



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: Allan Finlayson

DATE: 20th December 2023



By email to:
eplanning@north-ayrshire.gov.uk

North Ayrshire Council
Development Management
1st Floor, Cunninghame House
Irvine
KA12 8EE

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300036175
Your ref: 23/00757/EIA

31 October 2023

Dear North Ayrshire Council

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
Hunterston Construction Yard, Fairlie, North Ayrshire - 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 18 October 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).

Your local authority 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.

Proposed Development

We understand that the proposed development consists of:

- The construction of a new quay and associated quayside infrastructure on the western edge of the site to berth vessels;
- Works could include land reclamation, removal of the existing dock entrance bund, and/or removal of existing land to facilitate the construction of appropriate berths (Refer to Section 2.2.3 for further details);
- Demolition works of existing structures including removal of the base of the former dry dock.
- Infilling of the former dry dock basin to provide additional land for general industrial purposes;
- Ground improvement works including piling;



- Dredging (including future maintenance) to enable marine vessel access to quay areas;
- Provision of site utilities and any required foundations within storage areas; and
- Erection of temporary site offices and staff welfare buildings to accommodate site workforce.

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, however these features have been removed.

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. 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 terrestrial assets within our remit are also 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

Email: MS.FFPlanning@gov.scot

Our ref: FFP-23-042

Your ref: 23/00757/EIA

25/10/2023

Dear Mr Davies,

EIA scoping for upgrade of the existing Hunterston Construction Yard (HCY) into a harbour facility with a large working platform by Clyde Operations Ltd.

Scottish Government's Marine Directorate (SGMD) (previously known as Marine Scotland) have reviewed the application submitted and offer the following comment:

Aquaculture Animal Health

The nearest aquaculture site is situated in Fairlie Bay, ~1.7km east of the Hunterston Construction Yard. It is a marine trestle Pacific oyster (*Crassostrea gigas*) site. It is currently active and operated by Cumbrae Oysters Ltd., who also have a depuration facility onshore. There are 3 further shellfish sites, north of this site operated by Clyde Porpoise CIC – these sites are authorised to hold native oysters (*Ostrea edulis*), the nearest site is a seawater tank site, and the two northerly sites hold oysters in baskets suspended from rafts. The locations can be viewed on the attached map.

Notes to applicants:

The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APB's) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at the Marine Directorate Marine Laboratory. To apply for authorisation for an

APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Directorate Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Tel: 0131 244 3498; Email: ms.fishhealth@gov.scot

All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government’s website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Directorate Licensing Operations Team (MD-LOT) by emailing MS.MarineLicensing@gov.scot; or calling 0300 244 5046.

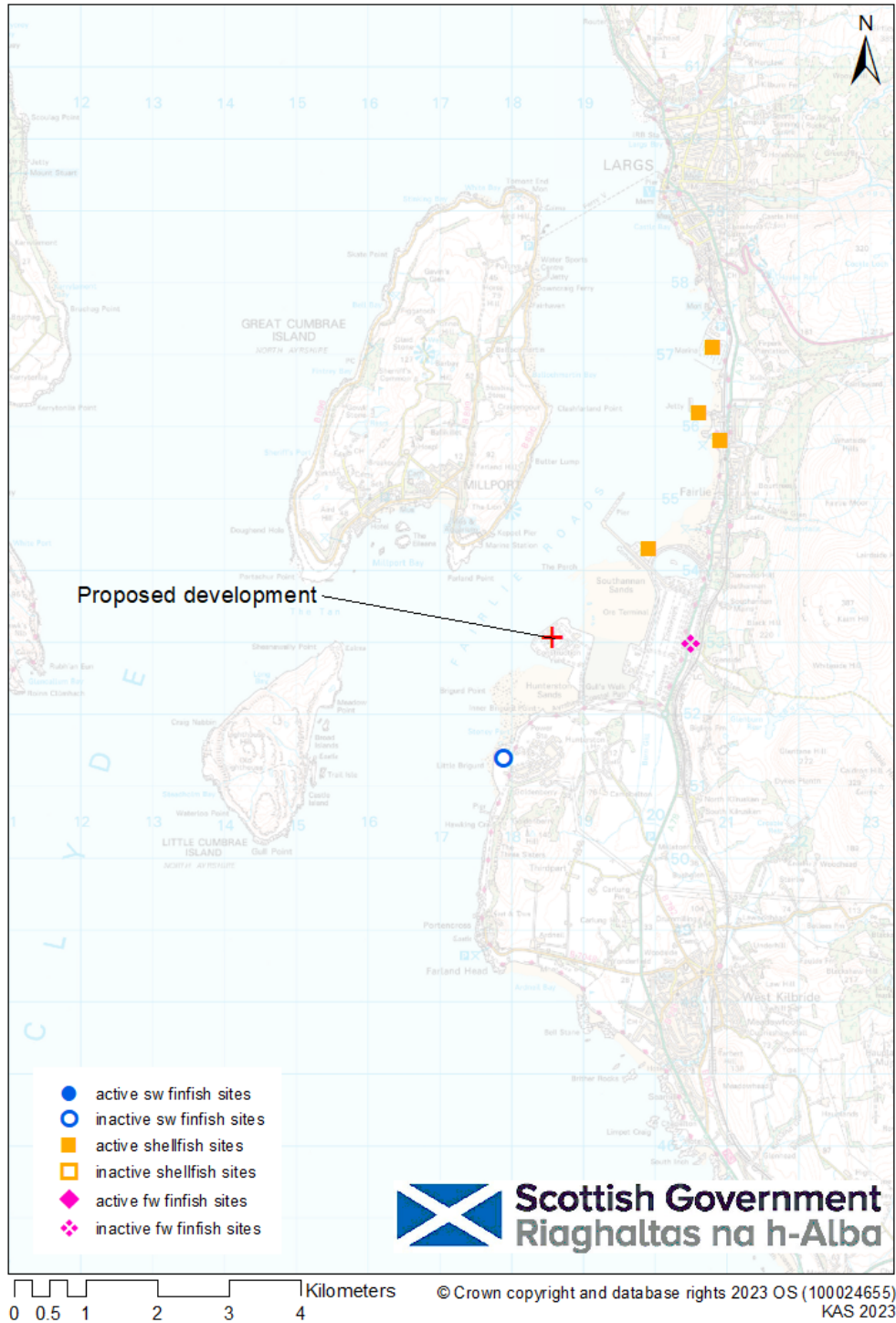
Yours sincerely

Marine Directorate of the Scottish Government

Appended:

Map: Aquaculture sites in the vicinity of the Hunterston Construction Yard.

**Aquaculture sites in the vicinity of development at
Hunterston Construction Yard, Fairlie, Largs by Clydeport Operations Ltd.**



Friday, 13 October 2023



Local Planner
Planning Services
North Ayrshire Council
Cunninghame House
KA12 8EE

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Hunterston Construction Yard, Fairlie, North Ayrshire, KA23 9QX
Planning Ref: 23/00757/EIA
Our Ref: DSCAS-0096178-H6T
Proposal: EIA scoping for upgrade of the existing Hunterston Construction Yard (HCY) into a harbour facility with a large working platform

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

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

Surface Water

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

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

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

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

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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



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2. Site selection – Detailed assessment of the specific selection of the site.
3. Accidents & Natural Disasters – It is agreed this can be scoped out. However, please note Office for Nuclear Regulation's comments.
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.
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Please note that the above scoping opinion does not constitute pre-application advice, which should be sought separately.

SENIOR PLANNING SERVICES MANGER: Allan Finlayson

DATE: 1st December 2023



NatureScot

Scotland's Nature Agency
Buidheann Nàdair na h-Alba

By email to eplanning@north-ayrshire.gov.uk

Mr Iain Davies
Senior Development Management Officer
Planning Services
Place Directorate
North Ayrshire Council

21 November 2023

Our ref: CEA172767

Dear Mr Davies

**Town and Country Planning (Scotland) Act 1997-
Environmental Impact Assessment (EIA) scoping for upgrade of the existing Hunterston
Construction Yard. 23/00757/EIA**

Thank you for consulting NatureScot about the above proposal and for allowing us additional time to submit our response. Our advice is based on the Hunterston Construction Yard Scoping Report and associated appendices (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, land reclamation and reprofiling of existing land, utilities, associated temporary staff welfare and temporary operations office accommodation.

Summary

Key natural heritage considerations requiring consideration within the EIA are:

- Potential impacts on Southannan Sands, Kames Bay SSSI and Ballochmartin Bay Sites of Special Scientific Interest (SSSI)
- Potential impact on the protected species and Priory Marine Features
- Landscape and visual impacts arising from the enabling development, including cumulative impacts with other developments/ proposals in the wider area.

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.

¹ <https://www.nature.scot/doc/naturescot-pre-application-guidance-onshore-wind-farms>

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 Local Planning Authority and the Marine Directorate 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 and the emerging PARC Landscape Specification Document 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 no 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 planning 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

Ian Cornforth

NatureScot Operations Officer – West Central Scotland

Ian.Cornforth@nature.scot

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

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 from the Renfrewshire Heights SPA classified for its breeding population of <Redacted> and 19km to the east of the Arran Moors SPA, also classified for its breeding population of <Redacted> . See NatureScot SiteLink for more details on the Renfrewshire Heights SPA² and Arran Moors SPA³.
- 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, North Ayrshire Council is required to consider the effect of the proposal on these SPA’s before it can be consented (commonly known as Habitats Regulations Appraisal). The NatureScot website has a summary of the legislative requirements⁴.
- 1.4 Our advice is that it is unlikely that the proposal will have a significant effect on the qualifying interest of these SPA’s 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 detail⁵.
- 1.6 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.
- 1.7 An assessment of the potential impacts on the Southannan Sands SSSI and its notified interests should also consider project specific and cumulative impacts on

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>

- 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.
- 1.8 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 North Ayrshire Council, 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.
- 1.9 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.
- 1.10 Section 13.3 of the scoping report accurately outlines the wide range of Potentially Significant Effects arising from the proposal in relation to the water environment and coastal processes.
 We recommend that flood risk assessment and surface water management assessment should fully explore the mitigation and management required to ensure that water draining from the proposed site is free from pollutants. We advise that water management systems are put in place to reduce, to an acceptable level, the impact on nearby sensitive water receptors, including the SSSI, in line with Water Framework Directive requirements.
- 1.11 We note the undertaking to carry out noise and ground contamination assessments on relevant receptors and to implement any necessary mitigation. We recommend that these impacts, on the SSSIs located within the impact zone of this development, are considered as part of this assessment process. We also recommend that the impact of task lighting and dust is considered as part of this process.

Kames Bay SSSI and Ballochmartin Bay SSSI

- 1.12 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, water-based and noise pollution impacts. We advise that these impacts are assessed and mitigation proposed if necessary. 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 SSSI⁶ & Ballochmartin Bay SSSI⁷

2. Landscape and Visual Impacts

- 2.1 Landscape and visual impacts of the proposed development are a key consideration, including cumulative impacts with other developments in the Hunterston Strategic Development Area.

⁶ <https://sitelink.nature.scot/site/825>

⁷ <https://sitelink.nature.scot/site/132>

- 2.2 This case does not meet our threshold for providing project specific scoping advice, please see the advice on landscape and visual impact assessment in our pre-application guidance and other guidance on our website⁸.

3. Protected species

Otter

- 3.1 We note that otter has not been recorded in the proposal area to date. As otters are a highly mobile species and could use the existing rock armour for shelter, we advise that otter are scoped into the EIA. If any impacts are identified then mitigation measures should be outlined within a species protection plan. There is a range of standing advice for protected species on the NatureScot webpage⁹ which the applicant may find helpful.

Harbour porpoise and other marine species.

- 3.2 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 have the potential to cause auditory injury impacts to a suite of marine species including basking shark, cetaceans and seals.
- 3.3 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.
- 3.4 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 the noise they will generate, as well as the revised noise thresholds¹⁰ 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 mitigation¹¹ 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.
- 3.5 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 the Hebridean Whale and Dolphin Trust.
- 3.6 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.

⁸ <https://www.nature.scot/professional-advice/landscape/landscape-tools-and-techniques>

⁹ <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

¹⁰ 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

¹¹ 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>

- 3.7 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.
- 3.8 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.

Birds

- 3.9 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)
- 3.10 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.
- 3.11 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.

Invasive Non-native Species (INNS)

- 3.12 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 INNS 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.
- 3.13 Given this maritime movement we recommend that an assessment of management actions and/ or mitigation required to address issues relating to invasive species such as, but not limited to, wireweed(*Sargassum muticum*) and carpet sea squirt (*Didemnum vexillum*) are carried out.
- 3.14 We advise that a site-based biosecurity plan for marine non-native species and terrestrial non-native species affecting seabirds should be developed in line with best practice Marine Biosecurity Planning guidance (SNH and Firth of Clyde Forum 2014)¹²

Operational impacts

- 3.15 Given the wide range of potential operational impacts, e.g. 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

¹² <http://www.clydemarineplan.scot/wp-content/uploads/2016/05/Guidance-Biosecurity-Planning.pdf>

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.

4. Mitigation, Enhancement and best practice in environmental management

- 4.1 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 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.
- 4.2 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.
- 4.3 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)¹³ to provide for positive effects for biodiversity. Our guidance on what it include in a HMP¹⁴ can be accessed from our website.
- 4.4 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

¹³ “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)

¹⁴ <https://www.nature.scot/guidance-planning-development-what-consider-and-include-habitat-management-plans>