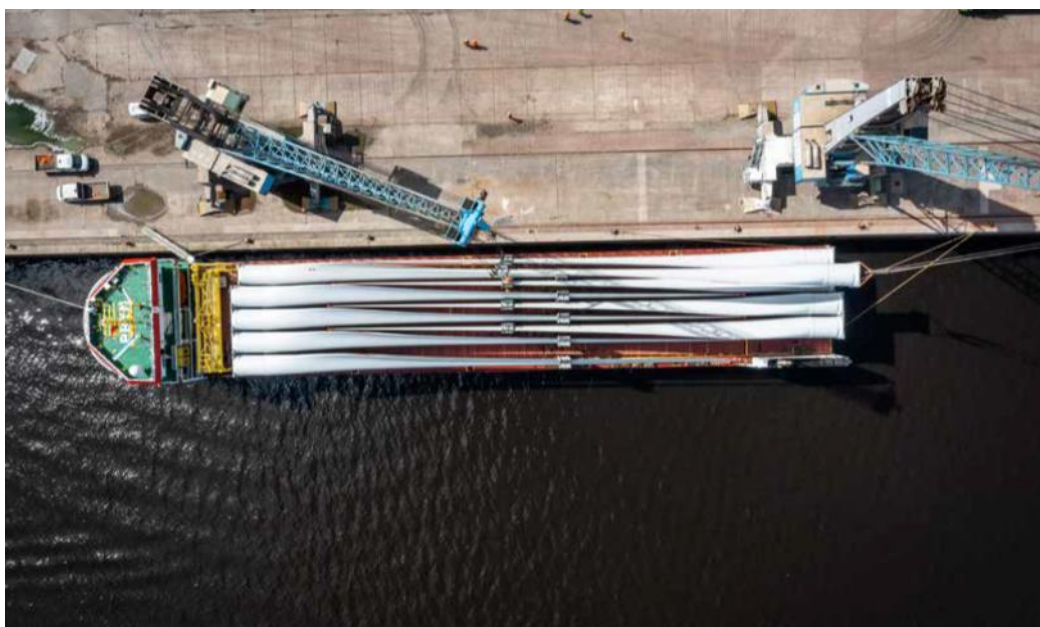


Cameron Planning



Pre-Application Consultation Report under Regulation 8 of the Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013



Marine Licence Application for Construction Works Proposed Quay Wall and Associated Works Hunterston Construction Yard, Fairlie, North Ayrshire

March 2024

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1. Copy of advert for pre-application consultation event placed in Largs and Millport Weekly, 27th September, 2023.

1 Introduction

1.1 Introduction

- 1.1.1 The Marine Scotland Act 2010 enabled legislation to be introduced in respect of pre-application consultation requirements relating to certain types of applications for licenses for Marine Construction Works. The Marine Licensing (Pre-Application Consultation) (Scotland) Regulations 2013 subsequently laid down the legislative requirements for such consultation. The Regulations came into force on the 1st January, 2014, requiring any application made after the 6th April, 2014, where required under the Regulations to be so, to be accompanied by a Pre-Application Consultation Report.
- 1.1.2 In effect, the Regulations require that pre-application consultation is undertaken in advance of an application being submitted for Marine Construction Works. This Statement outlines the steps taken by the applicants, Clydeport Operations Ltd., to meet the legislative requirements relating to the proposed works at the Hunterston Construction Yard in support of the Marine Works licence application.
- 1.1.3 The Regulations define works under Regulation 4 that are prescribed as licensable marine activities for the purposes of the Regulations, including:
- b) the deposit of any substance or object within the Scottish marine area either in the sea or on or under the seabed from—*
 - (i) a vehicle, vessel, aircraft, or marine structure;*
 - (ii) a container floating in the sea; or*
 - (iii) a structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea, for the purposes of reclaiming land, but only where the total area of land being reclaimed from the sea exceeds 10,000 square metres in extent;*
 - c) the construction of a bridge, causeway or walkway within the Scottish marine area either in or over the sea or on or under the seabed, but only where such bridge, causeway or walkway exceeds 50 metres in length;*
 - d) the construction of any works (with the exception of a renewable energy structure) within the Scottish marine area either in or over the sea or on or under the seabed, but only where the total area in which such works are to be located exceeds 1000 square metres in extent;*
 - e) the alteration or improvement of any works (with the exception of a renewable energy structure) within the Scottish marine area either in or over the sea or on or under the seabed by extending such works, but only where the total area in which such works, as extended, are to be located exceeds 1000 square metres in extent;*

- 1.1.4 The proposed works at Hunterston Construction Yard are required to bring the existing yard up to a condition where it is better suited to service the offshore renewables industry. The existing yard benefits from a Certificate of Lawful Use, granted by North Ayrshire Council, under reference 22/00717/LUE on the 23rd November 2022, which permits the use of the whole of the existing construction yard for purposes under Use Class 5 (General Industry) of the Use Classes Order. The existing yard comprises of a construction yard platform and a former dry dock basin which has been enclosed by a bund on the seaward side. In general, the seaward sides of the Construction Yard comprise of sloping rock revetments.
- 1.1.5 The proposed works, infilling, construction platform and new quay, also require the benefit of planning permission from North Ayrshire Council, as planning authority. Falling within the class of 'national development' (Hunterston Strategic Asset is defined in National Planning Framework 4 as national development) the proposed planning application has been subject to two public consultation events. The proposed development is also classed as EIA Development and the EIA Report that accompanies the planning application and Marine Licence applications, has been subject to EIA Scoping with both the planning authority and MD-LOT.
- 1.1.6 The proposed works, in general terms, comprise of the following:
- Formation of new quay wall, marine dredging, infilling of dry dock basin to form construction platform and associated works.*
- 1.1.7 The formation of the new quay wall, to ensure it is operationally fit for purpose, includes the subsequent removal of the existing rock revetment and bund on the north side of the Construction Yard for the length of the new quay wall. The proposed engineering works required to remove the existing wall exceed the 50m threshold relating to new construction works. The new quay wall will, in itself, be constructed within the terrestrial Planning zone, although the installation of fenders to the face of the new quay wall will be within the marine zone if applied after the existing bund is removed; the application of fenders to the new quay wall will be along its full length, in excess of 50m. It is considered that the engineering works required to remove the existing earth bund, together with the installation of fenders to the quay wall, trigger the need for pre-application consultation and this PAC Report.
- 1.1.8 Regulation 6 of the 2013 Regulations states that the prospective applicant for a marine licence must give notification that an application for a marine licence is to be submitted and a pre-application consultation event is to be held, to—
- a) *the Commissioners of Northern Lighthouses;*
 - b) *the Maritime and Coastguard Agency;*
 - c) *the Scottish Environment Protection Agency;*
 - d) *Scottish Natural Heritage (now NatureScot); and*
 - e) *any delegate for a marine region where the application for a marine licence is for an activity which is to be carried out wholly or partly in that region.*
- 1.1.9 Regulation 7 of the 2013 Regulations introduces the following requirements:
- 1) *The prospective applicant for a marine licence must –*

(a) hold at least one pre-application consultation event at which those persons mentioned in regulation 6(2), and members of the public, may provide comments to the prospective applicant as regards the licensable marine activity to which the application for a marine licence is to relate; and

(b) publish in a local newspaper a notice containing –

(i) a description, including the location of, the licensable marine activity for which the marine licence is to be sought;

(ii) details as to where further information may be obtained concerning the proposed licensable marine activity;

(iii) the date and place of the pre-application consultation event;

(iv) a statement explaining how persons wishing to provide comments to the prospective applicant relating to the proposed licensable marine activity may do so, and the date by which this must be done; and

(v) a statement that comments made to the prospective applicant are not representations to the Scottish Ministers and that if the prospective applicant makes an application for a marine licence that there will be an opportunity for representations to be made to the Scottish Ministers on the application.

2) A pre-application consultation event must be held no earlier than six weeks after the later of –

(a) the date on which notification of such event is given in accordance with paragraph (1)(b); and

(b) the date of notification that an application for a marine licence is to be submitted is given in accordance with regulation 6(2).

3) Paragraph (1) does not apply where –

(a) a pre-application consultation event in respect of the licensable marine activity for which a marine licence is sought has been held in relation to that activity within one year of the date on which the application for a marine licence is received by the Scottish Ministers;

(b) that pre-application consultation event has been held in a suitably accessible venue; and

(c) that pre-application consultation event has been advertised at least six weeks prior to the event in a manner likely to bring the application to the attention of persons likely to be interested in it.

1.1.10 Regulation 8 of the 2013 Regulations requires that a Pre-Application Report is prepared following the pre-application consultation as required by Section 24 of the 2010 Act and which must follow the requirements prescribed in the Schedule. Accordingly, this statement sets out the steps taken to comply with the said Regulations and Schedule.

- 1.1.11 A copy of the public advertisement displayed in the Largs and Millport Weekly News on 27th September 2023 and advertising the public consultation event is included as Appendix 1. The consultation event was held on the 8th November 2023. The requisite 6 week notice of the consultation event was provided.
- 1.1.12 It is confirmed that the aforementioned statutory consultees in para 1.1.8 were all notified of the applicant's intention to submit applications for Marine Licences in accordance with the requirements of Regulation 6(2) of the 2013 Regulations; notification was by way of email issued 27th September 2023. It is noted that Clyde Marine Planning Partnership were notified the same date in their capacity in delivering the Clyde Marine Plan. Subsequent emails were issued to all parties, by way of a reminder of the consultation event taking place, on the 5th November 2023.
- 1.1.13 The requirements of the Regulations, and s23 of the Marine (Scotland) Act 2010, have been met.

2 Pre-Application Consultation Report

PRE-APPLICATION CONSULTATION REPORT Marine (Scotland) Act 2010: Section 24(1)

The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013

1. Proposed Licensable Marine Activity – *please describe below or, where there is insufficient space, in a document attached to this form the proposed licensable marine activity, including its location*

The proposed marine project relates to works to the existing Hunterston Construction Yard, Fairlie, North Ayrshire, to ensure the yard can better serve the offshore renewables industry, comprising of the construction of a new quay wall, including engineering works to remove an existing rock revetment and bund that in part forms a closure to an existing dry dock basin and is within the marine environment, capital dredging of the immediate marine environment, placing of fenders to the face of the new quay wall, the introduction of a grounding pad adjacent to the new quay and mooring dolphins, all together with the infilling of the dry dock and other associated works. The licensable construction works comprise of the removal of the existing bund and part stone revetment once the new quay wall has been constructed, associated works comprise a new grounding pad and mooring dolphins. The application of fenders would also be within the marine environment. The dredge arisings will where feasible be used to infill the dry dock and in the formation of the new construction yard platform. The proposed quay wall length, including marine engineering works and application of fenders, extends to circa 450m.

2. Applicant Details

Clydeport Operations Ltd, 16 Robertson Street, Glasgow G2 8DS

Contact: Warren Marshall

Tel: 0151 949 6311

Company Registration Number: SC134759

Is the Prospective Applicant the Proposed Licensee: **YES**

3. Proposed Licensee Details

Clydeport Operations Ltd 16 Robertson Street, Glasgow G2 8DS

Contact: Warren Marshall

Tel: 0151 949 6311

Company Registration Number:

Email: warren.marshall@peelports.com

4. Pre-application Consultation Event

Please describe below or, where there is insufficient space, in a document attached to this form the pre-application consultation event.

The pre-application consultation event was held at the Fairlie Village Hall, 72 Main Road, Fairlie, North Ayrshire KA29 0AB. The venue is close to the development site and is a recognised and appropriate venue for such events. The venue was identified by North Ayrshire Council Planning as an appropriate venue for all community engagement events. The event doubled up with one of the statutory Planning PAC events. The event was held as a drop-in session to allow any interested parties flexible opportunity to discuss the content of the proposals; the event ran during the hours, 15.00 – 19.00. Representatives from the Applicants, and the project team, including Cameron Planning were in attendance.

The relevant statutory consultees defined within the Regulations were all invited to attend the consultation event. None attended in person.

5. Information provided by the Prospective Applicant at the Pre-application

Consultation Event

Please provide below or, where there is insufficient space, in a document attached to this form, details of any information provided by the prospective applicant for a marine licence at the pre-application consultation event

The consultation event was advertised in advance in accordance with the Regulations. The event was a drop-in event where seven information boards were displayed with information relating to the background of the project, the planning history of Hunterston Construction Yard and including details of the proposed works. Comments cards were available on the day and a small number of these were completed and left with the team. A link was provided to the Hunterston PARC web site, which contains details of the wider PARC masterplan, including the application site. QR codes were provided to link to the online page, the link was also provided via www.hunterstonparc.com, with a dedicated page relating to the proposed works.

Although statutory consultees were made aware of the event, and were issued with reminders in advance, none attended.

6. Information received by the Prospective Applicant at the Pre-application Consultation Event

Please provide below or, where there is insufficient space, in a document attached to this form, details of any comments and objections received by the prospective applicant for a marine licence at the pre-application consultation event. See Below:

The event was a joint Planning and Marine Licencing event. A total of 21 attendees were recorded visiting the event. Comments cards were made available on the day, attendees were invited to complete these and encouraged to engage with the project team. Attendees were made aware of the on-line presence and links including the QR code to download available information. Only two comments cards were completed and left with the team.

Marine Works related points of substance raised, were (*with brief responses*):

- A lot of support for the project in terms of job creation and inward investment - *noted*,
- Concern regarding possible impact on nearby SSSIs – *advised these concerns would be addressed through full EIA*,
- Discussions relating to marine ecology, noise, visual impact and transport generally – *advised that matters would be addressed through full EIA*.
- Specific point about using existing transport infrastructure – *this is an opportunity and not part of the application*

In summary, there were no issue with regards to the design work, focus was on potential environmental matters – the approach to EIA was welcomed by attendees.

7. Amendments made, or to be made, to the Application for a Marine Licence by the Prospective Applicant following their Consideration of Comments and/or Objections received at the Pre-application Consultation Event

Where any amendments are made, or are to be made, by the prospective applicant for a marine licence to the marine licence application as a direct result of their consideration of comments and/or objections received at the pre-application consultation event, please provide below or, where there is insufficient space, in a document attached to this form details of such amendments

The comments set out in section 6 did not result in any direct changes to the Marine Licence application in terms of project design. Many of the comments made were general comments relating to the matters and topics outlined above. The response from the project team on the day was that the issues that were raised would be addressed through the EIA process. This was also explained in the presentation material. Specific matters raised by attendees are not directly related to the Marine Licence application and are recorded as:

- Potential to use the existing transport infrastructure for construction – which has been acknowledged
- Request for additional consultation event on Isle of Cumbrae – which took place on 16th January 2024 in Millport
- Provision of car park for bird watchers – not a Marine Licence matter
- Road improvements to A78 – Transport is an EIA topic.

Notwithstanding the above, changes were introduced to the project, more particularly in relation to the construction of the new quay wall moving from the inter-tidal area to be wholly within the terrestrial planning environment, and confirmation of the quay wall length at 450m. The effects of these design changes are considered to be largely positive in relation to the marine environment due to reduced marine interaction.

8. Explanation of Approach taken by the Prospective Applicant where, following Relevant Comments and/or Objections being received by the Prospective Applicant at the Pre-application Consultation Event, no Relevant Amendment is made to the Application for a Marine Licence

Where, following comments and/or objections having been received by the prospective applicant for a marine licence at the pre-application consultation event, no relevant amendment is made to the application for a marine licence by the prospective applicant, then please provide below or, where there is insufficient space, in a document attached to this form an explanation for the approach taken

As no meaningful objections or comments were made at the Pre-Application Consultation Event, as discussed in sections 6 and 7 above, there was no requirement to make specific design changes in direct response to any comments made.

It was acknowledged that matters raised would be addressed through the EIA Report to be submitted with the Licence Application.

Nevertheless, changes to the project were made, in so far as the construction of the quay wall was brought wholly into the terrestrial planning environment and the quay wall length was confirmed at 450m.

CERTIFICATION

Insert name: Steven Cameron on behalf of Clydeport Operations Ltd.
Insert Address: Cameron Planning, 29 East Argyle Street,
Town: Helensburgh
County: Argyll and Bute
Postcode G84 7EJ

I certify that I have complied with the legislative requirements relating to pre-application consultation and that the pre-application consultation has been undertaken in accordance with the statutory requirements.

<Redacted>

Signature

Date: 27th March 2024

Appendix 1

Largs and Millport Weekly News Advert

27th September, 2023

Dial A Service

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OTHER

**Marine (Scotland) Act 2010
 Marine Licensing (Pre-Application Consultation)
 (Scotland) Regulations 2013
 Notice under Regulation 7(b)**

Take notice that Clydeport Operations Ltd will be holding a pre-application consultation event in respect of proposed licensable marine works at Hunterston Construction Yard, West Kilbride, North Ayrshire, comprising of the formation of a new quay wall, marine dredging, infilling of dry dock basin to form construction platform, and associated works.

A public consultation event attended by the project team will take place between 15.00hrs and 19.00hrs, Wednesday 8th November 2023 at Fairlie Village Hall, 72 Main Road, Fairlie, KA29 0AD.

Further information may be obtained from the applicant's agent: Cameron Planning, 29 East Argyle Street, Helensburgh G84 7EJ. Email: info@cameronplanning.com

Please note that anyone wishing to make comments on the proposal should do so in writing to the applicant's agent, no later than 24th November 2023.

Note that any comments made to the prospective applicant are not representations to the Scottish Ministers and that if the prospective applicant makes an application for a marine licence, there will be an opportunity for representations to be made to the Scottish Ministers at that time.

TRAFFIC & Roads

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Applications listed below together with the plans and other documents may be examined online at www.planning.scot.nhs.gov.uk. Comments should be made online at www.planning.scot.nhs.gov.uk by 18.00.23. Any representations received will be open to public view.

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURES) (SCOTLAND) REGULATIONS 2013 Regulation 3(1)(7)

23/06/02/PP/ Auchan Gardens, Skewwhic, Ardross, PA17 5HG, Erection of detached dwelling house.

Craig Pattison
 Chief Executive
 Camanachan House
 8/9/10 KA12 8SL



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