further considerations for off-site delivery.
- It is also important that applications demonstrate that the enhancement is to be secured within a reasonable timescale and with reasonable certainty, including appropriate management and monitoring arrangements, and sustained for the future (preferably in perpetuity) in order to deliver a lasting legacy.
- Information on predicted losses, and the proposed mitigation, compensation and enhancement should be clearly set out, and also concisely summarised, in any application, so that this can be easily understood by decision makers.
- Enhancement requires consideration of all biodiversity, not just the significant effects that are the focus of EIA.

Our **Developing with Nature** guidance has been prepared, in discussion with Scottish Government, to support local development applications. It sets out a number of common measures to enhance biodiversity that are widely applicable. For national, major and EIA developments, more detailed assessment and more ambitious measures are likely to be required, but elements of our *Developing with Nature* guidance may still be helpful.

For information and updates, please see our **enhancing biodiversity webpage**.



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Marine Licensing Casework Officer,  
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07 November 2024

Our ref: CLC177438-ML 00010872

Dear [Redacted]

**Marine (Scotland) Act 2010, Part 4 Marine Licensing  
The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston – Capital  
Dredge and Sea Deposit**

Thank you for your consultation of 2 October 2024 on the above development and for allowing us additional time to submit our response. The application is supported by the Environmental Impact Assessment Report (EIAR) and supporting technical appendices for the proposal (Envirocentre for Clydeport Operations Limited - May 2024) which have guided our assessment.

## 1. Summary

- 1.1 There are natural heritage interests of national importance adjacent to the site, which could be affected by the proposal. We require further information that was requested during EIA scoping (detailed below in sections 3.3-3.4) to determine if the proposal will affect the integrity of the Southannan Sands Site of Special Scientific Interest (SSSI). **We therefore object to the proposal until this further information is obtained from the applicant and considered by the Marine Directorate. We will comment further once the additional information is available.**
- 1.2 The proposal could have a significant impact on the national status of Priority Marine Features (PMFs). **We therefore object to the proposal until further information is provided and considered by the Marine Directorate. We will comment further once the additional information is available.** Our appraisal below (sections 3.3-3.4)) provides further information.
- 1.3 We also provide advice on measures that would help ensure impacts on other natural heritage interests, including cetaceans are minimised. It is for the Marine Directorate to determine, within the context of its own policies, whether conditions are necessary to secure the mitigation and enhancement measures set out below.

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## 2. Background

- 2.1 We understand that planning permission is sought for the construction of new 450m quay wall, infilling of dry dock basin to upgrade the existing marine construction yard and ancillary works.
- 2.2 Works within the planning jurisdiction of North Ayrshire Council extend to the MLWS. Beyond MLWS, works are regulated by the Marine Directorate, whose jurisdiction extends landward to the MHWS. This means that works in the intertidal area (between MHWS and MLWS) are covered by both terrestrial and marine regulators.
- 2.3 The proposed development includes works that are within the marine area, including marine dredging, temporary grounding pads and the installation of mooring dolphins. The EIA provided in support of the marine Licence applications covers both regulatory jurisdictions.
- 2.4 The current application for consent is for enabling works. Subsequent application(s) are required for any future operational works. As such the EIA includes only limited consideration of operational impacts.
- 2.5 As we understand it, the revised scope of the project, due to the unsuitable nature of the on-site dredge material, means that the dry dock will be infilled using imported materials (with discharge of effluent controlled under a SEPA trade effluent authorisation) and site profiling. The piling works for the new quay wall will be carried out on land above MHWS with the existing earth bund removed following completion of the piling works. Therefore, dredged material will no longer be moved from the dredge pocket to the dry dock area but will be disposed of at sea at licenced disposal sites.
- 2.6 This marine license application is for the removal, by multiple dredging techniques, approx. 1,546,660m<sup>3</sup> of material from adjacent to the Southannan Sands SSSI.
- 2.7 We note that MD-LOT are seeking additional information regarding benthic surveys, which have not been submitted in the EIA Report. A further consultation request on the additional information will be forthcoming once the information has been received. These reports will help better understand the baseline condition of the sub benthic and intertidal areas within and adjacent to the proposed dredge area.
- 2.8 We provided a response to the Marine Directorate EIA scoping consultation on 21 December 2023, in which we requested that appropriate surveys, including intertidal, were carried out to inform the EIA.

## 3. Appraisal of the impacts and advice

### Southannan Sands Site of Special Scientific Interest (SSSI)

- 3.1 The Southannan Sands SSSI extends for over 4km along the coast. It is adjacent to the proposed development and is designated for its nationally important Intertidal marine habitats, saline lagoons and sandflats. The SSSI comprises a coastal section, subdivided into three discrete areas, which together support one of the best examples of intertidal sandflats habitat within the entire Clyde coastline. See NatureScot's SiteLink for more detail<sup>1</sup>. Component habitats of the Sandflats notified feature include the Priority Marine Features (PMF) intertidal seagrass beds, native oyster and blue mussel beds.
- 3.2 Priority Marine Features do not have legislative protection, but the basis for protection of their national status across Scottish waters is included in the National Marine Plan.

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<sup>1</sup> <https://sitelink.nature.scot/site/10261>

The proposal may impact Priority Marine Features (PMFs). Marine Directorate should consider the effect of the proposal on the PMF(s) before it can be consented.

- 3.3 We note that a subtidal survey, covering the area likely to be affected by the dredge pocket activities and a Phase II intertidal survey, covering the adjacent SSSI, will be submitted in due course in support of the Marine licence applications. It is possible that within the dredge pocket are PMF's that are linked to the PMF's found within the SSSI, e.g. Seagrass and blue mussels. Alternatively, the dredge impact area could contain other PMFs, not functionally linked to the SSSI, which also may trigger a national status assessment.
- 3.4 Currently, there is insufficient information to complete an impact assessment for PMFs. As the proposal could have a significant impact on the national status of a PMF(s) we therefore object to the proposal until further information is provided and considered by the regulatory authority. The subtidal assessment should provide sufficient detail to determine the distribution and extent of habitats present within the survey area creating broadscale habitat maps and permitting the quantification of areas/habitat types/PMFs which may be impacted by the proposal. The report should also detail mitigation and enhancement measures as appropriate. We will comment further once the additional information is available.
- 3.5 We will advise on any biosecurity measures required when we have the full survey information.

*Advice on the coastal modelling study and coastal geomorphology*

- 3.6 We note and agree with the assessment in Chapter 9 of the EIA about the following core findings of the Coastal Modelling Study:
- Deposition of 'spilled'/disturbed sediment from dredging activity would be very largely within the dredge area, with suspended sediment deposition from the dredging 'plume' predicted to be negligible within the SSSI.
  - Increase in tidal flow as a result of the newly dredged bathymetry would be relatively minor and limited to the dredge area and immediate surrounds, with no change at the SSSI.
  - Increase in wave heights as a result of the newly dredged bathymetry would be largely limited to the waters between the dredge area and the SSSI.
  - When wind and waves are both from due south, part of the MLWS edge of the SSSI could experience an increase of <0.2m in wave height. We agree that any effect on the SSSI would be negligible because this change is minor, and the dredging would re-instate bathymetry to which the SSSI sandflats have previously adjusted.
  - Any resulting changes to sediment transport with regard to the SSSI would not be significant.
- 3.7 The potential effects of potential relaxation of the side slopes of the dredge pocket are assessed in less detail than recommended in our scoping advice. Section 9.7.2.4 merely states that, with the designed slope gradient of 1:6 and a minimum distance to the SSSI of 280m, such relaxation would have negligible effect.
- 3.8 Given the limited justification provided in 9.7.2.4, we carried out our own evaluation of the potential impacts of side slope relaxation on the SSSI (see Annex 3) and we conclude that in terms of coastal processes, significant adverse impacts on the SSSI are not likely.

## Protected species

### Cetaceans & Priority Marine Features (PMFs)

- 3.9 We advise that the following European Protected Species (EPS) and PMF species are all found within the Firth of Clyde: *harbour porpoise, bottlenose dolphin, common dolphin, minke whale, harbour seal, grey seal and basking shark*. Cetaceans are European protected species. Noise and direct disturbance during construction and operation can cause disturbance and auditory injury impacts to these marine species.
- 3.10 Based on our experience with previous coastal infrastructure developments, we believe that the proposed dredging activities could go ahead, with appropriate mitigation measures being fully implemented, without causing injury or significant disturbance to marine mammals.
- 3.11 It is not clear if the EIAR or Technical Appendix 5.4<sup>2</sup> considered disposal of dredged material at sea and the importation of a similar volume of dredged material to the proposed development site. Both these operations have the potential to disturb cetaceans and our advice, given the volumes of material to be dumped, and the intensity of vessel movements and dumping operations, is that mitigation measures to reduce and avoid the potential disturbance impact of dredging and dumping on marine mammals are recommended.  
The most effective way of mitigating the potential effects of disturbance is through the provision of a qualified Marine Mammal Observer ensuring no marine mammals are present within an agreed buffer zone.

### Enhancing biodiversity

- 3.12 We note that technical appendices 5.8 and 5.10 contain detail relating to biodiversity net gain (BNG) assessment (terrestrial) and biodiversity enhancement management plans BEMP (terrestrial) respectively. We note that Section 1.2 of the BEMP states that “The proposed development will also aim to deliver enhancements in the marine environment, however, further baseline data is required to inform marine management plans”. We will advise on this when the Subtidal and Phase II intertidal surveys have been completed.
- 3.13 We recommend that our guidance (Planning for development: What to consider and include in Habitat Management Plans<sup>3</sup>) is used to clearly articulate how the combined marine and terrestrial, or separate, BEMP documents will deliver the mitigation, compensation and enhancement works proposed for a project of this scale and scope. Whilst the current BEMP (TA5.10) does contain some good proposals, it would benefit from additional mapping detail and for

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<sup>2</sup> Hunterston Construction Yard Subsea Noise Technical Report-(RPS 11 April 2024)

<sup>3</sup><https://web.archive.org/web/20240518045813/https://www.nature.scot/sites/default/files/2023-12/160324%20-%20HMP%20guidance.pdf>

the prescriptions within section 2.6.3 to provide quantifiable data as to what will be delivered and where.

3.14 The Hunterston natural capital assessment undertaken on behalf of the Hunterston Strategic Group, which includes Peel Ports Ltd, North Ayrshire Council and NatureScot, should be used to help achieve the right balance of brownfield redevelopment and enhancement of nature at Hunterston.

3.15 More detailed advice for biodiversity enhancements can be found in Annex 2.

### **Concluding remarks**

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage. We hope that you will find it helpful in your consideration of this application, but should you require any further information or advice, please contact [ian.cornforth@nature.scot](mailto:ian.cornforth@nature.scot) in the first instance.

Yours sincerely

[Redacted]

Head of Operations – West Central Scotland

CC. [Redacted] - Senior Development Management Officer - North Ayrshire Council  
Graeme Duff- Envirocentre

**Enc-**

**Annex 1- - NatureScot Coastal Geomorphology Advice**

**Annex 2-NatureScot Biodiversity Enhancement advice.**

## Annex 1 - NatureScot Coastal Geomorphology Advice

### Summary

Based on the assessment in Chapter 9 of the EIA, and our own further assessment below, significant adverse impacts on the Southannan Sands SSSI in coastal process terms are not likely. We also agree with the EIA that significant adverse impacts on other protected areas are not likely.

### The proposal

The EIA is intended to support both the planning application and the marine licence application. The Preface states that it doesn't cover the operational phase of the redeveloped Yard, but Chapter 9 clearly assesses this phase, i.e. taking account of maintenance dredging.

Relevant parts of the proposal are:

- Constructing a 450m length of quay wall on the north west side of the Yard.
- Dredging to -12mCD a pocket extending north west from the new quay out to the deeper water of Hunterston channel.
- Use of the dredgings to infill the former dry dock within the Yard. Our advice only takes account of the removal of this sediment from the marine environment.

In general terms, the dredging would refresh the altered seabed morphology that has existed since creation of the Yard in the 1970s. More specifically, although the EIA only mentions previous dredging to -3mCD, 'unnatural' areas in the current bathymetry strongly suggest the proposal area was formerly dredged deeper than -5mCD, and to at least -12mCD closer to Hunterston channel (Fig 3.2 in the Technical Appendix 9.1 – Coastal Modelling Study).

### Advice

We are content with the assessment in Chapter 9 of the EIA with regard to the following core findings of the Coastal Modelling Study:

- Deposition of 'spilled'/disturbed sediment from dredging activity would be very largely within the dredge area, with suspended sediment **deposition from the dredging 'plume'** predicted to be negligible within the SSSI.
- Increase in **tidal flow** as a result of the newly dredged bathymetry would be relatively minor and limited to the dredge area and immediate surrounds, with no change at the SSSI.
- Increase in **wave heights** as a result of the newly dredged bathymetry would be largely limited to the waters between the dredge area and the SSSI (the EIA does not attempt to interpret this increase which we attribute to the removal of the shallow seabed immediately fronting the north west side of the Yard).
- When wind and waves are both from due south, part of the MLWS edge of the SSSI could experience an increase of <0.2m in wave height. We agree that any effect on the SSSI would be negligible because this change is minor and the dredging would re-instate bathymetry to which the SSSI sandflats have previously adjusted.
- Any resulting changes to **sediment transport** with regard to the SSSI would not be significant.

The potential effects of potential relaxation of the side slopes of the dredge pocket are assessed in less detail than recommended in our scoping advice to the Marine Directorate. Section 9.7.2.4 merely states that, with the designed slope gradient of 1:6 and a minimum distance to the SSSI of 280m, such relaxation would have negligible effect.

We advise that potential side-slope relaxation needs further consideration, as follows:

- Although the designed slopes of 1:6 ( $9.5^\circ$ ) may well prove stable, that has not been demonstrated.
- The designed slopes would be ca.42m wide, cut into a ‘shelf’ that lies at approximately -5mCD (see Fig 3.2 in Technical Appendix 9.1). Immediately after dredging, the *unaffected* width of this shelf to the north east, i.e. towards the SSSI, would be approximately 90m (see the “450m Quay Wall General Arrangement” drawing).
- Side-slope relaxation would not be likely to occur throughout this 90m width. For example, even relaxation to a nominal gradient of 1:15 ( $3.8^\circ$ ), very likely to be stable, would only take up an additional 63m of the width.
- Therefore we consider that potential side-slope relaxation would not directly affect the shallower subtidal area that adjoins the SSSI.
- A secondary effect on wave height due to the greater area of deeper water created by potential relaxation is not likely. This is because based on rare storm waves analysed in the Coastal Modelling Study, the depth at which wave height is affected by the seabed and waves stir up sediment (‘depth of closure’) will be considerably less than -5m. Side-slope relaxation would further deepen the water.

Figure 1 illustrates how a nominal relaxation of dredged side slopes to a stable angle would be unlikely to affect the SSSI.

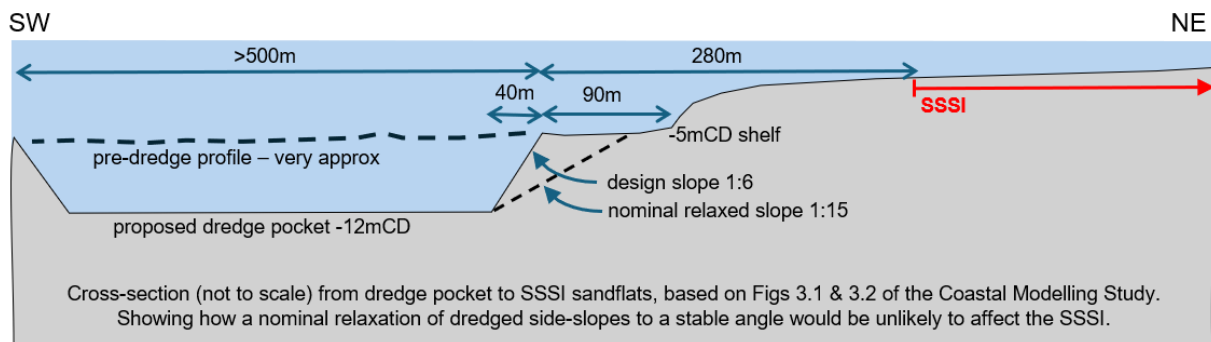


Figure 1 -NatureScot produced cross section of dredge pocket to Southannan Sands SSSI

In conclusion, although the potential side-slope relaxation is inadequately assessed in the EIA, due to the above considerations, we agree with the EIA conclusion that in terms of coastal processes significant adverse impacts on the SSSI are not likely.



## **Annex 2 - NatureScot Biodiversity Enhancement advice.**

### Biodiversity enhancement

NPF4 sets out new requirements for development to deliver positive effects for biodiversity, primarily under Policy 3.

For national and major developments, or those subject to EIA, Policy 3b notes that proposals will only be supported where it can be demonstrated that they will conserve, restore and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention. The policy requires that such proposals demonstrate significant biodiversity enhancement, in addition to any proposed mitigation. Only when actions result in biodiversity being left in a better state than before development are positive effects secured.

The Scottish Government **Draft Planning Guidance on Biodiversity** (published November 2023) provides further advice on delivering biodiversity enhancement to clarify understanding of NPF4 Policy 3. Although labelled as “Draft Guidance” it is intended that it should be used now to assist in implementation and delivery of Policy 3.

We advise that:

- Development proposals should clearly set out the type and scale of enhancement they will deliver, ensuring that applications clearly distinguish between those elements mitigating or compensating for adverse effects and those delivering enhancement.
- Developers should prioritise on-site enhancement before off-site delivery. Where purely on-site enhancement is not possible, the Scottish Government draft guidance sets out further considerations for off-site delivery.
- It is also important that applications demonstrate that the enhancement is to be secured within a reasonable timescale and with reasonable certainty, including appropriate management and monitoring arrangements, and sustained for the future (preferably in perpetuity) in order to deliver a lasting legacy.
- Information on predicted losses, and the proposed mitigation, compensation and enhancement should be clearly set out, and also concisely summarised, in any application, so that this can be easily understood by decision makers.
- Enhancement requires consideration of all biodiversity, not just the significant effects that are the focus of EIA.

Our **Developing with Nature** guidance has been prepared, in discussion with Scottish Government, to support local development applications. It sets out a number of common measures to enhance biodiversity that are widely applicable. For national, major and EIA developments, more detailed assessment and more ambitious measures are likely to be required, but elements of our *Developing with Nature* guidance may still be helpful.

For information and updates, please see our **enhancing biodiversity webpage**.

[Redacted]

Marine Scotland

Our Ref: PCS-20003480

Your Ref: 00010868

By email only to:

[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

SEPA Email Contact:

[planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk)

17 January 2025

Dear [Redacted]

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017****00010868****Quay Wall Construction****Hunterston**

Thank you for your consultation which was received by SEPA on 28 October 2024 in relation to the above application. I apologise for the delay in responding.

**Advice for the planning authority**

We have **no objection** to the proposed development, however, please note our advice provided below. When we responded at the scoping stage of the (Marine) EIA process (ref: 11237 dated 05 December 2023) we offer no comment on the basis that we have stepped back from providing bespoke input for a lot of marine consultations, including many that are subject to EIA. We highlighted our [Standing Advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#).



**Chair**  
[Redacted]

**CEO**  
[Redacted]

**SEPA**  
Unit 6  
4 Parklands Avenue  
Holytown  
Motherwell  
ML1 4WQ

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

We did provide bespoke input to North Ayrshire Council with regards to the terrestrial EIA and the associated planning application (24/00444/PPM). On the basis of the comments from the SEPA Radioactive Substances (RS) Unit, almost all of which applied to marine elements of the proposal, it was considered prudent to consult the SEPA RS Unit on the construction works that form the basis of this proposal.

## **1. Radioactive substances**

- 1.1 The SEPA RS Unit are not aware of any contamination in the development area, anecdotally or from statutory reports or the environmental monitoring programmes undertaken at the nearby Hunterston A and B nuclear sites. Both stations discharged liquid and gas for decades (and continue to do so) so there is a potential that disturbance of the foreshore and/or sea bed sediments could create a new pathway for discharged radionuclides to affect the public.
- 1.2 In the event that any contamination is found, and it is within the scope of Environmental Authorisations (Scotland) Regulations 2018 (EASR), it will require an authorisation under EASR to regulate it. The SEPA RS Unit will be happy to discuss this in more detail with the applicant.
- 1.3 The SEPA RS Unit would expect to see the inclusion of a condition within Marine Scotland issued licence(s) for a Construction Environmental Management Plan (CEMP), as the construction phase has the potential to disturb sub-tidal or intertidal sediments which may be potentially contaminated due to previous offshore discharges from the nearby Hunterston A and B nuclear sites.

### **Advice for the applicant**

## **2. Regulatory advice**

- 2.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website.

If you have queries relating to this letter, please contact us at [planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk) including our reference number in the email subject.

Your sincerely

[Redacted]

Senior Planning Officer

Planning Service

E-copy to: [Redacted]

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/)

## Appendix 1: Advisory Comments from the SEPA Radioactive Substances Unit

The following comments are based on the review of the following documents:

- Hunterston Construction Yard Volume 1: Environmental Impact Assessment, May 2024, Document number: 13772 Issue 1 Final.
- Hunterston Construction Yard: Construction Environmental Management Plan, May 2024, Document number 13923 Issue 1 Working Draft

### Construction Environmental Management Plan (CEMP)

The following comments relate to the Construction Environmental Management Plan (CEMP) which is noted is a 'working draft' and will be populated and amended as works progress. The CEMP covers both the construction activities and the dredging activities relating to the upgrade of the Hunterston Construction Yard. Comments on the dredging activities (including review of the Best Practicable Environmental Options Report) will be covered under the RS response for PCS-20003481.

- Legal Compliance – this section should contain Environmental Authorisations (Scotland) Regulations 2018.
- From the activities listed requiring a Marine Licence SEPA RS have potential concerns regarding the following:
  - Installation of sub-surface revetments for the new quay wall;
  - Capital Dredging to a depth of -12m CD to enable access to the 450m quay wall;
  - Disposal of dredging spoil to a licensed marine spoil disposal site;
  - Construction of up to 5 mooring dolphins;
  - Installation and removal of a temporary grounding pad to facilitate vessel birthing as required;

as there is a potential that disturbance of the foreshore and/or sea bed sediments could create a new pathway for discharged radionuclides from nearby Hunterston A and B nuclear sites.

- SEPA RS are pleased to note that SEPA would be consulted with respect to method statements as such the method statements for the above would be most pertinent to SEPA RS Unit to ensure that these would not create a new pathway for discharged radionuclides from nearby Hunterston A and B nuclear sites.
- There is no mention of management of radioactive waste, EASR 2018 or monitoring for radioactivity within the CEMP.

[Redacted]

Marine Scotland

Our Ref: PCS-20003481

Your Ref: 00010872

By email only to:

[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

SEPA Email Contact:

[planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk)

17 January 2024

Dear [Redacted]

**Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017****00010872****Capital Dredge and Sea Deposit****Hunterston**

Thank you for your consultation which was received by SEPA on 28 October 2024 in relation to the above application. I apologise for the delay in responding.

**Advice for Marine Scotland**

We have **no objection** to the proposed development, however, please note our advice provided below. When we responded at the scoping stage of the (Marine) EIA process (see response ref: 11237 dated 05 December 2023) we offer no comment on the basis that we have stepped back from providing bespoke input for a lot of marine consultations, including many that are subject to EIA. We highlighted our [Standing Advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations](#).



**Chair**  
[Redacted]

**CEO**  
[Redacted]

**SEPA**  
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We did provide bespoke input to North Ayrshire Council with regards to the terrestrial EIA and the associated planning application (24/00444/PPM). On the basis of the comments from the SEPA Radioactive Substances (RS) Unit, almost all of which applied to marine elements of the proposal, it was considered prudent to consult the SEPA RS Unit on the dredge and deposit works that form the basis of this proposal.

## **1. Radioactive substances**

- 1.1 The SEPA RS Unit are not aware of any contamination in the development area, anecdotally or from statutory reports or the environmental monitoring programmes undertaken at the nearby Hunterston A and B nuclear sites. Both stations discharged liquid and gas for decades (and continue to do so) so there is a potential that disturbance of the foreshore and/or sea bed sediments could create a new pathway for discharged radionuclides to affect the public.
- 1.2 In the event that any contamination is found, and it is within the scope of Environmental Authorisations (Scotland) Regulations 2018 (EASR), it will require an authorisation under EASR to regulate it. The SEPA RS Unit will be happy to discuss this in more detail with the applicant.
- 1.3 The SEPA RS Unit would expect to see the inclusion of a condition within Marine Scotland issued licence(s) for a Construction Environmental Management Plan (CEMP), as the construction phase has the potential to disturb sub-tidal or intertidal sediments which may be potentially contaminated due to previous offshore discharges from the nearby Hunterston A and B nuclear sites.

### **Advice for the applicant**

## **2. Regulatory advice**

- 2.1 Details of regulatory requirements and good practice advice can be found on the [regulations section](#) of our website.

If you have queries relating to this letter, please contact us at [planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk) including our reference number in the email subject.



Your sincerely

[Redacted]

Senior Planning Officer

Planning Service

E-copy to: [Redacted]

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/)

## **Appendix 1: Advisory Comments from the SEPA Radioactive Substances Unit**

The following comments are based on the review of the following documents:

- Hunterston Construction Yard: Best Practicable Environmental Options Report, June 2024, Document number 14183 Issue 1 Final.
- Proposed Marine Construction and Engineering Works for new Quay Wall, and Marine Dredging Hunterston Construction Yard, West Kilbride, North Ayrshire Marine Planning Statement, May 2024,
- Pre-Application Consultation Report under Regulation 8 of the Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013, March 2024

### **Best Practicable Environmental Options Report**

This report covers testing of marine sediment for radionuclides.

- 26 locations were sampled and 78 composite samples obtained for analysis of which 20 were analysed for radioactivity. 20 samples of a proposed dredge volume of 1,546,660 m<sup>3</sup> is not statistically significant.
- Whilst the majority of the radionuclides tested for are below the limit of detection (LOD) the LOD for some of these radionuclides are not as low as achievable.
- There is evidence of Cs-137 in the samples obtained as high as 39.2 Bq/kg and given the limited sampling there may be higher activity within the dredge volume.
- As such SEPA view that screening of the dredged material is carried out to achieve a more representative sample of the volume proposed. As such it may be prudent to apply for an Environmental Authorisations (Scotland) Regulations 2018 permit for the management of radioactive material to ensure that the dredged materials are under control and disposed of appropriately. The Construction Environmental Management Plan will require to be updated regarding this.

### **Construction Environmental Management Plan (CEMP)**

The CEMP is noted as a 'working draft' and will be populated and amended as works progress. The CEMP covers both the construction activities and the dredging activities

relating to the upgrade of the Hunterston Construction Yard. Comments on the construction activities will be covered under the RS response for PCS 20003481 under separate cover.

- Legal Compliance – this section should contain Environmental Authorisations (Scotland) Regulations 2018.
- From the activities listed requiring a Marine Licence SEPA RS have potential concerns regarding the following:
  - Installation of sub-surface revetments for the new quay wall;
  - Capital Dredging to a depth of -12m CD to enable access to the 450m quay wall;
  - Disposal of dredging spoil to a licensed marine spoil disposal site;
  - Construction of up to 5 mooring dolphins;
  - Installation and removal of a temporary grounding pad to facilitate vessel birthing as required;

as there is a potential that disturbance of the foreshore and/or sea bed sediments could create a new pathway for discharged radionuclides from nearby Hunterston A and B nuclear sites.

- SEPA RS are pleased to note that SEPA would be consulted with respect to method statements as such the method statements for the above would be most pertinent to SEPA RS Unit to ensure that these would not create a new pathway for discharged radionuclides from nearby Hunterston A and B nuclear sites.
- There is no mention of management of radioactive waste, EASR 2018 or monitoring for radioactivity within the CEMP.
- There is no mention of monitoring the dredged materials for potential radioactive contamination within Chapter 4 Dredging Environmental Management nor any mention of potential radioactive waste and any permits required under EASR 2018. Neither is there any mention of radioactive waste within Chapter 8 Site Waste Management Plan.

Friday, 04 October 2024



Marine Licensing  
375 Victoria Road

Aberdeen

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Hunterston Marine Construction Yard**  
**Planning Ref: 00010868 & 00010872**  
**Our Ref: DSCAS-0118973-WB6**  
**Proposal: Hunterston – Quay Wall Construction & Hunterston – Capital Dredge and Sea Deposit**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Drinking Water Protected Areas**

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

### **Asset Impact Assessment**

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

### Angela Allison

Development Services Analyst  
[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd
  - Tel: 0333 123 1223
  - Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - [www.sisplan.co.uk](http://www.sisplan.co.uk)
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal.



# Northern Lighthouse Board

84 George Street  
Edinburgh EH2 3DA

Tel: 0131 473 3100  
Fax: 0131 220 2093

Website: [www.nlb.org.uk](http://www.nlb.org.uk)  
Email: [enquiries@nlb.org.uk](mailto:enquiries@nlb.org.uk)

Your Ref: MDL 00010868 & 00010872  
Our Ref: AL/OPS/ML/C1\_01\_342

Ms [Redacted]  
Licensing Operations Team – Marine Directorate  
Scottish Government  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

4 October 2024

## MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

### 00010868 & 00010872 – Clydeport Operations Ltd (per EnviroCentre Limited) – Hunterston – Quay Wall Construction & Capital Dredge and Sea Disposal

Thank you for your e-mail correspondence dated 2<sup>nd</sup> October 2024 relating to the application submitted by **Clydeport Operations Ltd** for consent to undertake quay wall construction and a capital dredge campaign at Hunterston, North Ayrshire.

Northern Lighthouse Board note the content of the Navigational Risk Assessment and Aids to Navigation (AtoN) are a major mitigating factor for all phases of the construction works and operation of the new facility. NLB also note that Notice to Mariners and marine safety information will be issued as needed throughout the works.

It is also noted that it is proposed to utilise the Birch point (MA17), Brodick (MA19) and Cloch Point (MA21) spoil grounds for the disposal of dredged material.

Northern Lighthouse Board have no objections to the construction works and advise the following:

- **Clydeport Operations Ltd** liaise with Northern Lighthouse Board regarding temporary AtoN provision through the various construction phases, and permanent AtoN on completion of the works.

NLB respects your privacy and is committed to protecting your personal data.  
To find out more, please see our Privacy Notice at [www.nlb.org.uk/legal-notices/](http://www.nlb.org.uk/legal-notices/)

- The statutory sanction of the NLB should be sought prior to the establishment, alteration or discontinuation of any Aid to Navigation.
- Upon completion of the works, as-built drawings (including permanent AtoN) should be provided to the UK Hydrographic Office to enable the update of navigational publications (sdr@ukho.gov.uk).

Yours sincerely

[Redacted]

[Redacted]



From: [Redacted]  
To: [Redacted]  
Subject: RE: 00010868 & 00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston - Consultation - Response Required by 01 November 2024  
Date: 07 October 2024 10:31:53  
Attachments: [Redacted]

Hi IR

I write to inform you that RYA Scotland has no objections to this application.

Kind Regards

IR

[Redacted]  
Chief Administrator  
Mob: [Redacted]

Royal Yachting Association Scotland  
T: 0131 317 7388  
E: [Redacted]



Protecting your personal information is important to us, view our full Privacy Statement [here](#)



**From:** [Redacted]  
**To:** [MD Marine Licensing](#)  
**Cc:** [Redacted]  
**Subject:** RE: 00010868 & 00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston -Consultation – Response Required by 01 November 2024  
**Date:** 07 October 2024 17:03:22  
**Attachments:** [Redacted]

---

Dear [Redacted],

Thank you for sharing this consultation opportunity for SFF's comment.

Please file a 'nil return' response from SFF on this particular consultation.

**Best wishes**

[Redacted]

**Offshore Energy Policy Manager**

---

**Scottish Fishermen's Federation (SFF)**  
24 Rubislaw Terrace | Aberdeen | AB10 1XE  
T: +44 (0) 1224 646944 | M: [Redacted]  
E: [Redacted] | [sff.co.uk](http://sff.co.uk)  
Follow us: [Facebook](#) | [Twitter](#)

**From:** [Redacted]  
**To:** [MD Marine Licensing](#)  
**Subject:** RE: 00010868 & 00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston - Consultation – Response Required by 01 November 2024  
**Date:** 09 October 2024 11:34:22  
**Attachments:** [Redacted]

---

Good morning

This is a Clydeport project so we have no objections.

Kind Regards,

[Redacted]

[Redacted]

Marine Compliance Officer

Peel Ports - Clydeport



0147 588 6318

[Redacted]

[Redacted]

Peel Ports Group Ltd  
Greenock Ocean Terminal  
Patrick Street  
Greenock  
PA16 8UU



 Please consider the environment before printing this e-mail

---

**From:** [navigation safety](#)  
**To:** [MD Marine Licensing](#)  
**Subject:** RE: 00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston -Consultation – Response  
**Date:** 17 October 2024 14:42:22  
**Attachments:** [Redacted]

---

Dear [Redacted]

Thank you for the opportunity to comment on the Marine Licence application for Clydeport Operations Limited (per EnviroCentre Limited) at Hunterston, being Capital dredging and sea disposal. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents received and would like to comment as follows:

We note that all works fall within the jurisdiction of a Statutory Harbour Authority (SHA), being Clydeport Operations Limited (Peel Ports) and therefore they are responsible for the safety of navigation within their waters. We also note that the SHA has undertaken MCA recommendations at scoping stage and there is a NRA specific to these works, a Hazid workshop has taken place with local stakeholders to address concerns and ensure risk mitigations are as low as reasonably practicable (ALARP), and a safety management system is in place.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the following risk mitigation measures take place:

Conditions:

None

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. The site is within port limits and the Harbour Authority may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary. Any change data including engineering drawings, hydrographic surveys, details of new or changed aids to navigation must then be passed onto The Source Data Receipt team, UK Hydrographic Office, (email: [sdr@ukho.gov.uk](mailto:sdr@ukho.gov.uk)) as per guidance in 'Harbour Master's Guide to Hydrographic and Maritime Information Exchange' published on the UK Hydrographic Office (ADMIRALTY) website.
2. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.

The MCA has considered the relevant Marine Plan as part of its assessment of this

application.

If you have any questions on this response, please let us know.  
Kind regards

[Redacted]

Marine Licensing and Consenting  
Advisor

**UK Technical Maritime Services** [NavigationSafety@mca.gov.uk](mailto:NavigationSafety@mca.gov.uk)  
**Navigation**



Mobile: [Redacted]

**Maritime & Coastguard Agency**  
Spring Place, 105 Commercial Road,  
Southampton, SO15 1EG



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[www.gov.uk/mca](http://www.gov.uk/mca)

From: navigation safety  
To: MD Marine Licensing  
Subject: RE: 00010868 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston -Consultation – Response  
Date: 17 October 2024 14:36:22

Dear [Redac ,  
.....]

Thank you for the opportunity to comment on the Marine Licence application for Clydeport Operations Limited (per EnviroCentre Limited) at Hunterston, being Quay Wall construction. The UK Technical Services Navigation team of the Maritime and Coastguard Agency has reviewed the documents received and would like to comment as follows:

We note that all works fall within the jurisdiction of a Statutory Harbour Authority (SHA), being Clydeport Operations Limited (Peel Ports) and therefore they are responsible for the safety of navigation within their waters. We also note that the SHA has undertaken MCA recommendations at scoping stage and there is a NRA specific to these works, a Hazid workshop has taken place with local stakeholders to address concerns and ensure risk mitigations are as low as reasonably practicable (ALARP), and a safety management system is in place.

The MCA confirms we have no objections to a licence being granted on this occasion. This is on the understanding that all maritime safety legislation is adhered to, and that the following risk mitigation measures take place:

Conditions:

None

In addition, the following advice should be provided to the applicant to facilitate the proposed works:

Advisories:

1. Bunding and/or storage facilities must be installed to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment.
2. The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.
3. Consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations, and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths, and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice, which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code. This can be found here: <https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>
4. The local MCA Marine Office, in this case [GlasgowMO@mcga.gov.uk](mailto:GlasgowMO@mcga.gov.uk) should be notified at least five days before commencement of the works.

The MCA has considered the relevant Marine Plan as part of its assessment of this application.

If you have any questions on this response, please let us know.  
Kind regards

[Redacted]

Marine Licensing and Consenting  
Advisor

**UK Technical Maritime Services** [NavigationSafety@mcga.gov.uk](mailto:NavigationSafety@mcga.gov.uk)  
**Navigation**



Mobile: [Redacted]

**Maritime & Coastguard Agency**  
Spring Place, 105 Commercial Road,  
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[www.gov.uk/mca](http://www.gov.uk/mca)

**Fairlie Community Council Response to M.S. Consultation on  
Hunterston Marine Construction Yard  
Capital dredging and Sea Disposal Marine Scotland ref:00010872 28/10/24**

An application for planning consent has been submitted to North Ayrshire Council on behalf of Peel Ports for a major development at the Hunterston Marine Construction Yard. The application shows the proposed works comprise three main features (i) the construction of a new quay wall, (ii) infilling of the existing drydock with approximately 1.3 million cu metres of material, and (iii) capital dredging of the berth and approach to the new quay wall to the extent of about 1.5 cu metres of material.

An application for the dredging and disposal of the dredged material has been submitted to Marine Scotland (MS ref:00010872). In support of the application, a best practicable environmental option (BPEO) study has been undertaken to determine the preferred disposal option for the dredged material. After detailed review of all realistic options the BPEO identified the preferred option as being beneficial use as infill for the existing drydock.

That option was caveated as being dependent upon the dredged material being suitable for infill, and the programming of the quay construction, the dredging and the infilling. As a result of concern with regard to these potential dependency issues, the `preferred disposal option` was changed to `sea disposal` at a licensed marine site. This has resulted in the application to Marine Scotland for marine disposal of up to a million cubic metre tonnes.

At no point in the application is there any reference to how the drydock is to be infilled, if it is not by the material dredged nearby. Nor is there any reference in the Planning Application to North Ayrshire Council.

The local community is therefore unaware of how much, if any, of the 1.5 million cubic metres of dredged material is to be used to provide the 1.3 million cubic metres of infill, the nature of any additional material, from where that material will be sourced, and, most importantly, how it will be transported to the infill site.

Fairlie Community Council thus **objects** to the application for a Marine Disposal Licence for the reasons:

- (1) the application fails to demonstrate through a geotechnical report what proportion of the dredged material is unsuitable for infill.
- (2) the application fails to address the environmental and amenity impact of any alternative source and transport of suitable infill material, particularly if land source(s) and road transport take place.
- (3) if the infill material, in total or in part, is to be sourced from capital dredging elsewhere, the application provides no information about such locations.



**From:** [DIO-Safeguarding-Offshore \(MULTIUSER\)](#)  
**To:** [MD Marine Licensing](#)  
**Subject:** 20241030\_00010868 & 00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston - Consultation  
**Date:** 30 October 2024 15:01:41  
**Attachments:** [Redacted]

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FAO [Redacted]

Good afternoon,

Thank you for your email below regarding Marine Licence Applications:

00010868 - Clydeport Operations Limited (per EnviroCentre Limited) – Hunterston – Quay Wall Construction  
00010872 - Clydeport Operations Limited (per EnviroCentre Limited) - Hunterston – Capital Dredge and Sea Deposit

I can confirm that from the information provided, the MOD has no objection regarding this activity.

Kind regards,

[Redacted] | **Safeguarding Officer**

Defence Infrastructure Organisation  
Estates | Safeguarding  
DIO Head Office | St George's House | DMS Whittington | Lichfield | Staffordshire | WS14 9PY  
Email: [Redacted]

**From:** [ONR Land Use Planning](#)  
**To:** [MD Marine Licensing](#)  
**Subject:** ONR Land Use Planning - Application Marine Licence Hunterston Construction Yard - 00010868 & 00010872  
**Date:** 30 October 2024 16:06:39  
**Attachments:** [Redacted]

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Dear Sir/Madam,

I have consulted with the emergency planners within SCOTTISH GOVERNMENT, which is responsible for the preparation of the Hunterston B off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information) Regulations (REPPIR) 2019. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

ONR does not advise against this development, however, there is potential for EDF's decommissioning project and the Hunterston Construction Yard project to temporally overlap, therefore the applicant should consider the inter-project cumulative effects of Hunterston B with both its projects.

Kind regards,

Land Use Planning  
Office for Nuclear Regulation  
[ONR-Land.Use-planning@onr.gov.uk](mailto:ONR-Land.Use-planning@onr.gov.uk)

Development Management and Strategic Road Safety  
[Redacted]

George House 36 North Hanover St Glasgow G1 2AD  
Direct Line: 0141 272 7593  
[Redacted]



[Redacted]  
Marine Directorate  
Scottish Government,  
5 Atlantic Quay,  
150 Broomielaw,  
Glasgow,  
G2 8LU

Your ref:  
00010868 &  
00010872

Our ref:  
GB01T19K05

Date:  
30/10/2024

[MD.MarineLicensing@gov.scot](mailto:MD.MarineLicensing@gov.scot)

Dear Sirs,

## **MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING**

### **THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

**00010868 - CLYDEPORT OPERATIONS LIMITED (PER ENVIROCENTRE LIMITED) - HUNTERSTON – QUAY WALL CONSTRUCTION**

**00010872 - CLYDEPORT OPERATIONS LIMITED (PER ENVIROCENTRE LIMITED) - HUNTERSTON – CAPITAL DREDGE AND SEA DEPOSIT**

With reference to your recent correspondence on the above development, we acknowledge receipt of the Environmental Impact Assessment Report (EIAR) prepared by EnviroCentre Limited in support of the above development. We understand that the EIAR supports both applications for the marine construction and the dredging licence.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

#### **Proposed Development**

The proposed development comprises the construction of a new quay and associated quayside infrastructure, located at Hunterston Construction Yard (HCY) in North Ayrshire. The HCY is accessible from the A78(T) via Hunterston Roundabout and Power Station Road leading onto Oilrig Road.

Transport Scotland was consulted on the Scoping Report (SR) for these applications and we issued comments in our response dated 8<sup>th</sup> December 2023.

## Assessment of Environmental Impacts

Chapter 8 of the EIAR presents the assessment of generated traffic associated with the development. This states that the assessment has been carried out in accordance with the Institute of Environmental Management and Assessment (IEMA) Guidelines, entitled Environmental Assessment of Traffic and Movement (July 2023).

These specify that road links should be taken forward for further assessment where the following two rules are breached:

Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

Chapter 8 states that Automatic Traffic Count (ATC) surveys were undertaken on the A78(T) and Oilrig Road between the 23<sup>rd</sup> and 29<sup>th</sup> January 2024, to determine baseline traffic flows. The resulting flows are presented in Table 8.2 of the EIAR.

With regard to generated traffic, we note that it is estimated that there will be approximately 75 staff working on site during the construction stage. It is presumed that 60 vehicle parking spaces will be provided on site and that a maximum of 120 additional two-way trips (60 in / 60 out) associated with staff arrivals and departures will be generated per day. It is then assumed that 50% of construction vehicles will arrive/depart using the A78 (N) and 50% will arrive/depart using the A78 (S). The AM and PM peak hour and AADT traffic flows for the baseline and assessment scenarios are presented in Table 8.5 of the EIAR, with the resultant percentage uplift in traffic flows. This demonstrates that the impact of the total development flows on the A78(T) will be 1%, which is clearly well below the threshold for further assessment.

The impact of HGV movements is provided in Table 8.6. This demonstrates that an increase in HGV movements of 105 on the A78(N) will result in an 11% increase, and an increase in HGVs of 33 on the A78(S) will result in a 7% increase. Transport Scotland is, therefore, satisfied that the proposed development will not have a significant impact on the A78(T), and no further assessment is required in relation to potential environmental effects associated with this traffic.

## Abnormal Loads Assessment

The EIAR states that it is not anticipated that there will be any hazardous load / large load vehicle movements associated with the development. Consequently, Transport Scotland is satisfied that no Abnormal Load Assessment is required.

## Conclusions

Based on the review undertaken, Transport Scotland is satisfied with the submitted EIAR and has no objection to the development in terms of environmental impacts on the trunk road network.

I trust that the above is satisfactory but should you wish to discuss in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

[Redacted]

[Redacted]

**Transport Scotland  
Roads Directorate**

CC [Redacted] – SYSTRA Ltd.