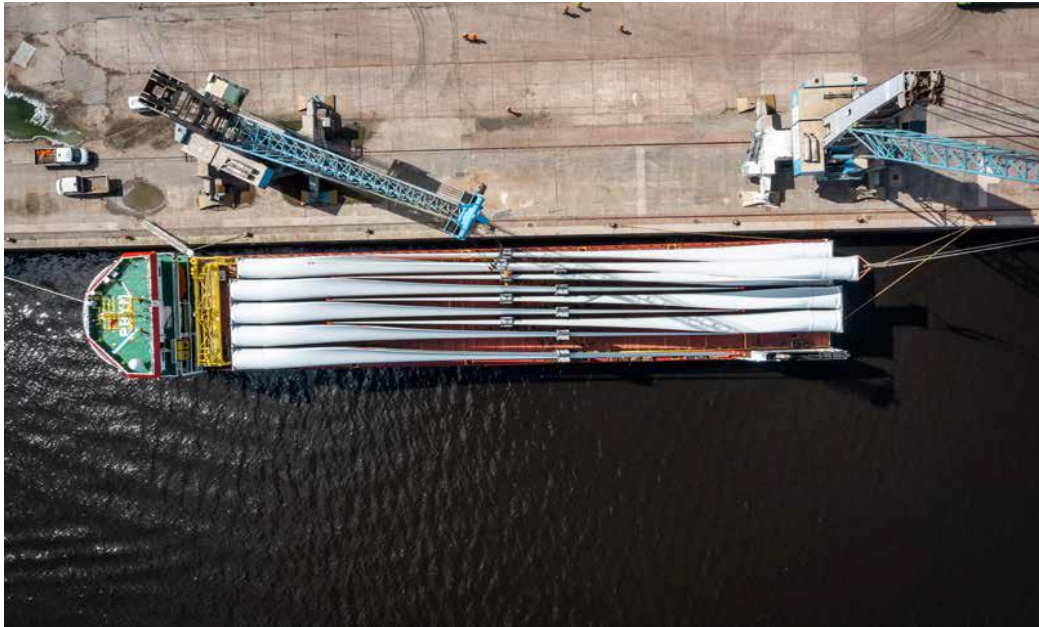


Cameron Planning



Clydeport Operations Ltd.

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

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1. Introduction

- 1.1 Clydeport Operations Ltd seek Marine Works Licences from Marine Directorate – Licensing Operations Team (MD-LOT) in respect of proposed marine dredging works and construction works relating to the construction of a new quay wall at the existing Hunterston Construction Yard, West Kilbride, North Ayrshire. The proposed works are part of a proposed upgrading of the existing Yard which also include the infilling of the existing dry dock basin. This brief Planning Statement discusses the background to the development and considers the proposed marine works with regards to the National Marine Plan. The Marine Licence application forms require the applicant to confirm that they have taken into consideration the relevant Policies within the National Marine Plan; this Planning Statement demonstrates that the applicants have accordingly taken account of the National Marine Plan.
- 1.2 Hunterston Construction Yard is an existing marine construction yard owned by Peel Ports Group which benefits from a Certificate of Lawful Use granted by North Ayrshire Council in November 2022 (reference 22/00717/LUE) for the use of the Yard for Use Class 5 (General Industry) uses. The Certificate was granted to reflect the different industrial uses that have been permitted under previous time limited planning consents at the yard, and consequently permits industrial activity (within the terms of Use Class 5) to take place at the yard without the need for an express grant of planning permission. The Certificate is unrestricted and unconditional. The Certificate relates to terrestrial Planning matters.
- 1.3 The Planning status of the Yard, with regards to the adopted Development Plan is one that reflects policies contained within both the adopted North Ayrshire Council (NAC) Local Development Plan 2 (LDP2), and National Planning Framework 4 (NPF4). The statutory Development Plan relative to the Yard therefore comprises both LDP2 and NPF4. NPF4 defines Hunterston as a project of national development and a strategic asset in terms of national planning. NPF4 supports the use of the Yard for a range of industrial purposes, including servicing the offshore renewables industry. This status is also reflected in the adopted LDP2 which identifies the Yard as part of a Strategic Development Area for industrial purposes, including marine related and offshore renewables supporting activity.
- 1.4 Under LDP2, Strategic Policy 3 is most relevant and states that the Council:

recognise the strategic national importance of Hunterston as an energy hub and deep water port. We strongly support the inclusion of Hunterston in the National Planning Framework 4. In particular we will support the following uses in relation to the Hunterston Deep Water Port (extract):

- *Renewables generation, manufacture, maintenance, research and development, testing and training*

- 1.5 In recognising the strategic status of Hunterston and the opportunities presented at Hunterston Construction Yard, it is also implicit that the adjoining marine environment is part of the opportunity to service the renewable energy sector.
- 1.6 The Yard is part of the wider Hunterston PARC Development Framework, which includes the Peel Ports Group landholding at Hunterston, extending to the existing deep water jetty, railhead, and former Coal and Iron Ore Terminal. The Hunterston PARC Development Framework has been approved by North Ayrshire Council and will inform the production of the Council's future LDP 3. It is therefore a material consideration in terms of planning and decision-making.
- 1.7 The proposed development of the yard includes the construction of a new 450m quay wall together with associated dredging of the adjacent marine area to a depth of -12mCD. The new quay wall will be capable of, for example, berthing vessels that can service offshore renewable infrastructure. The works also include the infilling of the dry dock basin, a currently landlocked basin, to provide a more extensive and usable construction yard space. The new quay wall will be built behind the existing revetment, that is, within the scope of the terrestrial Planning regime. The subsequent removal of the existing revetment comprises of works that are within both the marine and terrestrial planning regimes. The associated dredging works are solely marine based.
- 1.8 The proposed development has been subject to an Environmental Impact Assessment (EIA) which has been prepared in accordance with EIA Scoping Opinions issued by both NAC and MD-LOT. The Proposed development has elements that require planning permission or marine licensing together with elements that require both planning permission and licensing. The development project is however subject to a single EIA and the different applications are supported by a comprehensive EIA Report.
- 1.9 The proposed marine works comprise of the following:

Construction works – engineering operations relating to the removal of the existing bund that currently seals the existing dry dock basin, together with the removal of adjoining lengths of stone revetment, with subsequent dredging activity, to allow vessel access to the new quay wall. The works to the new quay wall will be implemented wholly within the terrestrial regime, although the application of fenders may subsequently occur at a later stage and are included in both the marine licence application and the planning application. The works also include the provision of a marine grounding pad and marine dolphins within the sea bed area adjacent to the new quay wall, and

Dredging – capital dredging of the development envelope within the adjacent marine area to a depth of -12mCD. The dredge arisings will be used to infill the dry dock basin where the arisings are suitable for that purpose or alternatively disposed of at sea.

- 1.10 The additional terrestrial Planning works relative to the project include the infill of the dry dock basin and formation of surfaced construction yard platform, access provision, site security fencing, lighting, surface water drainage, and provision of new sub-stations.
- 1.11 As noted, the proposed development has been subject to extensive consultation with the different Regulators, statutory consultees and key stakeholders. The design approach and scope of supporting technical evidence submitted with the applications has been informed by these consultations.

2. Planning Statement

Scotland's National Marine Plan, 2015

- 2.1 The Scottish Government is currently in the process of undertaking stakeholder engagement with regards to a new National Marine Plan 2, which will in time replace the current National Marine Plan approved in 2015. At this time, the existing National Marine Plan is pertinent to the marine licence applications.
- 2.2 The relevant MD-LOT Marine Licence application forms include Question 10 which requires that applicants for a marine licence state whether the application has considered Scotland's National Marine Plan policies. The applicant is then requested to provide details of any considerations made with reference to the National Marine Plan policies, including but not limited to General Policies 7 and 13 (GEN 7 and GEN 13). Where no such consideration has been given, the applicants should explain why this is the case.
- 2.3 The National Marine Plan was published in 2015 and sets out strategic policies for the sustainable development of Scotland's marine resources to a distance out to 200 nautical miles. Further Regional Marine Plans are to be implemented at a local level within Scottish Marine Regions, extending out to 12 nautical miles. The National Marine Plan advises that the boundaries of these regions are required to be set by secondary

legislation. Within the defined regions, regional marine plans will be developed by Marine Planning Partnerships to take account of local circumstances and smaller ecosystem units; they will accord with the National Marine Plan.

2.4 The proposed development is located within the Clyde Marine Planning Partnership region. During the pre-application stage for the current marine licence applications the applicants consulted with the Clyde Marine Planning Partnership and sought an update on any Clyde Marine Plan being progressed by the Partnership. The Clyde Marine Planning Partnership web site¹ suggest that the proposed Clyde Marine Plan is still a work in progress. The Clyde Marine Planning Partnership were consulted in October 2023 with regards to the proposed statutory pre-application consultation requirements and further engagement took place with NatureScot, key partners within the Partnership. No relevant Clyde Marine Plan policies were made available to us.

2.5 It is also a requirement of the Marine Licence application process that the National Marine Plan and future Regional Plans are taken into account in consideration of licensing applications. The National Marine Plan contains a chapter on general policies; whilst the whole Plan is applicable as policy, the most relevant policies contained in the document are as follows, with commentary as necessary:

2.6 ***GEN 1 General planning principle: There is a presumption in favour of sustainable development relative to the use of the marine environment when development proposals are consistent with the policies and objectives of this Plan –***

Comment: the proposed marine works development and associated works are compatible with the National Marine Plan as discussed in the assessment contained herein. The proposed development is also included as a national development within the terms of National Planning Framework 4, where Hunterston is also included as a strategic asset. The proposed development accords with NPF4 and the Council's adopted LDP2. Hunterston PARC Development Framework has also been approved by North Ayrshire Council and will inform the new LDP3 in due course.

2.7 ***GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan –***

Comment: Hunterston, including the marine construction yard, is defined within NPF4 as a strategic asset and national development and is a potentially significant economic contributor to the local and wider Scottish economy. The supporting EIA Report includes a chapter on socio economic effects arising from the development in terms particularly of contributions to the local economy. The strategic importance of Hunterston and its deep water facility has long been recognised as having a positive economic contribution capability and has been recognised as

¹ <https://www.clydemarineplan.scot/marine-planning/clyde-regional-marine-plan/#progress>

such in a long series of policy documents. The National Renewables Infrastructure Plan (N-RIP) published in 2010 for example was the strategic economic framework for developing Scotland's ports and harbours for the purpose of supporting offshore renewable energy industry needs, with associated funding, and was recognised, as such within the National Marine Plan. In 2010 it was recognised in the first phase of N-RIP² that up to 5,000 jobs could be created with direct links to servicing offshore renewables at key sites, including Hunterston. This point is also reflected in the Hunterston PARC Development Framework.³

- 2.8 **GEN 4 Co-existence:** *Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision-making processes, when consistent with policies and objectives of this Plan –*

Comment: the adopted NAC **LDP Policy 24 Alignment with Marine Planning** supports in principle, developments with a marine component or implication, including specifically *'land based development associated with offshore energy projects'* where they are within a recognised developed coastal location. The application site is confirmed as a developed coastline. It is a Policy requirement that *'marine proposals should identify environmental impacts and mitigate against these to ensure there are not any unacceptable adverse impacts.'* The proposed development is in accordance with this policy. The development has been subject to significant consultation with the two Regulators, North Ayrshire Council on the Planning side, and MD-LOT on the marine licensing side. There have been focused discussions with statutory consultees and the EIA Report responds to the different Scoping Opinions received. An area of the proposed development is within the inter-tidal area and requires both Planning and Marine Licensing.

- 2.9 **GEN 5 Climate change:** *Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change.*

Comment: the EIA Report includes a section that addresses Carbon, Climate Change and a Greenhouse Gas Emissions Assessment.

- 2.10 **GEN 7 Landscape/seascape:** *Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.*

Comment: the adopted LDP includes Policy 15, Landscape and Seascape, which advises that the Council will support development that protects and/or enhances landscape/seascape character, avoiding unacceptable adverse impacts on designated and non-designated landscape areas and features. This topic was one of the key topics within the EIA Scoping stage with detailed responses relative to potential effects issued by both

² <https://www.scottish-enterprise-mediacentre.com/news/renewables-plan-could-create-5000-manufacturing-jobs>

³ <https://www.hunterstonparc.com/>

NAC and MD-LOT. The EIA includes a Landscape and Seascape Visual Impact Assessment which addresses the potential impacts from the proposed development.

- 2.11 **GEN 8 Coastal process and flooding:** *Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.*

Comment: the existing development site is located in an area that is at potential risk from coastal flooding as recognised throughout the EIA Report. The proposed development will provide a new quay wall at a height of +6.0mCD and the construction yard will be levelled to a medium level of +8.0CD, although this is higher at the eastern end of the Yard where the new access road will be provided. The measures proposed are considered to address the potential risks.

- 2.12 **GEN 9 Natural heritage:** *Development and use of the marine environment must:*

- Comply with legal requirements for protected areas and protected species,
- Not result in significant impact on the national status of Priority Marine Features, and
- Protect and, where appropriate, enhance the health of the marine area.

Comment: These matters are addressed more specifically within the EIA Report that supports the submissions for marine works licenses. There are no residual impacts arising from the development. The EIA acknowledges the proximity of existing SSSIs and the potential for the works to impact on marine wildlife and ornithology. A Preliminary Ecological Appraisal was undertaken to inform the EIA Chapter on Biodiversity and relevant species specific surveys. Measures are set out in the EIA Report, however the construction stage to deliver the proposed development is short lived and the proposed impacts are considered manageable. The EIA Report is also supported by a series of benthic surveys in addition to the terrestrial survey works. The inter-tidal benthic survey is relevant to both planning and marine planning regimes, the sub-tidal benthic survey however relates to the marine environment effects only; this latter survey will be submitted as an addendum to the EIA Report once completed.

- 2.13 **GEN 10 Invasive non-native species:** *Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.*

Comment: The control of marine invasive non-native species related to the operation of the proposed development site will be informed by the Firth of Clyde Biosecurity Plan and Peel Ports guidance as detailed in Chapter 5 of the EIA Report. In addition, a site specific biosecurity plan has

been produced for the proposed development and is provided as Technical Appendix 5.6 to the EIA. This is a working document and will be updated to reflect development in the site operation, use and knowledge with respect to marine non-native invasive species.

- 2.14 **GEN 13 Noise:** *Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.*

Comment: Noise Impact is considered in the EIA Report, more specifically the matter of terrestrial noise during the construction phase and the potential for noise generation impacting on marine life. By way of specific mitigation to address potential effects, the proposed dredging activity would be scheduled such that backhoe dredging is not undertaken during the night in close proximity to the isle of Great Cumbrae. In addition, a Construction Noise Management Plan (CNMP), as a part of CEMP would be prepared to minimise any potential significant impacts associated with construction noise.

In addition, an underwater noise impact assessment has been produced (EIA Technical Appendix 5.3) in support of the EIAR which details the noise risks associated with proposed overwater piling. A Marine Mammal Risk Assessment has been produced and is provided as EIA Technical Appendix 5.4 which details the associated mitigation requirements for the piling activity. A stand alone Basking Shark Risk Assessment is also provided as Technical Appendix 5.9.

- 2.15 **GEN 18 Engagement:** *Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.*

Comment: both the Planning application and Marine Licence proposals triggered statutory community engagement, and this was undertaken in October and November 2023 and February 2024. The statutory Marine Licence Pre-Application Consultation was undertaken in November 2023. The Marine Licence application is supported by a statutory Pre-Application Consultation Report which discusses this process in more detail. Outwith the community engagement process, the applicants have engaged directly in focused sessions with the statutory consultees and key stakeholders.

- 2.16 **GEN 19 Sound evidence:** *Decision making in the marine environment will be based on sound scientific and socio-economic evidence.*

Comment: the inclusion of a fully scoped EIA to support the Marine Licence applications demonstrates the scientific approach to consideration of environmental effects. The EIA Report also includes a detailed Socio Economic Impact assessment. The proposed development consequently accords with this policy.

- 2.17 The proposed development accords with the General Policies set out within the National Marine Plan. The Marine Plan also includes the following sector specific Marine Policy:
- 2.18 **RENEWABLES 7:** Marine planners and decision makers should ensure infrastructure is fit for purpose now and in future. Consideration should be given to the potential for climate change impacts on coasts vulnerable to erosion.
- 2.19 In effect the above matters are addressed through the detailed design solution being promoted through the planning application and license submissions and more particularly through the EIA Report and its accompanying volumes.
- 2.20 The National Marine Plan in 2010 also recognised Hunterston as a National Renewables Infrastructure Site (N-RIP):
- As the global wind industry expands further offshore, Scotland is well placed to become a key hub for the design, development and deployment of the next generation of offshore wind technologies.*
- 2.21 The deep water location, access to job markets and good transport links supports the inclusion of Hunterston as a strategic asset in NPF4.

3 Summary

- 3.1 In summary, this Planning Statement supports the marine licence applications to MD-LOT in respect of the marine works at Hunterston and comprising of works associated with the provision of a new quay wall and removal of existing revetments and bund, together with the proposed marine dredging. This Statement demonstrates the relationship between the marine and terrestrial consenting regimes and emphasises the planning history of the existing Hunterston Marine Construction Yard and the Planning status of the Yard in respect of NPF4 and the adopted NAC LDP2.
- 3.2 With regards to the policies set out within the National Marine Plan the proposed development accords with the Plan's General Policies. The sustainability and environmental protection focus of these policies is addressed through the EIA Report that accompanies the applications. The

EIA process has been informed by consultation with the Regulators and statutory consultees as well as being subject to EIA Scoping Opinions issued by both MD-LOT and NAC. The EIA Report complies with the requirements to address the matters raised within the Scoping Opinions.

- 3.3 The EIA process has assessed the potential effects arising from the proposed development in respect of a number of key discipline areas, with a primary focus on Biodiversity and Landscape and Seascape Visual Impact. The Scoping process identified a requirement from MD-LOT to consider the socio-economic impacts relative to the proposed development, a topic that NAC intimated did not need to be addressed in the EIA. The EIA Report responds to MD-LOT's requirements.
- 3.4 The National Marine Plan also includes sector specific policies, including in relation to the Renewables sector and Policy Renewables 7 which requires marine planners and decision makers to ensure that infrastructure associated with the renewables sector, specifically in relation to the marine environment, is fit for purpose now and in the future. In terms of Plan making, this requirement is addressed through the definition of Hunterston as a strategic asset in NPF4 and as a Strategic Development Area in the adopted NAC LDP2. The Council's approval of Hunterston PARC Development Framework also reflects the level of support for the use of Hunterston as terrestrial and marine based site infrastructure to support the offshore renewables sector.
- 3.5 The Planning policy framework that supports the redevelopment and upgrading of Hunterston Construction Yard has been drafted in the knowledge that the location is adjacent to an existing SSSI. The need for Strategic Environmental Assessment to support Plan-making, the long history of industrial activity at Hunterston, recent planning application decisions and the policy status of the Yard demonstrate that development can be supported where the potential effects on sensitive sites are identified, assessed, measured and mitigated where required. The current proposal are the next step in a series of previous works that have been implemented in this location.
- 3.6 In conclusion, it is asserted that the requirements of the Marine Licence Application process have been met.