Historic Environment Scotland

HISTORIC ENVIRONMENT SCOTLAND | ÀRAINNEACHD EACHDRAIDHEIL ALBA

By email to:
MD.MarineLicensing@gov.scot

Marine Directorate
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Longmore House
Salisbury Place
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Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300036175
Your ref: SCOP-0033

19 December 2023

Dear Marine Directorate

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard-Hunterston - Upgrade of the existing Hunterston Construction Yard (HCY) into a harbour facility with a large working platform
Scoping Report

Thank you for your consultation which we received on 22 November 2023 about the above scoping report. We have reviewed the details in terms of our historic environment interests. This covers world heritage sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and historic marine protected areas (HMPAs).

The South Ayrshire Council's archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include heritage assets not covered by our interests, such as unscheduled archaeology, and category B- and C-listed buildings.

The Site
The site has historically been used for industry and currently comprises an access road, service infrastructure, deep dry dock cut off from the Firth of Clyde by a sand bund and a hammerhead quay. Hunterston Construction Yard was constructed in the 1970s by infilling onto Hunterston and Southannan Sands. The yard was used to manufacture an oilrig base, dry dock and a gravity base tank prior to falling out of use in circa 1996. More recently, the site has been used as a wind turbine test site.

Scope of assessment
It is noted in the Scoping Report that all of the works proposed are to take place in areas already likely to have been extensively disturbed by historic dredging, land reclamation and the construction of the existing construction yard and dry dock. No significant

impacts on marine archaeology are therefore predicted by the applicant's archaeological advisors. Given that the proposal is located on reclaimed land with a history of industrial usage, more recently a wind turbine test site, significant impacts on assets within our remit are unlikely. Our historic environment interests can therefore be scoped out of EIA.

Further information
Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at https://conservation.historic-scotland.gov.uk/.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Urszula Szupszynska and they can be contacted by phone on 0131 668 8983 or by email on Urszula.Szupszynska@hes.scot.

Yours faithfully

Historic Environment Scotland

Marine Analytical Unit

Scottish Government
Riaghaltas na h-Alba

Hunterston Construction Yard (Firth of Clyde)

Marine Analytical Unit response
Marine Directorate

The Hunterston Construction Yard Development scoping report includes a description of a range of potential impacts. This response focuses only on the assessment of social and economic impacts.

It is proposed in the scoping report that the assessment of population and human health is scoped out of the EIA. It is recommended that this assessment is scoped into the final EIA.

The scoping report proposes to scope out socio-economic impacts of the construction phase of the development. We believe that Socio-economic Impact Assessment (SEIA) must be scoped into the Environmental Impact Assessment for all phases of the development. Please see Annex 1 for general advice on SEIA. As the development is relatively small, we recognise that the detail included in the SEIA should be proportionate.

In terms of economic impacts, the SEIA should analyse the gross value added ("GVA") and employment impacts of the proposed development, including the direct, indirect and induced impacts and take account of deadweight, leakage, displacement and substitution. The inclusion of sensitivity analysis to account for risk, uncertainty and optimism bias is also welcomed. The assessment of the employment impacts should focus on the years of employment and type of jobs. If it is possible to supply additional information about the types of jobs that are expected to be created (e.g. part-time, full-time, skilled, unskilled, etc) and how these compare to the existing jobs in the study area, this will add further depth to the analysis.

We advise that the assessment of potential socio-economic impacts would benefit from the engagement with local communities (see Methods Toolkit referenced in Annex 1). We would like to see which social and economic impacts are anticipated by local communities. This could be built into any community engagement or consultation activities the developer is planning to use.

It is noted that the range of data sources presented in the socio-economic chapter of the scoping report is fairly limited. We would expect a broader range of up-to-date data sources to be analysed. Please see Annex 1 for more advice.

Overall, we expect to see a detailed description of the methodology used to assess social and economic impacts in the EIA, including specific details about the methodological approach taken and any key assumptions that underpin any findings. This is a small scale development, and the approach to SEIA should be proportionate.

Annex 1: General Advice for Socio-Economic Impact Assessment
Marine Analytical Unit (MAU)
Marine Directorate
December 2023

This document sets out some suggestions for delivering socio-economic impact assessment drawing on the professional expertise of the Marine Analytical Unit (MAU), Marine Directorate.

Section 1. Some general best practice tips

- Take a proportionate approach to SEIA in line with the size and generating capacity of the development
- Consider offshore and onshore components of the development in the same assessment.
- Employ experts to design and carry out the assessment. The relevant expertise would include:
    - Social research and economist training, qualifications and experience
    - Familiarity and experience with appropriate methods for each discipline (including economic appraisal, social research methods such as surveys, sampling, interviews, focus groups and participatory methods)
- Consider potential secondary socio-economic impacts of any changes the affect the other relevant receptor groups covered in the wider EIA e.g. commercial fisheries, cultural heritage and archaeology and visual impacts.
- Include consideration of the cumulative impact of multiple offshore developments.
- Outline the rationale for scoping out impacts that are deemed to be minimal, including any evidence or analysis that has been used. If this is not provided it can be difficult for MAU to understand why impacts have been scoped out and we may suggest scoping them back in.

Section 2. Key components of a Socio-economic Impact Assessment

We set out below what we consider to be the key steps to an assessment. We recommend a combined approach so that social and economic impacts are covered together in the assessment, whilst acknowledging that different methodologies for social and economic impacts assessment are needed at certain stages, and that the two disciplines are distinct.

We wish to highlight the importance of stakeholder engagement throughout the assessment, and the use of social research methods (see Methods Toolkit referenced at the end of this Annex) to gather primary data and first hand perspectives from particular groups and communities that are affected. These are helpful in order to better understand the nature and degree of impacts that might be caused by changes that are expected occur. A change in itself may or may not bring about tangible impact, impacts may vary for different people or be perceived in different ways, are affected by individual values and attitudes, and conditioned by the context.

Stakeholder engagement and data collection can occur at a number of stages in the SEIA process and may involve similar methodologies but there are important differences to note. The primary aims of stakeholder engagement are to inform, consult or involve key stakeholders, and to communicate information and gather feedback. Data collection, in contrast is a more rigorous analytical process involving:

- Setting out a planned methodology in advance with clear objectives of what you wish to achieve through data collection
- Sampling strategies that take account of the demographic variations in the population and the need to include difficult to reach groups
- Robust methods to collect information from people in a neutral and unbiased way
- Awareness of how data will be analysed and reported on to obtain and disseminate robust conclusions
- Taking account of research ethics including informed consent, and data protection requirements under GDPR

The stages below are divided into the activities that we suggest are **before** the developer submits a request for a scoping opinion and those that are done **after** the scoping phase. We recommend an iterative approach which means that steps inform each other, information is built up over time, and some steps may be repeated or done in a different order.

The key steps should include:

Pre-scoping activities

1) **Getting started:** Employ economist and social research experts and work with them to develop a plan for the SEIA that sets out data requirements, and the proposed social and economic data collection and impact assessment methodologies, timescales, any data protection considerations, risk assessment and ethical issues that might arise from the work.

2) Develop a **detailed description** of the planned development and consider the project phases where socio-economic impacts might be experienced (covering development, construction, operation and maintenance and decommissioning phases). Start to map out potential socio-economic impacts and initial consideration of areas of impact on land that will need to be covered.

3) **Initial scoping of impacts:** develop a broad list of potential impacts informed by experts (including social researcher, economist, local representatives from key groups, community stakeholders and others).

4) **Define potential impact areas on land** taking into account locations and connections between activities. Different types of impacts may be experienced at different geographic levels, some in the area nearest the landfall or the nearest coastline to the development at sea, and others much further away (at Scotland level, UK level and internationally). The geographical scale at which social impacts are experienced may be different for social impacts compared with economic impacts. There may be multiple epicentres from which impacts radiate

including the site of the development, land-based areas such as landfall and grid connections, construction bases and places from which the development is visible. Activities that take place in the sea are also relevant for defining the impact area on land, for example the location of fishing activity and ports where fish are landed. The definition of the impact area will inform which communities and which sectors are included in the assessment and vice versa, so this exercise needs to be done iteratively with step 3, the initial scoping of impacts.

5) **Stakeholder mapping** is required to identify all the people, groups and stakeholders who may be affected by the development and is a first step in order to conduct effective stakeholder engagement. This exercise is informed by the definition of the impact area. A broad approach is recommended. Stakeholders are likely to include local communities, businesses, workers, other users of the sea, interest groups, community councils and so on.

   Steps 4 and 5 may lead to a change in the list of potential impacts so this will need refined/checked.

6) **Stakeholder engagement (with those affected by the development, sea users, communities etc)** is a key requirement of SEIA that is done at different stages of the process. We recommend doing some initial stakeholder engagement before submitting the scoping report. Stakeholder engagement will fulfil a number of requirements:

   - **Provide information about the development** so that those who might be affected are able to make an informed judgement about potential impacts

   - **Present and refine list of potential impacts based on feedback** - identify impacts that are most relevant and add any additional ones that are identified

   - **Collect initial data/ insights from stakeholders** on what potential socio-economic impacts (to be developed later)

   - **Build relationships** with the community and key groups affected for later stages of the SEIA process so that they can understand the decisions making process and how they can influence it.

   There are many **participatory methodologies** that can be used for effective stakeholder engagement that provide a deliberative space for community discussions.

   This stage may also require the setting up of governance structures and a community liaison officer. **Early engagement** with those who might be affected is very important, as is meaningful and inclusive engagement where people feel that they are being listened to and that their feedback will be acted upon. It is important to set out clearly how stakeholder engagement is being done for the SEIA specifically.

7) **Gather contextual information** to develop a social and economic profile of the area prior to the development that will help with setting the baseline and impact

prediction, identifying potential industries and communities that might be affected and sources of data that can be used in the assessment. This might include primary data collection using social research methods (such as surveys, interviews, focus groups) as well as desk based analysis (of existing data sets such as fishing data, population data).

Primary data collection may occur alongside participatory activities (e.g. engagement events) but must be done in a rigorous and systematic fashion and the findings should be robustly analysed and incorporated into the SEIA. Impacts that are identified for the other receptors in the wider EIA may also have socio-economic consequences and so it may be important to include these in the SEIA.

8) **Produce list of anticipated impacts to be covered in the scoping report** setting out the range of potential impacts that could occur, building on what has already been done using data and insights that have been collected from various activities described above. Details of the methods that have been used should be included to enable Marine Directorate to determine if the analysis is based on a robust and appropriate approach. Justification should be provided for any impacts that are scoped in or out. This could be based on suggestions made by stakeholders and the public during stakeholder engagement or an assessment based on the analysis of primary and secondary data.

   It is helpful if the scoping report includes details on the approach to be used for the SEIA including methods for data collection, planned stakeholder engagement activities and data-sets to be used.

Post scoping activities for the SEIA

The scoping opinion will advise on the final list of socio-economic impacts to be assessed in the SEIA. This may require additional data collection/ social research to enable a more rigorous assessment of a narrower set of anticipated impacts. It may also require further stakeholder engagement in order to check the significance of impacts with different groups, and the acceptability of mitigation options.

The data and information that has been collected throughout the scoping phase will be used to conduct steps 9, 10 and 11 below.

9) **Conduct baseline analysis** to assess the situation in the absence of the development, to provide a point of comparison against which to predict and monitor change. Appropriate social and economic measures should be used for the baseline and cover relevant issues (see section 4 for suggested data sources). Key stakeholders and other interested parties including affected communities and sectors may be aware of baseline data to be included, and this can be explored in the participatory approaches described above. The findings from social research can also be included in the baseline. Note that baseline data can be presented in the scoping report but is also the first stage of the SEIA and so should be included in the SEIA report.

10) **Predict impacts and assess their significance (otherwise known as impact appraisal or options appraisal):** Through analysis, estimate the social and

economic changes and their expected impacts, considering any alternative development options and how significant the impacts might be. This is the core part of the assessment and forms the main part of the assessment report. Different methodologies and both primary and secondary data inform this part of the exercise.

Different phases of the development should be covered (development, construction, operation and maintenance) and also transitions between phases (if relevant).

The knock on socio-economic consequences of impacts in other parts of the EIA assessment should be assessed here, such as the impact on commercial fisheries, and impacts on related industries such as tourism could also be included.

It is important to consider distribution of impacts among different social groups (covering protected quality characteristics, socio-economic groups and geographic area where relevant to do so).

Economic impact appraisal should include consideration of:

- Direct, indirect and induced impacts
- Leakage, displacement and substitution effects
- Deadweight
- Cumulative impacts
- Sensitivity analysis to account for risk, uncertainty and optimism bias

There are a range of methodologies for calculating direct, indirect and induced impacts. These include the appropriate use of multipliers, a local content methodology, stakeholder involvement and expert opinion.
Modelling approaches should be realistic, based on robust data, and avoid over promising the economic impacts
All prices should be presented in real terms (excluding inflation) and should state which year the prices represent.

11) Development enhancement, mitigation strategy and complete SEIA report.

There may be an opportunity for adaptation or other approaches to mitigate potentially adverse impacts and to maximise positive opportunities. This may include engagement with the community to develop a strategy for enhancing benefits and mitigating against impacts; or development of a Community Benefit Agreement (CBA). Again these activities should be done collaboratively with stakeholders where relevant and appropriate.

The SEIA report should clearly set out the methods used in the assessment, justification for decision made such as scoping certain impacts in or out of the assessment, and the approach to analysis. The report should cover the baseline analysis and results of the impact prediction or appraisal, and distributional impacts . Social and economic impacts can be set out separately (where this makes sense) and together where they overlap.

It is good practice for the report to be reviewed by the people (i.e. the wider group of stakeholders and communities) who were involved in providing data for its production.

Section 3. Examples of different types of socio-economic impacts

In the literature social and economic impacts are defined in many different ways. Sometimes social and economic impacts are covered separately, whilst other sources refer to socio-economic impacts.

The following table sets out some commonly identified socio-economic impacts.

Examples of Socio-economic Impacts from Glasson 2017[1]

1. Direct economic:

- GVA
- employment, including employment generation and safeguarding of existing employment;
- characteristics of employment (e.g. skill group);
- labour supply and training; and
- other labour market effects, including wage levels and commuting patterns.

2. Indirect/induced/wider economic/expenditure:

- employees' retail expenditure (induced);
- linked supply chain to main development (indirect);
- labour market pressures;
- wider multiplier effects;
- effects on existing commercial activities (eg tourism; fisheries);
- effects on development potential of area; and

3. Demographic:

- changes in population size; temporary and permanent;
- changes in other population characteristics (e.g. family size, income levels, socio-economic groups); and
- settlement patterns

4. Housing:

- various housing tenure types;
- public and private;
- house prices and rent / accommodation costs;
- homelessness and other housing problems; and
- personal and property rights, displacement and resettlement

[1] Glasson J (2017a) "Socio-economic impacts 2: Overview and economic impacts" in Therivel R and Wood G (eds.), Methods of Environmental and Social Impact Assessment, Abingdon: Routledge

5. Other local services:

- public and private sector;
- educational services;
- health services; social support;
- others (e.g. police, fire, recreation, transport); and
- local authority finances

6. Socio-cultural:

- lifestyles/quality of life;
- gender issues; family structure;
- social problems (e.g. crime, ill-health, deprivation);
- human rights;
- community stress and conflict; integration, cohesion and alienation; and
- community character or image

7. Distributional effects:

Distributional analysis is a term used to describe the assessment of the impact of interventions on different groups in society. Interventions may have different effects on individuals according to their characteristics such as income level or geographical location

- effects on specific groups in society (eg: by virtue of gender, age, religion, language, ethnicity and location); environmental justice

Section 4: Useful Data Sources for Socio-Economic Impact Assessments

Name	Summary	Link to Source
Statistics.gov.scot	Contains a wide range of data by local authority and other geographic breakdowns. Has a search by subject and area option.	statistics.gov.scot
Marine Economic Statistics, 2019	Annual economic statistics publication including GVA and employment data for marine economy sectors.	Scotland's Marine Economic Statistics 2019 - gov.scot (www.gov.scot)
Scottish Sea Fisheries Statistics, 2021	Provides data on the tonnage and value of all landings of sea fish and shellfish by Scottish vessels, all landings into Scotland, the rest of the UK and abroad, and the size and structure of the Scottish	Summary - Scottish Sea Fisheries Statistics 2021 - gov.scot (www.gov.scot)

	fishing fleet and employment on Scottish vessels.	
Scottish Shellfish Farm Production Survey 2021	Statistics on employment, production and value of shellfish from Scottish shellfish farms.	Scottish Shellfish Farm Production Survey 2021 - gov.scot (www.gov.scot)
Scottish Annual Business Statistics 2020	Scottish Annual Business Statistics (SABS) presents estimates of employment, turnover, purchases, Gross Value Added and labour costs. Data are provided for businesses that operate in Scotland. Data are classified according to the industry sector, location and ownership of the business.	Scottish Annual Business Statistics 2020 - gov.scot (www.gov.scot)
Sub-Scotland Economic Statistics Database	The Sub-Scotland Economic Statistics Database provides economic, business, labour market and population data for Scotland, and areas within Scotland.	Sub-Scotland Economic Statistics Database - gov.scot (www.gov.scot)
Nomis Official Labour Market Statistics	Labour market statistics including data on employment, unemployment, qualifications, earnings etc.	Nomis - Official Labour Market Statistics (nomisweb.co.uk)
Economics of the UK Fishing Fleet 2020	Economic estimates at UK, home nation and fleet segment level for the UK fishing fleet. The estimates are calculated based on samples of fishing costs and earnings gathered by Seafish as part of the 2020 Annual Fleet Economic Survey.	Economics of the UK Fishing Fleet 2020 — Seafish

Scotland's Census, National Records of Scotland	Census data that provides information about the characteristics of people and households in the country.	Scotland's Census | National Records of Scotland (nrscotland.gov.uk)
Scottish Index of Multiple Deprivation	Collection of documents relating to the Scottish Index of Multiple Deprivation - a tool for identifying areas with relatively high levels of deprivation.	Scottish Index of Multiple Deprivation 2020 - gov.scot (www.gov.scot)
The Green Book	HM Treasury guidance on how to appraise and evaluation policies, projects and programmes.	The Green Book: appraisal and evaluation in central government - GOV.UK (www.gov.uk)
The Magenta Book	HM Treasury guidance on evaluation. Chapter 4 provides specific guidance on data collection, data access and data linking.	The Magenta Book - GOV.UK (www.gov.uk)
Enabling a Natural Capital Approach (ENCA)	Supplementary guidance to The Green Book. ENCA resources include data, guidance and tools to help understand natural capital and know how to take it into account.	Enabling a Natural Capital Approach (ENCA) - GOV.UK (www.gov.uk)

Section 5: Further sources of guidance:

HM Treasury guidance on how to appraise and evaluate policies, projects and programmes: The Green Book: appraisal and evaluation in central government

Best practice in Social Impact Assessment according to the International Association for Impact Assessment: Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects

The project A two way Conversation with the People of Scotland on the Social Impacts of Offshore Renewables (CORR/5536) has developed elements of a conceptual framework on social values that can be used to support and inform existing processes for assessing the potential social impacts of offshore renewables plans: Offshore renewables - social impact: two way conversation with the people of Scotland

Best practice guidance for assessing the socio-economic impacts of OWF developments: Guidance on assessing the socio-economic impacts of offshore wind farms (OWFs)

A toolkit of methods available to assist developers, consultants, and researchers carrying out socio-economic impact assessments: Methods Toolkit for Participatory Engagement and Social Research - gov.scot (www.gov.scot)

Marine Invasive Species Team

From:
Sent: 18 January 2024 17:01
To:
Cc:
Subject: RE: SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston- Consultation on Request for Scoping Opinion – Response Required by 22 December 2023

Hi,

Thanks for sending this on though Scoping documents like this are not ordinarily sent to me and I would usually only comment on marine license applications if they fall within INNS hotspot areas.

I don't have many comments but I do have some reservations about the statement made by Clydeports that *Sargassum muticum* is the only marine invasive non-native species of concern at the site; I would certainly include *Didemnum vexillum* in this as it is a high impact species which we know to be present in nearby Fairlie, and also *Styela clava* as the NatureScot response highlights.

The only other thing I would like to flag in addition to the comments by NatureScot is a couple of Biosecurity Plans specific to Didemnum vexillum (carpet sea squirt) for Loch Fyne and Loch Creran which have industry-specific actions that may be useful in drafting their Biosecurity Plan;
Loch Fyne Biosecurity Community Plan
Loch Creran Biosecurity Community Plan

Kind regards,

Marine Invasive Species Policy Manager
Marine Directorate, Scottish Government, Victoria Quay, Edinburgh EH6 6QQ

M:
E:

Maritime and Coastguard Agency

Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: SCOP-0033

20 December 2023

Via email: md.marinelicensing@gov.scot

Dear

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

CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston

Thank you for your email dated 22nd November 2023 inviting comments on the Scoping Report for the proposed works at Hunterston Construction Yard by Clydeport Operations Limited (Peel Ports). The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the Maritime and Coastguard Agency (MCA) would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. We note the proposal is to redevelop the Hunterston Construction Yard and to replace some of the existing infrastructure. The works will likely include (but not limited to):

1) A new quay and associated infrastructure;
2) land reclamation, and removal of existing dock entrance band to make new berths,
3) removal of the base of former dry dock,
4) infilling of former dry dock basin,
5) piling, and
6) dredging.

It is our understanding that the site falls within the jurisdiction of a Statutory Harbour Authority (SHA) – Clydeport Operations Limited, who are also the applicant. The SHA is responsible for maintaining the safety of navigation within their waters during the construction and the operational phase of the project.

Chapter 12 considers the potential effects of the proposed development during the construction phase in respect to traffic, shipping and navigation around Hunterston Construction Yard. We note that shipping has been identified as a potential receptor that is sensitive to the potential impact of traffic increase and that construction materials will also be transported to the site by sea. However, the impacts associated with shipping are scoped out of further assessment. The MCA would expect the impact on commercial and recreational navigation to be considered as this project progresses.

The applicant has stated that a suitable Navigation Risk Assessment (NRA) will be undertaken with respect to proposed development. This will be produced in line with Clydeport Operations Ltd Marine Navigational safety policy. The MCA would expect the NRA to be updated in accordance with the Port Marine Safety Code (PMSC) and its associated Guide to Good Practice. To ensure local stakeholder input, the MCA would recommend a hazard identification workshop be held, to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety during the construction and operational phase. Decisions relating to further controls should be agreed in consultation with other interested parties to determine whether the ALARP status has been met for each risk. The outputs of the NRA should be used to inform a judgement on significance of effects arising from the Project.

Finally, to address the ongoing safe operation of the marine interface for this project, the MCA would like to point the applicant in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to develop a robust Safety Management System (SMS) for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.

The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the NRA and further stakeholder consultation.

We hope you find this information useful at scoping stage.

Yours sincerely,

Marine Licensing Project Lead
UK Technical Services Navigation

MOD - Defence Infrastructure Organisation

From: DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>
Sent: 10 January 2024 16:16
To: MD Marine Licensing
Subject: 20240109 SCOP-0033 Marine Licence pre-application construction, alteration or improvement of any works, Clydeport Operations Ltd - Hunterston Construction Yard -DIO10060923

Good afternoon

Thank you for your email below regarding the pre-application SCOP-0033 Clydeports Ltd (per EnviroCentre), Hunterston Construction Yard, Hunterston. After our review, I can confirm that the MOD has no objections regarding this activity.

Kind regards

Assistant Safeguarding Officer
Defence Infrastructure Organisation
Estates | Safeguarding
DIO Head Office | St George's House | DMS Whittington | Lichfield |Staffordshire |WS14 9PY
Skype: | Mobile: | email:

NatureScot

NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba
By email to **MD.MarineLicensing@gov.scot**

Marine Licensing Casework Officer,Licensing
Operations Team, Marine Directorate
Scottish Government
Marine Laboratory Aberdeen AB11 9DB

21 December 2023

Our ref: CEA173290

Dear

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("The MW EIA Regulations")
Consultation under Part 4, Regulation 14(4) of the MW EIA Regulations
SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston

Thank you for consulting NatureScot about the above proposal. Our advice is based on the Hunterston Construction Yard Scoping Report and appendices 1-4 (Peel Ports and Envirocentre, September 2023).

The proposed development would comprise an upgrade of the existing Hunterston Construction Yard (HCY) into a harbour facility with a large working platform.
The Scoping Report describes the enabling phase of the development, which incorporates dredging (including ongoing maintenance dredging), infilling of the dry dock, quay wall construction and land reclamation.

Summary
Key natural heritage considerations requiring consideration within the EIA are:

- Potential impacts on Southannan Sands, Kames Bay and Ballochmartin Bay Sites of Special Scientific Interest (SSSI);
- Potential impact on protected species and Priory Marine Features; and
- Related to these two points, further technical consultation is required to establish the scope and methodology for specific aspects of the complex hydrodynamic process assessment.

Scoping Advice/

Scoping Advice

In addition to the detailed advice given in Annex 1 of this letter, the applicant should refer to our September 2023 updated advice 'NatureScot pre-application guidance for onshore wind farms'[1]. Although this advice outlines the survey and assessment work that developers need to undertake to support a wind farm planning application the principles are similar. The guidance addresses the issues that developers and their consultants should consider for complex developments and includes information on recommended survey methods, sources of further information and guidance and data presentation. Attention should be given to the full range of advice included in the guidance note, which sets out our expectations of what should be included in the Environmental Impact Assessment Report (EIAR).

Given the nature of the development, which has elements of terrestrial and marine works associated with it, the proposal is being considered by both the Marine Directorate and the Local Planning Authority regulatory processes. As such, our responses to these two separate consultations will look to be regulator specific but will, due to the nature of the work involved, unavoidably include some subject overlap.

We note that there are various options currently being evaluated for the HCY and therefore the EIAR must include sufficient information relating to the maximum envelope for these works and to include an assessment of the worst case scenarios. We further note that there are several consented and proposed schemes adjacent to this proposal, e.g. Bakkafrost aquaculture facility, Fastrig demonstration project and the XLCC submarine cable factory, which make the assessment of cumulative impacts a significant challenge.

We welcome that this proposal will be informed by the approved Hunterston Port and Resource Campus-(PARC) Development Framework as well as the recently completed Natural Capital Account for the Hunterston Strategic Development Area. We are ready to work with the applicant and other stakeholders to maximise the opportunities provided at this nationally important site for commerce and the environment.

Concluding Remarks

I hope these comments are useful to you. At this stage there is limited opportunity to comment on the quality of the work undertaken or the findings of studies. Therefore, please note that our advice is given without prejudice to a full and detailed consideration of the impacts of the proposal if submitted for formal consultation as part of the EIA or marine licencing process. If you require any further information please contact me at **Ian.Cornforth@Nature.Scot**

This advice is given by NatureScot, the operating name of Scottish Natural Heritage

Yours sincerely,
By email

NatureScot Operations Officer – West Central Scotland

Enc -Annex 1 - Key natural heritage interests requiring consideration within the EIA.

CC. - Senior Development Management Officer - North Ayrshire Council

[1] **https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms**

Annex 1 – Hunterston Construction Yard Scoping Application
Key terrestrial and coastal natural heritage interests requiring consideration within the EIA

1. Protected Areas

1.1 Details of protected areas, including their conservation objectives / site management statements, can be found below. The applicant should assess the direct and indirect impacts of the proposed development on protected areas and their notified features in the context of their site management statements. The assessment should be for the proposal on its own and cumulatively with other plans or projects also affecting the protected areas.

Special Protection Areas (SPA)

1.2 The proposed development is approx. 9.5km for the Renfrewshire Heights SPA classified for its breeding population of Hen Harriers and 19km to the east of the Arran Moors SPA, also classified for its breeding population of Hen Harriers. See NatureScot SiteLink for more details on the Renfrewshire Heights SPA[2] and Arran Moors SPA[3].

1.3 The SPA status of these two sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Marine Directorate is required to consider the effect of the proposal on these SPAs before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements[4].

1.4 Our advice is that it is unlikely that the proposal will have a significant effect on the qualifying interest of these SPAs either directly or indirectly due to the significant separation distance between these sites and the proposed development area. An appropriate assessment is therefore not required. We advise that these SPAs can be scoped out of further assessment.

Southannan Sands Site of Special Scientific Interest (SSSI)

1.5 The Southannan Sands SSSI extends for over 4km along the coast and is designated for its nationally important Intertidal marine habitats, saline lagoons and sandflats. Southannan Sands 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 SiteLink for more detail[5].

1.6 Seagrass beds, blue mussel and native oyster are all components of intertidal sandflat feature and are known to be present in the SSSI. There is baseline data available on the extent of the dwarf seagrass beds (*Zostera noltei*) in the SSSI which

[2] **https://sitelink.nature.scot/site/8667**
[3] **https://sitelink.nature.scot/site/8614**
[4] **https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra.**
[5] **https://sitelink.nature.scot/site/10261**

is available from the publically available GeMS database but there is limited information available on the extent of mussel beds and native oyster.

1.7 The Southannan Sands SSSI management statement (SNH, 2013, also available on Sitelink) mentions that the Hunterston area has also been identified for specific types of development and the need to address the potential impacts on the SSSI is specifically highlighted.

1.8 The key Objective for the management of the SSSI is -
To maintain the extent of the intertidal sandflat habitat by ensuring protection from damaging impacts, in particular any future coastal development. Coastal development could have an adverse impact on the sandflats through direct habitat loss and interfering with the natural processes in the coastal ecosystem.

1.9 We note that the proposed dredge pocket does not directly impinge on the notified area of the SSSI. However we advise that the dredging operations could lead to indirect impacts on the SSSI. This could be through changes to the tidal currents and wave patterns, smothering by suspended sediments, or by movements or slumping of the beach sediments which could have significant impacts on the important habitat and species assemblages found in and around the SSSI.

1.10 The EIAR will need to assess the impact of the proposal on the above objective of the designation and overall integrity of the SSSI. The scoping report acknowledges that sedimentation from the dredging works may affect benthic species in the SSSI (including seagrass) and that over the long term, potential hydrodynamic changes may alter composition of the habitats present in the SSSI and direct habitat loss could occur as result of the development. The benthic assessments and survey outlined below (sections 2.8-2.10) will need to consider the impacts on the SSSI, this should include extent of the impacts and the longevity of the effects.

1.11 Under NPF4 policy if it is concluded that there are any significant adverse effects on the SSSI it will need to be clearly outweighed by social, environmental or economic benefits of national importance. Under development management guidance[6], it will also be expected that the developer will provide measures to secure swift recovery once the construction was completed and/or put in place measures that would compensate for the temporary loss of favourable condition.

1.12 Section 13 of the scoping report briefly outlines the wide range of Potentially Significant Effects arising from the proposal in relation to the water environment and coastal processes.

1.13 The foremost issue relating to coastal processes is whether, once the works are complete, the proposed new dredged bathymetry (and quay wall) could cause sufficient change to hydrodynamics that the SSSI sandflat habitats suffer a net loss of extent. We advise that the EIA assess this relative to the 'baseline' SSSI extent notified in 2013

[6] **https://www.nature.scot/doc/guidance-development-management-and-natural-heritage#5.3.2+Notes+on+SSSI+advice**

1.14 That extent, clearly defined by OS mapping of MLWS will have been hydrodynamically influenced by the area that was regularly dredged during the site's operational period. Although that dredged area is still apparent in recent bathymetry, there has been significant infilling in recent decades (Scoping Report p64 para 4), so the proposed new dredge may reinstate the conditions that the SSSI boundary is 'tuned to'. However there is plenty of uncertainty as to the degree that this may happen. The following points (1.12/-1.17) provide our specific advice in order to help provide the required level of assessment.

1.15 We advise that there **must be clarity over how potential hydro-sedimentary effects of the proposals are handled** in the EIA. The Scoping Report introduces confusion that could undermine robust assessment. For the clearest outputs, we recommend the Coastal Processes chapter should assess the *magnitude* of hydro-sedimentary effects (see points 1.13-1.14). This is because although the SSSI feature (and other intertidal interest) is underpinned by coastal processes, those processes are not a notified feature and therefore not a receptor in themselves. It will then be the role of the benthic/marine section of the EIA to combine the *magnitude* of those effects with the *sensitivity* of the notified sandflat habitat, to predict the degree/significance of *impact*.

1.16 Although the proposal to separately assess changes to tidal currents, waves and sediment transport is reasonable, the Coastal Processes chapter must go on to assess the magnitude of any likely change in sandflat extent and extent of sub-habitats due to changes to those three factors in combination.

1.17 The potential physical effects of a dredging-induced sediment plume should be assessed as a separate effect. We welcome that these effects are mentioned in the proposed Assessment Methodology (p65).

1.18 The list of coastal-process effects to be assessed should explicitly **separate out effects in the construction phase from those in the post-construction, operational phase**. This is very important because the latter are by definition longer-term. Dredging plume dispersion should be assessed twice, for the construction phase (capital dredge) and operational phase (maintenance dredges).

1.19 The drawings of "dredge option - General Arrangement Plan" include a note that the dredge-area side slopes will be created with a "min acceptable gradient of 1:3 (vertical:horizontal)". We suggest that the slopes might over time 'relax back' in a way that (depending on the extent of the dredge area) erodes material from MLWS at the SSSI boundary. Therefore potential **effects of side-slope relaxation on the SSSI sandflat feature should be assessed** as a separate operational-phase effect. Potentially this could require a full geotechnical assessment. Our advice is that the developer should consult us as soon as possible on their proposed assessment methodology (at the same time as addressing point 1.17 below).

1.20 It is proposed on p65 that "an updated modelling study" will assess changes to tidal currents and waves (operational phase) and dredging plume dispersion, with "qualitative assessment" of changes to sediment transport. No further detail is given. We recommend there should be a **further technical consultation on the**

scope and detailed methods of both, with consideration given to semi-quantitative assessment of sediment transport changes using empirical formulae.

1.21 An assessment of the potential impacts on the Southannan Sands SSSI and its notified features should also consider project specific and cumulative impacts on the recently discovered mussel reef, supporting a native oyster bed, as well as the other Priority Marine Features identified in section 6.2.3 of the scoping report.

Kames Bay SSSI and Ballochmartin Bay SSSI

1.22 These two SSSIs are located 2.2 km to the north east and 2.7km to the north of the proposal area respectively. The designated interest of these two sites are the flora and fauna of the intertidal area (the area between the highest and lowest tidal levels) which is of national importance. This proposal and the enabling works may cause atmospheric and water-based pollution impacts as well impacts arising from marine invasive species and changes to coastal physical processes. We advise that these impacts are assessed and mitigation proposed if necessary.

1.23 Potential effects on the intertidal interests of Kames Bay SSSI and Ballochmartin Bay SSSI (2.2km and 2.7km away) should be assessed. Apart from pollution and mINNS, any such effects would be via changes to physical processes. This is not mentioned in Chapter 13; Chapter 6 (p21) states "it is highly unlikely that the development will affect" either of these sites, but no justification is given. Given the scale of the proposals relative to the distances involved, we consider effects relatively unlikely, but recommend that the developer submits, as soon as possible, written reasoning for scoping out effects on these nearby SSSIs. If this is not adequate, then the potential physical-process connection will need to be examined through the modelling we discuss in point 1.17 above.

1.24 The EIA will need to assess the impact of the proposal on the objectives of the designations and overall integrity of the areas. See NatureScot SiteLink for more detail: Kames Bay SSSI[7] & Ballochmartin Bay SSSI[8]

2. Protected species

Harbour porpoise and other marine species.

2.1 Land based activities, such as piling and rock armour removal (scoping report section 2.2.2) as well as the deposition of dredge material, all the have the potential to cause auditory injury impacts to a suite of marine species including basking shark, cetaceans and seals.

2.2 A risk assessment approach to licensing for European protected species (EPS) will be required to manage direct disturbance and auditory injury impacts to protected marine species.

2.3 We welcome the proposed production of a Marine Mammal Protection Plan (MMPP). Given the range of the methods of working involved in the project, and

[7] **https://sitelink.nature.scot/site/825**
[8] **https://sitelink.nature.scot/site/132**

the noise they will generate, as well as the revised noise thresholds[9] we advise that the creation of the MMPP will be a key component of a holistic environmental impact assessment approach to determine the impacts and potential mitigation[10] approaches for this project. We advise that work to establish the numbers of individuals of each species likely to be disturbed must accompany any licence application. The scoping report correctly identifies the key species of marine mammal to be scoped in. However, it should be noted that other species may be present at times, and that any mitigation measures put in place should be applied to all species.

2.4 Data used to support the identification of key species are from 2011 and earlier. We recommend that more recent data are reviewed to fully inform the assessment. Data could be sourced from third parties including the Hebridean Whale and Dolphin Trust.

2.5 We would welcome the inclusion of a 1km radius exclusion zone for cetaceans during the lifespan of the piling works, and independent verification of the MMPP when finalised.

2.6 We welcome the proposal to carry out underwater noise modelling to inform a risk assessment for marine mammals. The proposed method for this is only very briefly described, but in principle seems to be an appropriate approach.

2.7 Cumulative impact assessment will be required and should take into account any other activities which may also cause injury and/or disturbance to marine mammals, not just other piling activities.

<u>Benthic habitats and species</u>

2.8 Building a quayside and dredging can exert a number of pressures on benthic species and habitats. These pressures include the physical removal of benthic flora and fauna when material is extracted, increased turbidity and siltation within and outside dredge area (and spoil area if at sea), effects of contaminated dredge material (e.g. hydrocarbons, PAH, transition elements and organo-metals), introduction of invasive non-native species (if inhabiting dredge area), changes to hydrodynamics (waves, currents, tides) as a result of changing bathymetry and changes to sediment transport associated with changes to hydrodynamics.

2.9 The scoping report states what work is planned to assess impacts. We agree with the aspects scoped in and the proposed investigations. The proposed assessments include

- A coastal modelling study. The coastal modelling study will include modelling of dredge plume dispersal to inform the assessment of impact on water quality.

[9] National Marine Fisheries Service (2018). Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts. Silver Spring, U.S. Department of Commerce, NOAA. NOAA Technical memorandum NMFS-OPR-59: 167. and Southall, B., et al. (2019). "Marine Mammal Noise Exposure Criteria: Updated Scientific Recommendations for Residual Hearing Effects." Aquatic Mammals 45(2): 125-232

[10] JNCC (2010) Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise **https://hub.jncc.gov.uk/assets/31662b6a-19ed-4918-9fab-8fbcff752046**

- Assessment of the potential for particulate and chemical contamination of water as a result of the proposed dredging and construction works will be central to the assessment.
- The prevention of pollution during construction will be a specific focus.
- Identification of baseline data on the intertidal and subtidal benthic environment and that full mitigation and enhancement measures will be determined following ecological work

2.10 Some aspects of these assessments have been omitted or are not clear in the scoping report and we advise the following should be included in EIAR.

- Clarity is needed on the volume of dredge material predicted to be removed along with estimated timings for dredge operations
- The coastal modelling study should cover the dredge plume dispersal from the dredge work associated with the construction of quay and subsequent maintenance dredging that will be carried out during the operation of the port. The outputs should include likely sedimentation levels, turbidity (SSC) and impacts on benthic species and habitats.
- If a dredge spoil site is planned to be used then this will also need to be assessed if there is connectivity with designated sites or protected species and habitats.
- Habitat loss/change as result of development should be assessed. The coastal modelling study should include assessment of changes to hydrodynamics as a result of changes to bathymetry and quay construction.
- Regarding baseline data on benthic environment, it is proposed that a review of existing data will be undertaken and where required, surveys will be taken . Our advice is that surveys will be required both in the footprint of development site and in the zone of influence of site e.g. the dredge plumes, areas predicted changes to hydrodynamics. Data is limited some designated habitat/species and the eelgrass and horse mussel survey that has been referenced (Annex 3 of the scoping report) was not fit for purpose – the subtidal survey methods used in this study were not standard. An example of standard methodologies can be found on the JNCC website[11]

<u>Priority Marine Features</u>

2.11 Priority Marine Features (PMFs), seagrass beds, blue mussel beds and native oysters are known to be present within the Southannan Sands SSSI. These PMFs are classified by OSPAR as threatened and/or declining habitat and are among eleven PMFs that have been identified as being most vulnerable to marine pressures in Scotland. Examination of the GEMS database also reveals that there are records of the PMF species, ocean quahog and spiny lobster are within 1-2.5km of the proposal. The Cumbrae Islands opposite the development also have areas important for the PMF habitats – Kelp beds and Kelp and seaweed communities on sublittoral sediment. Descriptions of these PMF species and habitats can be found

[11] Davies, J.M., Baxter, J., Bradley, M., Connor, D., Khan, J., Murray, E., Sanderson, W., Turnbull, C. & Vincent, M. (eds.), 2001. Marine monitoring handbook.
Available at **https://hub.jncc.gov.uk/assets/ed51e7cc-3ef2-4d4f-bd3c-3d82ba87ad95**

in the following report - SNH Commissioned Report 406: Descriptions of Scottish Priority Marine Features[12].

2.12 There is limited information on the extent of mussel beds and native oyster beds within the Southannan Sands SSSI and beyond the boundary of the SSSI. Native oyster beds are particularly rare habitat in Scotland and are known from only a few locations on the west coast. Due to the proximity with the development the presence and extent of PMFs within the zone of influence of the proposal will need to be reported in the EIAR and the effect of the proposal on the PMFs will be need to be assessed.

2.13 Priority Marine Features (PMFs) do not have legislative protection, but the basis for protection of their national status across Scottish waters is included in the National Marine Plan. As such the Marine Directorate, as regulatory authority, must be provided with sufficient detail to consider the effect of the proposal on the PMF before it can be consented. We may object to a proposal that could have a significant impact on PMFs because it could affect their national status.

Marine Invasive Non-Native Species(mINNS)

2.14 The Firth of Clyde has been identified as a strategic location, with links to both the east and west coasts, in terms of the potential for mINNS to spread further across Scotland, potentially through the arrival of materials for both the construction phase, e.g. off-site dredged material, and operations phase, e.g. ships required to transport the renewable industry infrastructure.

2.15 The construction and operation of a new harbour also requires consideration of the impact on facilitating the introduction and spread of marine invasive non-native species (mINNS) to and from the area and the impact this may have on the local marine environment including designated sites and PMFs.

2.16 Whilst mINNS have been acknowledged in the scoping report it is not clear if this has been scoped in. We recommend that mINNS are considered within the EIAR and separate site-based biosecurity plan should be developed in line with best practice Marine Biosecurity Planning guidance and the Firth of Clyde Biosecurity Plan:

- Marine Biosecurity Planning Guidance[13] for producing site and operation-based plans for preventing the introduction of non-native species
- Marine biosecurity planning – Identification of best practice: A review: NatureScot Commissioned Report No. 748[14]
- Firth of Clyde Biosecurity Plan[15]

[12] **https://www.nature.scot/sites/default/files/Publication%202016%20-%20SNH%20Commissioned%20Report%20406%20-%20Descriptions%20of%20Scottish%20Priority%20Marine%20Features%20%28PMFs%29.pdf**

[13] **https://www.clydemarineplan.scot/wp-content/uploads/2016/05/Guidance-Biosecurity-Planning.pdf**

[14] **https://www.nature.scot/doc/naturescot-commissioned-report-748-marine-biosecurity-planning-identification-best-practice-review**

[15] **https://www.clydemarineplan.scot/wp-content/uploads/2016/05/FoCF-Biosecurity-plan.pdf**

Hull fouling and ballast water exchange are identified as a key pathways associated with ports and harbours that can result in the spread of mINNS. For this reason key considerations should be given to the known distributions of mINNS in the vicinity of the proposed development and risks associated with introducing and spreading mINNS during construction and operation. There are records of the high impact species Didemnum vexillum and Styela clava within 2km of the site. NatureScot would be happy to provide these records on request. There are some available in the following NatureScot report: Publication 2011 - SNH Commissioned Report 413 - Initial response to the invasive carpet sea squirt, Didemnum vexillum, in Scotland.pdf (nature.scot)[16]

Birds

2.17 Wintering and breeding birds are present in and around the development site in such numbers that the area is classified as of regional importance for waders and wildfowl as it is only one of three areas supporting significant numbers of these species between Stranraer and Greenock (Scoping Report, section 6.2.4)

2.18 We advise that an updated assessment of the potential impacts of the two year development phase and subsequent operational phase, given the current low levels of activity at the marine yard, is required for birds present on and around the application area as the combined effect of construction and operation will result in a significant change in disturbance levels.

2.19 The Scoping report quotes data on bird use of the general area which is relatively outdated (most recent around 2015), whilst noting the location of significant roost sites relatively nearby. To properly assess potential impacts, we advise that additional Wetland Bird Surveys (WeBS) are carried out, covering the entire coastline of the SSSI to provide current data with which to compare the historic records. This could be reviewed after one year if the information gathered provides the necessary level of detail.

Operational impacts

2.20 Given the wide range of potential operational impacts, e.g. coastal processes, transmission of invasive species, impacts on wading and water birds and impacts to water environment and associated habitats, we do not agree that operational impacts of the proposed development should be scoped out of the EIA (Section 2.2.7). We believe there will be a significant change from the current baseline condition as a result of the activities proposed for this currently vacant site.

3 Mitigation, Enhancement and best practice in environmental management

3.1 We advise that a comprehensive approach is taken to formulate a mitigation strategy for the various and intertwined strands of the wider project which should be underpinned by existing best practice in methodologies and licensing procedures and that key roles and responsibilities e.g. ECoW and Marine Mammal Observers

[16] **https://www.nature.scot/sites/default/files/2019-08/Publication%202011%20-%20SNH%20Commissioned%20Report%20413%20-%20Initial%20response%20to%20the%20invasive%20carpet%20sea%20squirt%2C%20Didemnum%20vexillum%2C%20in%20Scotland.pdf**

are involved throughout. Reference to key documents, e.g. environmental management plans, construction method statements, construction environmental management documents, and habitat management plans should be fully integrated within the overall environmental impact assessment document.

3.2 We support the preparation and implementation of a Construction Environmental Management Plan (CEMP) and given the complexity and importance of the CEMP would welcome the opportunity to comment on a draft version of the CEMP as part of the EIA Report.

3.3 We would also welcome the inclusion of an Outline Habitat Management Plan (OHMP) in the proposed EIAR. We recommend the OHMP addresses both compensation and enhancement work, in line with NPF4 Policy 3(b)[17] to provide for positive effects for biodiversity. Our guidance on what it include in a HMP[18] can be accessed from our website.

3.4 We have been working closely with Peel Ports at Hunterston to enhance the natural capital value within their wider land holding at Hunterston and would be happy to continue to engage to see how this project could help facilitate that shared objective.

Ends

[17] "proposals for… major development… will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management."(NPF4-page 9)

[18] **https://www.nature.scot/guidance-planning-development-what-consider-and-include-habitat-management-plans**

Northern Lighthouse Board

Northern Lighthouse Board

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Your Ref: SCOP-0033
Our Ref: GB/ML/C1_01_340

Marine Licensing Casework Officer
Licensing Operations Team - Marine
Directorate Marine Laboratory
375 Victoria Road
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18 December 2023

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("THE MW EIA REGULATIONS") & CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS

SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard - Hunterston

Thank you for your e-mail correspondence dated 22nd November 2023 regarding the scoping report submitted by **Clydeports Ltd (per EnviroCentre)** relating to proposed construction works at the Hunterston Construction Yard, Hunterston.

We note the applicant will undertake a Navigation Risk Assessment with respect to the proposed development and that the 'Impacts associated with shipping' will not be included within the EIA. We also note that the works will be subject to Clydeport Operations Ltd Marine Navigational Safety Policy and requires a Works Licence with Notices to Mariners being issued as required.

Northern Lighthouse Board are content with the proposed EIA scoping report.

Yours sincerely

Navigation Manager

North Ayrshire Council

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

ECONOMIC GROWTH

Planning Services, Cunninghame House, Irvine KA12 8EE

PUBLIC

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

EIA Schedule 2 SCOPING OPINION

REFERENCE: 23/00757/EIA

NAME AND EMAIL ADDRESS OF APPLICANT:

Clydeport Operations Ltd

SITE ADDRESS or LOCATION:

Hunterston Construction Yard

PROPOSAL:

Infilling of dry dock

EIA REQUIRED

YES

The written statement of reasons is provided overleaf.

WRITTEN STATEMENT

1. With reference to Regulation 17 of the Environmental Impact (Scotland) Regulations 2017, please see below the Council's Scoping Opinion.

Any environmental impact assessment submitted in support of a planning application in respect of the above developments should have regard to Schedule 4 of the Regulations and the responses of the consultees which are attached. The proposed approach in the Scoping Report of October 2023 is largely agreed with the following comments:

The Council, as Planning Authority, makes comments in respect of the terrestrial works and has shared this Opinion with Marine Scotland.

1. Consideration of Alternatives – The site-specific nature of the proposal is noted. The current Regulations require that all EIA Reports should include an outline of the reasonable alternatives studied. This should include the main reasons for selecting the chosen option.

2. Site selection – Detailed assessment of the specific selection of the site.

3. Accidents & Natural Disasters – It is agreed this can be scoped out. Any construction management details should take into account the requirements for emergency planning for the adjacent power stations.

4. Air Quality – It is agreed that this can be scoped out. However, any planning application should include a Construction Dust Risk Assessment. Please see attached Environmental Health comments.

5. Archaeology and Cultural Heritage– Historic Environment Scotland (HES) agree this can be scoped out of the EIA. Please see attached HES comments.

6. Biodiversity/Ecology – The EIA Report should include an assessment of the potential effects on important ecological features and should detail proposed mitigation and/or compensation measures required to avoid, minimise, restore or offset adverse effects and demonstrate positive effects for biodiversity.

NS advise that the nearest Special Protection Areas and Special Area of Conservation can be scoped out and appropriate assessments are not required. The impact on the Southannan Sands SSSI ("the SSSI") must be assessed. The impact on the Priority Marine Features of the SSSI and on a recently discovered mussel reef must be considered. The impact on the Kames Bay and Ballochmartin Bay SSSIs on Cumbrae must also be assessed. A copy of the full NS response is attached.

A survey for otters should be carried out and considered in the EIA. The Marine /marine. An additional Wetland Bird Survey should be carried for the SSSI area. A Marine Mammal Protection Plan, Construction Environmental Management Plan and Outline Habitat Management Plan should be provided as per NS advice.

7. Carbon, Climate Change & Greenhouse Gases – A Carbon Impact Assessment should form part of any EIA Report. The methodology set out in Chapter 7 of the Scoping Report dated Sept 2023 is agreed.

8. Seascape/Landscape/visual impacts – The proposed Seascape/Landscape Visual Impact Assessment is agreed. The context of the site in an industrial landscape is noted as are the permitted developments which would add to that landscape context. The cumulative impacts should be considered. Given the nature of the works, assessment of receptors in a 5km radius is agreed.

In addition to the viewpoints in Table 8.1 of the Scoping Report dated Sept 2023, a viewpoint from Millport is requested. A viewpoint from somewhere such as outside No. 27 West Bay Road is requested. This would incorporate the likely most visible viewpoint from the Conservation Area and adjacent to a recreation ground at a distance of approx. 3km from the site.

9. Land quality/Soil – Whilst this can be scoped out as a full chapter, any site investigation reports should be submitted as part of any planning application.

10. Socio-economic – It is agreed this can be scoped out of the EIA Report. However, any planning application should include information on the potential economic benefits from the construction works and potential scope for community wealth building.

11. Terrestrial Noise - There will likely be impact from construction noise. It is noted NAC Environmental Health will be consulted to agree a methodology for a noise impact assessment.

12. Traffic and Transport – Any EIA should assess the transportation issues associated with the construction phase. The site has a lawful general industrial use. However, operational traffic would be a matter for future applications/assessments. As a first principle any assessment should consider use of the rail and port linkages, particularly in relation to any abnormal loads.

13. Water Environment/Coastal Processes – The proposed chapter should be included in any EIA Report. Marine Scotland's advice on the location of aquaculture is attached.

14. Structure of the document – The EIA should concentrate on those elements likely to have 'significant' consequences for the receiving environment. It should make passing reference to other issues of lesser importance to indicate that they have been considered. Short-term and long-term consequences should be identified with an indication of expected degree of magnitude and any mitigation measures advanced along with the degree of confidence as to the efficacy of such measures. Where significant effects are anticipated, mitigation measures should be identified and provided. This should include proposals for implementation and monitoring of those measures. A summarised table of the measures should be provided within the EIA report. In accordance with the requirements of the Regulations, the EIA should be accompanied by a non-technical summary of the issues addressed in the main document.

Please note that the above scoping opinion does not constitute pre-application advice, which should be sought separately.

SENIOR PLANNING SERVICES MANGER:

DATE: 20th December 2023

Office for Nuclear Regulation

From: ONR Land Use Planning <ONR-Land.Use-Planning@onr.gov.uk>
Sent: 15 January 2024 14:59
To: MD Marine Licensing
Cc:
Subject: ONR Land Use Planning - Application SCOP-0033
Attachments: image001.png

Dear Sir/Madam,

We write in response to your consultation on the scoping report for application “SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard - Hunterston”.

We apologise for the tardiness of our response, which was due to the Christmas break.

Our response is as follows:

- The proposed development is located in the Detailed Emergency Planning Zone (an ONR consultation zone) of the Hunterston B (HNB) nuclear licensed site;
- The proposed development is located in ONR's Outer Consultation Zone (an ONR consultation zone) of the Hunterston A (HNA) nuclear licensed site;
- The applicant should take due cognizance of the HNA and HNB nuclear licensed sites, operated by Magnox Ltd and EDF Energy Nuclear Generation Ltd respectively;
- The applicant should liaise with the emergency planning function in South Ayrshire Council in relation to the whether the proposed development can be accommodated in the Off-Site Emergency Plan for HNB; and
- The applicant should liaise with Magnox Ltd and EDF Energy Nuclear Generation Ltd in relation to the potential external hazards the proposed development poses to HNA and HNB respectively (and vice versa).

When liaising with the site operators, Magnox Ltd and EDF Nuclear Generation Ltd, on potential external hazards, the following topics should be raised:

- Will the proposed dredging activities adversely affect the local sea water quality for cooling or other purposes for HNB;
- Will the proposed dredging or infill activities alter the local coastal erosion or deposition processes in a way that could affect the engineered structures at HNA or HNB;
- Will the type of ships in the area change? Different sizes or types of ship could alter the ship collision hazard for HNA and HNB;
- Will the number of ships in the area change and, if they are increasing, would any this alter the ship collision hazard for HNA and HNB; and
- Will the types of cargo carried by ships in the area change in a way that would alter the man-made hazards relevant to HNA and HNB (e.g. by introducing hazardous cargoes)?

Regards,

Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

Peel Ports

From:
Sent: 16 January 2024 11:28
To:
Subject: RE: SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston- Consultation on Request for Scoping Opinion – Response Required by 22 December 2023

Nil return

Marine Compliance Officer
Peel Ports - Clydeport

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


Please consider the environment before printing this e-mail

RSPB Scotland

Marine Licensing Casework Officer,
Licensing Operations Team, Marine Directorate
Scottish Government, Marine Laboratory,
Aberdeen, AB11 9DB

Sent by email: MD.MarineLicensing@gov.scot

18th December 2023

Dear

RE: THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 ("the MW EIA Regulations") CONSULTATION UNDER PART 4, REGULATION 14(4) OF THE MW EIA REGULATIONS. SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston

Thank you for consulting RSPB Scotland on the scoping for the above Marine Licence application. We welcome the opportunity to comment.

We agree with the inclusion of the terrestrial and marine biodiversity receptors covered in the scoping report, including biodiversity sites (particularly Southannan Sands SSSI), coastal habitats and species, intertidal habitats and species, subtidal habitats and species, fish populations, marine mammals, otters, breeding birds and wintering/passage birds.

Policy 3 of NPF4 sets out a requirement for developments to deliver biodiversity enhancement. This must be in addition to any mitigation and off-setting which is required to achieve 'no-net-loss'. We believe that enhancements should focus on local priority habitats and species, ensuring they are in a demonstrably better state than before the development.

Part b)iv of the policy states that large EIA developments such as this, must demonstrate how they have met a number of criteria including: ***significant*** *biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development,* ***secured within a reasonable timescale and with reasonable certainty****. Management arrangements for their* ***longterm retention and monitoring***

Central Scotland
RSPB
10 Park Quadrant
Glasgow
G3 6BS

Tel: 0141 331 0993
Facebook: RSPB Glasgow
rspb.org.uk/Scotland

should be included, wherever appropriate [emphasis added]. We would welcome opportunities to discuss proposed biodiversity enhancements.

Should you have any questions regarding the above comments, please do not hesitate to contact me.

Yours sincerely,

Conservation Officer – Central Scotland

RYA Scotland

RYA SCOTLAND

Caledonia House
1 Redheughs Rigg
South Gyle
Edinburgh, EH12 9DQ

Tel: 0131 317 7388
www.ryascotland.org.uk

29 November 2023

Marine Directorate – Licensing Operations Team
Scottish Government
Marine Laboratory,
375 Victoria Road,
Aberdeen,
AB11 9DB
MD.MarineLicensing@gov.scot

Dear

SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston

I have read the relevant parts of the scoping report on behalf of RYA Scotland and broadly agree that recreational boating can be scoped out of the EIA. However, the report provides no evidence to support this. The 730 berth Largs Marina is only 4 km away from the development and Fairlie Quay with its moorings is even nearer. This is in one of the busiest areas in Scotland for recreational boating and it was surprising not to see this mentioned. It was also surprising to see that it is proposed to scope out shipping and navigation in advance of undertaking a Navigational Risk Assessment. Peel Ports Clydeport works well with recreational users of these waters and publish, for example, the *Clyde Leisure Navigation Guide*, now in its fifth edition. The existing NRA should have been reviewed to see if the development poses any new hazards, which seems unlikely.

The report mentions in 13.2.9.2 that the UKCP18 data did not show any compelling trend in storminess, which is correct. However, there is more up to date and comprehensive information on the website of the Marne Climate Change Impacts Partnership (https://www.mccip.org.uk/).

RYA SCOTLAND

Caledonia House
1 Redheughs Rigg
South Gyle
Edinburgh, EH12 9DQ

Tel: 0131 317 7388
www.ryascotland.org.uk

After reviewing the impact of storm Babet, RYA Scotland is considering what advice to offer clubs as we are preparing for storminess to increase, particularly in autumn and winter. It would be prudent for all coastal developments to do the same.

Yours sincerely,

Planning and Environment Officer, RYA Scotland

SEPA

From: Planning South <Planning.South@sepa.org.uk>
Sent: 05 December 2023 13:34
To:
Subject: FW: SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston- Consultation on Request for Scoping Opinion – Response Required by 22 December 2023

OFFICIAL

Dear

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
SCOP-0033
Hunterston Construction Yard- Hunterston- Consultation on Request for Scoping Opinion

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provide site specific advice. Please refer to our standing advice and other guidance which is available on the Planning section of our website.

In addition, please also refer to our Standing advice for the Department for Business, Energy, and Industrial Strategy and Marine Scotland on marine consultations.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Please be aware that we responded to North Ayrshire Council with regards to the terrestrial EIA on 07 November 2023 (response ref: 10749).

Kind regards,

Senior Planning Officer
Scottish Environment Protection Agency
Angus Smith Building I 6 Parklands Avenue I Eurocentral I Holytown I
North Lanarkshire I ML1 4WQ

OFFICIAL

Scottish Fishermen's Federation

From:
Sent: 22 November 2023 17:39
To: MD Marine Licensing
Cc:
Subject: RE: SCOP-0033 - Clydeports Ltd (per EnviroCentre) - Hunterston Construction Yard- Hunterston- Consultation on Request for Scoping Opinion – Response Required by 22 December 2023

Dear

Thank you for sharing this consultation with SFF.

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

consultation. **Best wishes**

Offshore Energy Policy Officer

Scottish Fishermen's Federation (SFF)
24 Rubislaw Terrace | Aberdeen | AB10 1XE
| sff.co.uk
Follow us: Facebook | Twitter

Transport Scotland

Development Management and Strategic Road Safety
Roads Directorate

George House 36 North Hanover St Glasgow G1 2AD

TRANSPORT SCOTLAND
CÒMHDHAIL ALBA

Marine Directorate
Scottish Government
Marine Laboratory
Aberdeen
AB11 9DB

MD.MarineLicensing@gov.scot

Your ref:
0033

Our ref:
GB01T19K05

Date:
08/12/2024

Dear Sirs,

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

HUNTERSTON CONSTRUCTION YARD- HUNTERSTON- REQUEST FOR SCOPING OPINION

With reference to your recent correspondence on the above development, we acknowledge receipt of the Scoping Report (SR) prepared by EnviroCentre in support of the above development.

This information has been passed to SYSTRA Limited (SYSTRA) 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 upgrade of the existing Hunterston Construction Yard into a harbour facility suitable for renewable industries. We note the Scoping Report relates to the enabling phase of the development, which comprises the dredging (including ongoing maintenance dredging), infilling of the dry dock, quay wall construction, land reclamation/ reprofiling of existing land utilities and associated temporary staff welfare accommodation.

The site is located approximately 1km north of the existing Hunterston Power Station and approximately 1.9km southwest of Fairlie. The nearest trunk road is the A78(T) which lies approximately 1.7km to the east of the site. Access to the site is via the A78(T)/ Hunterston Roundabout.

Assessment of Environmental Impacts

Chapter 12 of the SR presents the proposed methodology for the assessment of the effects of Transport and Access. This indicates that reference will be made to the Guidelines for the Environmental Assessment of Road Traffic (1992).

Transport Scotland would wish to draw attention to the new guidance that has been published by the Institute of Environmental Management and Assessment (IEMA). These Guidelines, entitled Environmental Assessment of Traffic and Movement (July 2023), are intended to update and replace the previous 1993 IEMA guidelines and provide enhanced and up to date advice on the assessment of traffic and movement.

Transport Scotland would request that the thresholds as indicated within these new Guidelines be used as a screening process for the assessment. 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.

Base traffic will be extracted from a DfT Automatic Traffic Count (ATC) site located approximately 1.7km south of the A78(T)/ Hunterston roundabout. Transport Scotland considers this acceptable, and would add that an alternative source of traffic data is Traffic Scotland's National Traffic Data System which is likely to provide a more complete set of data.

We would also add that base traffic will require to be factored to the peak construction year flows, using National Road Traffic Forecasts (NRTF) Low Growth.

Abnormal Loads Assessment

The SR makes no mention of the requirement for the use of Abnormal Indivisible Loads (AIL). In the event that deliveries by such loads are required, Transport Scotland will require to be satisfied that the size of loads proposed can negotiate the selected route and that transportation will not have any detrimental effect on structures within the trunk road route path.

A full Abnormal Loads Assessment report should be provided that identifies key pinch points on the trunk road network if abnormal loads are envisaged. Swept path analysis should be undertaken and details provided with regard to any required changes to street furniture or structures along the route.

I trust that the above is satisfactory and should you wish to discuss any issues raised 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

Transport Scotland
Roads Directorate

cc SYSTRA Ltd.