

**Marine Directorate - Licensing Operations Team
Scoping Opinion**

**Scoping Opinion adopted by the Scottish Ministers
under Part 4 of The Marine Works (Environmental
Impact Assessment) (Scotland) Regulations 2017**

Clydeport Operations Limited

Hunterston Construction Yard

February 2024

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1. Introduction

1.1 Background

- 1.1.1 On 06 October 2023, the Scottish Ministers received a scoping report (“the Scoping Report”) from Clydeport Operations Limited (“the Applicant”) as part of its request for a scoping opinion relating to Hunterston Construction Yard (“the Proposed Works”). The Scottish Ministers considered the content of the Scoping Report as sufficient and in accordance with regulation 14 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“2017 MW Regulations”).
- 1.1.2 This scoping opinion is adopted by the Scottish Ministers under the EIA Regulations (“Scoping Opinion”) in response to the Applicant’s request and should be read in conjunction with the Scoping Report. The matters contained in the Scoping Report have been carefully considered by the Scottish Ministers and use has been made of professional judgment, based on expert advice from stakeholders and Marine Directorate in-house expertise and experience. This Scoping Opinion identifies the scope of impacts to be addressed and the method of assessment to be used in the Environmental Impact Assessment Report (“EIA Report”) for the Proposed Works.
- 1.1.3 The Scottish Ministers, in adopting this Scoping Opinion, have, in accordance with the 2017 MW Regulations, taken into account the information provided by the Applicant, in particular, information in respect of the specific characteristics of the Proposed Works, including its location and technical capacity and its likely impact on the environment. In addition, the Scottish Ministers have taken into account the representations made to them in response to the scoping consultation they have undertaken.
- 1.1.4 In examining the EIA Report, and any other environmental information, the Scottish Ministers will seek to reach an up to date reasoned conclusion on the significant effects on the environment from the Proposed Works. This reasoned conclusion will be considered as up to date if the Scottish Ministers are satisfied that current knowledge and methods of assessment have been taken account of. For the avoidance of doubt, this Scoping Opinion does not preclude the Scottish Ministers from requiring the Applicant to submit additional information in connection with any EIA Report submitted with applications for marine licences under The Marine (Scotland) Act 2010 (“the 2010 Act”).
- 1.1.5 In the event that the Applicant does not submit applications for marine licences under the 2010 Act for the Proposed Works within 12 months of the date of this Scoping Opinion, the Scottish Ministers strongly recommend that the Applicant seeks further advice from them regarding the validity of the Scoping Opinion.

2. The Proposed Development

2.1 Introduction

2.1.1 This section provides a summary of the description of the Proposed Works provided by the Applicant in the Scoping Report together with the Scottish Ministers' general comments in response. The details of the Proposed Works in the Scoping Report have not been verified by the Scottish Ministers and are assumed to be accurate.

2.2 Description of the Proposed Development

2.2.1 The Hunterston Construction Yard ("HCY") is located in the River Clyde estuary, approximately 1.9 kilometres ("km") from the village of Fairlie in the northeast. The island of Great Cumbrae is approximately 1.4km to the northwest and the Hunterston Power Station lies approximately 1km to the south. The Proposed Works site has one of the deepest sea entrances on the Firth of Clyde and can accommodate large capacity vessels.

2.2.2 The HCY is being developed, with a view to providing a facility, to support the offshore wind industry, which may include the assembly of components utilised in the construction of offshore wind farms including gravity base structures, jacket construction, turbine assembly and associated activities including storage of components.

2.2.3 The Proposed Works will involve the redevelopment of the existing quay and dry dock structures and associated capital dredging. The proposal comprises of the construction of a new quay and associated quayside infrastructure to berth vessels.

2.2.4 Options for the new quay include: -

- a) construction on a 450 metre ("m") quay wall on the northwest edge of the site with an additional 150m quay wall to the east or;
- b) construction of a 450m quay wall on the site western edge with a 150m quay wall to the southwest or;
- c) creation of a 250m quay wall on the western edge of the site.

2.2.5 Formation of new quay walls will likely involve driving tubular piles into the existing seabed which may require securing to the rock substructure using rock sockets, affixing sheet piles between the tubular piles, secured to existing quay structure and a reinforced concrete capping beam to encompass the existing quay structure.

- 2.2.6 The Proposed Works also include the capital dredging of the quay approaches with the dredged material potentially being repurposed, to infill the existing dry dock, this is dependent on quantity and quality of dredged material.
- 2.2.7 Options for the capital dredge include:-
- a) dredged area based upon an overall width of 250m, of constructed harbour wall. Dredged area will extend northwest from the constructed harbour wall, extending out to the -12m level contour. The area is approximately 90,539 square metres ("m²").
 - b) dredged area based upon an overall width of 450m of constructed harbour wall. Dredged area will extend northwest from the constructed harbour wall, extending out to the -12m level contour. The area is approximately 265,420m².
- 2.2.8 As part of the Proposed Works, the Applicant intends to redevelop the existing dry dock. It is anticipated that this will involve the removal of the concrete base from the dry dock and infilling with dredge materials in addition to reinforcement of the dock using tubular piles driven vertically into the existing strata. The tubular piles may require affixing to the existing rockhead utilising rock sockets, these may consist of poured concrete. To provide stability and reinforcement to the structure; sheet piles will be installed vertically between the previously installed steel piles and using anchor piles and horizontal, or inclined tie rods. The quay wall will be capped using concrete reinforced beams and tying it into the existing quay wall.
- 2.2.9 Approximately 1.4 million cubic metres ("m³") of fill material is required for the dry dock infill. If the dredge of the quay area does not yield sufficient quantities of material, additional dredged material could be utilised from other routine maintenance dredge activities within the River Clyde. It is anticipated that materials would be transported to site via barge.
- 2.2.10 The Applicant has indicated that the Proposed Works will take up to 2 years to complete with the aspects below Mean High Water Springs ("MHWS") and dry dock infill estimated to take up to 1 year to complete.

2.3 Onshore Planning

- 2.3.1 The Scottish Ministers are aware the Applicant has sought a separate scoping opinion from North Ayrshire Council for the associated onshore construction works. It is essential that the EIA Report concerning onshore works will be available at the time that the EIA Report for the Proposed Works is being considered so that all the information relating to the project as a 'whole' is presented. The EIA Report for the Proposed Works must consider the cumulative impacts with the onshore works.

- 2.3.2 The Scottish Ministers advise that the EIA Report must explicitly detail the licensable marine activities to be carried out below MHWS as part of the Proposed Works and identify which activities overlaps with North Ayrshire Council's remit.

2.4 The Scottish Ministers' Comments

Description of the Proposed Works

- 2.4.1 There is a lack of detail provided in respect of the design of the Proposed Works and the methodology. The Applicant has not included details or estimations for the commencement nor the timings of the Proposed Works. The Applicant has included multiple estimations of the quantities of materials to be used in the dredging activities however, quantities or estimation of quantities of materials to be used in the construction have not been included. If any of these are unknown at the time of application, maximum estimates should be provided. The Scottish Minister's advice can only be based on the information provided. In particular the lack of detail provided is reflected in the limited scoping advice the Scottish Ministers have been able to provide in respect of biodiversity.
- 2.4.2 The methodology for the dry dock works is not clear to the Scottish Ministers. As such the Scottish Ministers cannot determine if the dry dock works will require a marine licence or if they will be within North Ayrshire Council's jurisdiction. The Applicant should engage further with the North Ayrshire Council and MD-LOT to identify what permissions are required for the dry dock work.
- 2.4.3 The Scottish Ministers note that the Applicant proposes to dredge between approximately 90,539m² and 265,420m² of material as part of the Proposed Works, with the material to be considered for use as infill within the Proposed Works. The Applicant must consider the worst-case scenario should the dredge material be considered unsuitable for use whereby all of the dredged material requires to be deposited at sea, subject to no contamination issues being found, and all infill material requires to be sourced from alternative locations and transported to site. If any deposit of dredged material at sea is proposed, a full justification for this must be provided. The impacts from the selected use of the dredged material must be detailed in the application and the Applicant must set out the best practicable environmental option for the dredge material which must clearly detail all options that have been considered.
- 2.4.4 The Scottish Ministers note that the potential impact of contaminant release due to sediment disturbance during dredging and deposit activities must be assessed by the Applicant and sediment sampling must be undertaken prior to dredging, given the location of the Proposed Works and the proximity to the now decommissioned Hunterston Power Station. The Scottish Ministers advise that

the results of this sampling should be incorporated within the EIA Report and that the impacts of material assets and waste be scoped into the EIA Report.

- 2.4.5 The Scottish Ministers note the Applicant's intention to focus the EIA Report on only the construction phase of the Proposed Works. Responses received from NatureScot, Maritime and Coastguard Agency, Royal Yachting Association Scotland and Transport Scotland, as provided in Appendix I of this Scoping Opinion, advise that the post-construction and operational phases of the Proposed Works must also be included in assessments. The impacts from the post-construction and operational phases must be detailed in EIA Report and licence applications. The Scottish Ministers advice can only be based on the information provided.

Design Envelope

- 2.4.6 The Scottish Ministers note the Applicant's intention to apply a 'Design Envelope' approach. Where the details of the Proposed Works cannot be defined precisely, the Applicant must apply a worst-case scenario, as set out in Section 2 of the Scoping Report.
- 2.4.7 The Scottish Ministers advise that the Applicant must make every attempt to narrow the range of options. Where flexibility in the design envelope is required, this must be defined within the EIA Report and the reasons for requiring such flexibility clearly stated. At the time of application, the parameters of the Proposed Works should not be so wide-ranging as to represent effectively different projects. To address any uncertainty, the EIA Report must consider the potential impacts associated with each of the different scenarios. The criteria for selecting the worst case and the most likely scenario, together with the potential impacts arising from these, must also be described. The parameters of the Proposed Works must be clearly and consistently defined in the applications for the marine licences and the accompanying EIA Report.
- 2.4.8 The Scottish Ministers will determine the applications based on the worst-case scenario. The EIA will reduce the degree of design flexibility required and the detail may be further refined in a Construction Method Statement ("CMS") to be submitted to the Scottish Ministers, for their approval, before works commence. Please note however, the information provided in Section 7 below regarding multi-stage consent and regulatory approval. The CMS will 'freeze' the design of the project and will be reviewed by the Scottish Ministers to ensure that the worst-case scenario described in the EIA Report is not exceeded.
- 2.4.9 It is a matter for the Applicant, in preparing the EIA Report, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. If the Proposed Works or any associated activities

materially change prior to the submission of the EIA Report, the Applicant may wish to consider requesting a new Scoping Opinion.

Alternatives

- 2.4.10 The EIA Regulations require that the EIA Report include ‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the Applicant, which are relevant to the Proposed Works and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’. The Scottish Ministers acknowledge Section 2 of the Applicant’s Scoping Report setting out the consideration of alternatives to date together with the planned activities that are proposed to inform the EIA Report further.
- 2.4.11 For the avoidance of doubt, the Scottish Ministers advise that the EIA Report must include an up to date consideration of the reasonable alternatives studied as the parameters of the Proposed Works have been refined. The Scottish Ministers expect this to comprise a discrete section in the EIA Report that provides details of the reasonable alternatives studied across all aspects of the Proposed Works and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

3. Contents of the EIA Report

3.1 Introduction

- 3.1.1 This section provides the Scottish Ministers' general comments on the approach and content of information to be provided in the Applicant's EIA Report, separate to the comments on the specific receptor topics discussed in Section 5 of this Scoping Opinion.

3.2 EIA Scope

- 3.2.1 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Scottish Ministers. The matters scoped out should be documented and an appropriate justification noted in the EIA Report.

3.3 Mitigation and Monitoring

- 3.3.1 Any embedded mitigation relied upon for the purposes of the assessment should be clearly and accurately explained in detail within the EIA Report. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The EIA Report must identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.
- 3.3.2 The EIA Report should clearly demonstrate how the Applicant has had regard to the mitigation hierarchy, including giving consideration to the avoidance of key receptors. The Scottish Ministers advise that where the mitigation is envisaged to form part of a management or mitigation plan, the EIA Report must set out these plans or the reliance on these in sufficient detail so the significance of the residual effect can be assessed and evaluated. This should also include identification of any monitoring and remedial actions (if relevant) in the event that predicted residual effects differ to actual monitored outcomes. Commitment to develop plans without sufficient detail is not considered to be suitable mitigation in itself.
- 3.3.3 The EIA Report must include a table of mitigation which corresponds with the mitigation identified and discussed within the various chapters of the EIA Report and accounts for the representations and advice attached in Appendix I.
- 3.3.4 Where potential impact on the environment have been fully investigated but found to be of little or no significance, it is sufficient to validate that part of the assessment by detailing in the EIA Report, the work that has been undertaken, the results, what impact, if any, has been identified and why it is not significant.

4. Consultation

4.1 The Consultation Process

4.1.1 Following receipt of the Scoping Report, the Scottish Ministers, in accordance with the 2017 MW Regulations, initiated a 30-day consultation process, which commenced on 22 November 2023. The following bodies were consulted, those marked in bold provided a response and those marked in italics sent nil returns or stated they had no comments:

- **NatureScot**
- **Scottish Environment Protection Agency**
- **North Ayrshire Council**
- **Maritime and Coastguard Agency (“MCA”)**
- **Northern Lighthouse Board (“NLB”)**
- **Historic Environment Scotland (“HES”)**
- **Royal Society for the Protection of Birds Scotland (“RSPB Scotland”)**
- *Peel Ports*
- Clyde Marine Planning Partnership
- Fairlie Community Council
- Cumbrae Community Council
- West Kilbride Community Council
- UK Chamber of Shipping
- Crown Estate Scotland
- *Defence Infrastructure Organisation*
- Ayrshire Rivers Trust
- Fisheries Management Scotland
- Fishery Office, Ayr
- Health and Safety Executive
- South West Coast Regional Inshore Fisheries Group
- Marine Safety Forum
- National Trust for Scotland
- **Office for Nuclear Regulation (“ONR”)**
- Ports and Harbours
- **Royal Yachting Association (“RYA”)**
- *Scottish Fishermens Federation*
- Scottish Fishermens Organisation
- Scottish Water
- Scottish Whitefish Producers Organisation
- Scottish Wildlife Trust
- Visit Scotland
- Whale and Dolphin Conservation

- Scottish and Southern Electricity Networks
- Friends of the Firth of Clyde

4.1.2 Specific advice was sought from Marine Directorate – Science, Evidence, Data and Digital (“MD-SEDD”), the Marine Directorate – Marine Analytical Unit (“MAU”) and Transport Scotland (“TS”).

4.2 Responses received

4.2.1 From the list above a total of nine responses were received. Advice was also provided by MD-SEDD, MAU and TS. The purpose of the consultation was to seek representations to aid the Scottish Ministers’ consideration of which potential effects should be scoped in or out of the EIA Report.

4.2.2 The Scottish Ministers are satisfied that the requirements for consultation have been met in accordance with the EIA Regulations. The sections below highlight issues which are of particular importance with regards to the EIA Report and any marine licence applications. The representations and advice received are attached in Appendix I and each must be read in full for detailed requirements from individual consultees.

5. Interests to be considered within the EIA Report

5.1 Introduction

5.1.1 This section contains the Scottish Ministers' opinion on whether the impacts identified in the Scoping Report are scoped in or out of the EIA Report. The Scottish Ministers advise that the representations from consultees and advice from MAU, MD-SEDD and TS must be considered in conjunction with the Scoping Opinion and with the expectation that recommendations and advice as directed through this Scoping Opinion are implemented.

5.2 Accidents and Natural Disasters

5.2.1 The Applicant has considered accidents and natural disasters within Section 3 of the Scoping Report with consideration of potential impact on accidents and natural disasters in Section 3.3. The Applicant proposes that accidents and natural disasters are scoped out.

5.2.2 The Scottish Ministers acknowledge the Applicant's consideration of the Institute of Environmental Management and Assessment ("IEMA") 'Major Accidents and Disasters in EIA: A Primer' to assess whether or not to scope in accidents and natural disasters. However, the Scottish Ministers do not consider that the Applicant has provided sufficient evidence to justify scoping out the risk of accidents and natural disasters. Additionally the Scottish Ministers note that the Applicant has only provided consideration of the construction phase. Consequently, accidents and natural disasters must be scoped in for further assessment in the EIA Report for construction and operational phases.

5.2.3 In doing so, the Applicant must include a description and assessment of the likely significant effects deriving from the vulnerability of the Proposed Works to major accidents and disasters within the EIA Report. The Applicant should make use of appropriate guidance, including the IEMA 'Major Accidents and Disasters in EIA: A Primer', as referenced in the Scoping Report, to better understand the likelihood of an occurrence and the Proposed Works' vulnerability to or ability to cause a potential accident or disaster.

5.2.4 The Scottish Ministers advise that existing sources of risk assessment or other relevant studies should be used to establish the baseline rather than collecting survey data and note the IEMA Primer provides further advice on this. This should include the review of the identified hazards from your baseline assessment, the level of risk attributed to the identified hazards and the relevant receptors to be considered.

5.2.5 The assessment must detail how significance has been defined and detail the inclusions and exclusions within the assessment. Any mitigation measures that

will be employed to prevent, reduce or control significant effects should be included in the EIA Report.

5.3 Air Quality

5.3.1 The Applicant considers air quality in Section 4 of the Scoping Report with consideration of potential impact on air quality in Section 4.3. The Applicant proposes that air quality can be scoped out.

5.3.2 The Scottish Ministers agree that the assessment of air quality can be scoped out of the EIA Report for all phases. The Scottish Ministers are satisfied with the Applicant's proposal to develop of a site specific Construction Dust Management Plan.

5.4 Archaeology and Cultural Heritage

5.4.1 The Applicant considers the potential impact of the Proposed Works on archaeology and cultural heritage in Section 5 of the Scoping Report, with due consideration of the impacts during the construction phase in Section 5.2.2. The Applicant has detailed potentially significant effects in Section 5.3 and proposes archaeology and cultural heritage is scoped out.

5.4.2 The Scottish Ministers are satisfied with the proposal to scope out archaeology and cultural heritage and are in agreement with the advice from HES that this topic can be scoped out of further assessment in the EIA Report.

5.5 Biodiversity

5.5.1 The Applicant considers the potential impact of the Proposed Works on biodiversity in Section 6 of the Scoping Report. Specifically, this includes consideration of potential effects on designated sites, marine & freshwater aquatic habitats and ornithology.

5.5.2 The Scottish Ministers will consider these marine ecology receptors individually within this Scoping Opinion in Sections 5.5 through to 5.7. Further, the Scottish Ministers will consider marine species, benthic habitats and species, priority marine features and marine invasive non native species individually within the wider consideration of marine and freshwater aquatic habitats.

5.6 Designated sites

5.6.1 The Applicant considers the potential impacts of the Proposed Works on designated sites in Section 6.2.1 of the Scoping Report.

5.6.2 The Scottish Ministers direct the Applicant to representation from NatureScot and its detailed response highlighting the potential project specific and cumulative

impact of the Proposed Works on the Southannan Sands Sites of Special Scientific Interest (“SSSI”) and advise that this advice must be fully considered and addressed within the EIA Report.

- 5.6.3 In particular, the Scottish Ministers direct the Applicant to points 1.8-1.10 of NatureScots representation and note that the dredging operations could lead to indirect impacts on the Southannan Sands SSSI. The Scottish Ministers advise that the EIA Report must assess the impact of the Proposed Works on the Southannan Sands SSSI objective of designation and the overall integrity of the SSSI.
- 5.6.4 The Scottish Ministers direct the Applicant to Section 5.7.4 of this Scoping Opinion and the requirement of the Applicant to undertake benthic assessments and surveys. The Scottish Ministers advise that, in line with representation from NatureScot, the assessments and surveys must consider the impacts on the Southannan Sands SSSI and must include the extent of the impacts and the longevity of the effects.
- 5.6.5 The Scottish Ministers direct the Applicant to Section 5.14 of this Scoping Opinion and the requirement of the Applicant to undertake assessment of the magnitude of hydro-sedimentary effects. The Scottish Ministers advise that the magnitude of those effects must be combined with the sensitivity of the Southannan Sands SSSI sandflat habitat in order to predict the degree and significance of the impact. This view is supported by representation from NatureScot.
- 5.6.6 The Scottish Ministers advise that an assessment of the potential impacts on the Southannan Sands SSSI and its notified features must also consider project specific and cumulative impacts on the recently discovered mussel reef, supporting a native oyster bed and the other Priority Marine Features (“PMF”) identified in Section 6.2.3 of the Scoping Report. This view is supported by representation from NatureScot.
- 5.6.7 The Scottish Ministers advise that the lack of detail provided within the Scoping Report makes it difficult to identify what potential impacts on the intertidal interests of Kames Bay SSSI and Ballochmartin Bay SSSI need to be assessed. The Applicant proposes that effects are highly unlikely on these sites and as such can be scoped out from the EIA Report. However, the Scottish Ministers advise that due to the potential for the Proposed Works to cause atmospheric and water-based pollution impacts as well as impacts arising from marine Invasive Non-Native Species (“mINNS”) and changes to coastal processes, these impacts must be assessed and where necessary mitigation should be proposed. The assessment must assess the impact of the Proposed Works on the objectives of the designations and overall integrity of the areas. The Scottish Ministers direct

the Applicant to representation from NatureScot and advise that the potential physical-process connection will need to be examined through the coastal processes modelling, as detailed in Section 5.14 of this Scoping Opinion, unless the Applicant provides sufficient further written clarification on the reasoning for scoping out. The Scottish Ministers direct the Applicant to points 1.22-1.24 of NatureScots representation for further information regarding this. Beyond this, without more specific information, the Scottish Ministers cannot comment on the impacts proposed to be scoped in or out of the Scoping Report.

- 5.6.8 The Scottish Ministers agree with the NatureScot representation that designated sites receptors during both construction and operational phases of the Proposed Works are scoped into the EIA Report. Detailed advice has been provided by NatureScot indicating its preferred methodology in the production of assessments as provided in Appendix I of this Scoping Opinion. In addition, the Scottish Ministers strongly recommend the Applicant consults NatureScot in relation to the assessment methodologies as per NatureScots representation.

5.7 Marine & Freshwater Aquatic Habitats

- 5.7.1 The Applicant considers the potential impacts of the Proposed Works on marine and freshwater aquatic habitats in Section 6.2.3 of the Scoping Report.

Marine Species

- 5.7.2 The Scottish Ministers highlight that land based activities, such as piling and rock armour removal, as well as the deposit of dredge material, all have the potential to cause auditory injury impacts to a suite of marine species, including basking shark, cetaceans and seals. The Scottish Ministers agree with the inclusion of a 1km radius exclusion zone for cetaceans during the lifespan of the piling works.
- 5.7.3 The Scottish Ministers direct the Applicant to the NatureScot representation regarding the relevance of the data used to establish the presence of marine mammals in the vicinity of the Proposed Works. The Scottish Ministers agree with NatureScot and agree with the proposal to produce a Marine Mammal Protection Plan ("MMPP") however, advise that the MMPP should include more recent data to fully inform the assessment. Additionally, any mitigation measures put in place should be applied to all species. The Scottish Ministers highlight that the proposed method for carrying out underwater noise modelling to inform a risk assessment for marine mammals is very briefly detailed in the Scoping Report and recommend that the Applicant consults NatureScot to ensure its validity. Finally, the Scottish Ministers advise that a cumulative impact assessment must be undertaken and should take into account any activities which may also cause injury and/or disturbance to marine mammals in addition to piling activities. The Scottish Ministers direct the Applicant to NatureScots advice in this regard and advise that it is fully considered within the EIA Report.

Benthic Habitats and Species

- 5.7.4 The Scottish Ministers broadly agree with the proposed receptors scoped in for further assessment in relation to benthic habitats and species, and with the proposed investigations. The Scottish Ministers advise however that clarity is needed on the volume of dredge material predicted to be removed and estimate timings for dredge operations. The dredge plume dispersal from the dredge work associated with the construction of the quay and subsequent maintenance dredging that will be carried out during the operation of the port also needs included in the coastal modelling study. The outputs should include likely sedimentation levels, turbidity (SSC) and impacts on benthic species and habitats, including habitat loss/change. The coastal modelling study should also include assessment of changes to hydrodynamics as a result of changes to bathymetry and quay construction.
- 5.7.5 If the Applicant proposed to deposit dredge material at a deposit site, then the Applicant must assess if there is connectivity with designated sites or protected species and habitats. The Scottish Ministers also advise that in addition to the review of existing data, surveys will be required both in the footprint of Proposed Works site and in the zone of influence of site for example the dredge plumes and areas of predicted changes to hydrodynamics. Additionally, the Scottish Ministers advise that data is limited for some designated habitats and species and the eelgrass and horse mussel survey that has been referenced in Annex 3 of the Scoping Report are not fit for purpose as the subtidal survey methods used in this study were not standard. The Scottish Ministers direct the Applicant to the JNCC website for an example of standard survey methodologies. This view is supported by NatureScot representation. The Scottish Ministers direct the Applicant to representation from NatureScot on benthic habitats and species and advise that it is fully considered within the EIA Report.

Priority Marine Features

- 5.7.6 The Scottish Ministers direct the Applicant to NatureScot representation regarding the requirement for an assessment of the presence and extent of the PMF and impact of the Proposed Works on the PMFs found in the Southannan Sands SSSI and beyond the boundary of the SSSI. The Scottish Ministers advise that this must be assessed within the EIA Report for both construction and operational phases. The Scottish Ministers direct the Applicant to NatureScots representation in this regard and advise that it is fully considered.

Marine Invasive Non-Native Species

- 5.7.7 The Scottish Ministers advise that mINNS are scoped in for further assessment in the EIA Report for both the construction and operational phases of the

Proposed Works and advise that a site-based biosecurity plan should be developed in line with best practice Marine Biosecurity Planning guidance and the Firth of Clyde Biosecurity Plan. The Scottish Ministers direct the Applicant to representation from NatureScot on mINNS and advise that this is fully considered in the EIA Report. In addition to the NatureScot representation, the Scottish Ministers direct the Applicant to the advice from MD-SEDD and advise that this is fully considered.

Marine & Freshwater Aquatic Habitats Summary

- 5.7.8 The Scottish Ministers agree with the NatureScot representation that marine and freshwater aquatic habitats receptors during both construction and operational phases of the Proposed Works are scoped in for further assessment within the EIA Report. In addition, the Scottish Ministers strongly recommend the Applicant consults NatureScot in relation to the assessment methodologies as per NatureScots representation.

5.8 Ornithology

- 5.8.1 The Applicant has considered the potential impacts of the Proposed Works on ornithology within Section 6.2.4 of the Scoping Report.
- 5.8.2 The Scottish Ministers direct the Applicant to the NatureScot representation regarding the relevance of the data used to determine bird use of the general area of the Proposed Works. The Scottish Ministers advise that as this is relatively outdated and to properly assess potential impacts, additional Wetland Bird Surveys must be carried out, covering the entire coastline of the Southannan Sands SSSI to provide current data with which to compare to the historic records. This view is supported by NatureScots representation and the Scottish Ministers advise the Applicant to consult with NatureScot after one year to determine if the information gathered provides the necessary level of detail.
- 5.8.3 On the advice of NatureScot the Scottish Ministers advise that an updated assessment of the potential impacts of the two year development phase and subsequent operational phase is required to assess disturbance levels on birds within and around the site of the Proposed Works.
- 5.8.4 The Scottish Ministers agree with the NatureScot representation that ornithology receptors during both construction and operational phases of the Proposed Works are scoped in for further assessment within the EIA Report. The Scottish Ministers advise the Applicant to review and fully address the NatureScot advice within the EIA Report.

5.9 Carbon, Climate Change & Greenhouse Gases

- 5.9.1 The Applicant has considered the potential impacts of the Proposed Works on carbon, climate change & greenhouse gases within Section 7 of the Scoping Report and proposes to scope in a carbon impact assessment.
- 5.9.2 The Scottish Ministers agree with the Applicant's proposal to scope in carbon, climate change and greenhouse gases however do not consider the Applicant's proposed scope to be sufficient.
- 5.9.3 The Scottish Ministers are mindful that Greenhouse Gas ("GHG") emissions from all projects contribute to climate change. In this regard, the Scottish Ministers highlight the IEMA Environmental Impact Assessment Guide "Assessing Greenhouse Gas Emissions And Evaluating Their Significance" ("IEMA GHG Guidance"), which states that "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as a such any GHG emissions or reductions from a project might be considered significant." The Scottish Ministers have considered this together with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the requirement of the EIA Regulations to assess significant effects from the Proposed Works on climate. The Scottish Ministers therefore advise that the EIA Report must include a GHG Assessment which should be based on a Life Cycle Assessment ("LCA") approach and note that the IEMA GHG Guidance provides further insight on this matter. The Scottish Ministers highlight however that this should include the pre-construction, construction, operation and decommissioning phases, including consideration of the supply chain as well as benefits beyond the life cycle of the Proposed Works.
- 5.9.4 The Scottish Ministers advise that carbon, climate change and greenhouse gases are scoped in for further assessment within the EIA Report for all phases.

5.10 Seascape, Landscape and Visual

- 5.10.1 The Applicant details the potentially significant effects on landscape, seascape and visual amenity during the Proposed Works in Section 8. The Scottish Ministers agree with the Applicants proposed receptors to scope in and out as detailed in Section 8.4 and with the assessment methodology detailed in Section 8.5.
- 5.10.2 The Scottish Ministers broadly agree with the proposed viewpoints to be included for further assessment, as detailed in Table 8.1 of the Scoping Report. However, direct the Applicant to the North Ayrshire Council representation and advise that the advice should be fully considered and the addition of a viewpoint from Millport should be included in the assessment. The cumulative impacts should also be considered.

5.10.3 The Scottish Ministers agree that the identified impacts are scoped in for further assessment within the EIA Report.

5.11 Socio-Economic

5.11.1 The Applicant considers the potential socio-economic impacts of the Proposed Works in Section 10 of the Scoping Report, with due consideration of the impacts during the construction phase in Section 10.3.

5.11.2 The Applicant proposes to scope out socio-economics from further assessment within the EIA Report. The Scottish Ministers however do not agree with this approach and direct the Applicant to advice from the MAU which recommends that a Socio-Economic Impact Assessment (“SEIA”) be scoped into the EIA Report. The Scottish Ministers agree with MAU advice and advise that socio-economic impacts are scoped in for further assessment in the EIA Report for both construction and operational stages and a SEIA must be undertaken in line with MAU advice. The Scottish Ministers further direct the Applicant to MAU advice, as provided in Appendix I of this Scoping Opinion, and advise that it must be fully addressed within the EIA Report, including evidence of stakeholder engagement.

5.12 Terrestrial Noise

5.12.1 The Applicant considers the potential terrestrial noise impact of the Proposed Works in Section 11 of the Scoping Report, with consideration of the impacts during the construction phase in Section 11.3.

5.12.2 The Scottish Ministers agree with the approach to the assessment of terrestrial noise as detailed in Section 11.5 of the Scoping Report and with the proposed inclusion of a construction noise impact assessment and the mitigation proposed in Section 11.4 of the Scoping Report. The North Ayrshire Council representation agrees that there will be a likely impact from construction noise and highlights the Applicant’s commitment to consult with North Ayrshire Council Environmental Health Department to agree a methodology for a noise impact assessment.

5.12.3 To the extent that the effects relate to the marine licensable activities of the Proposed Works, the Scottish Ministers agree that terrestrial noise is scoped in for further assessment within the EIA Report.

5.13 Traffic, Shipping and Navigation

5.13.1 The Applicant identifies the potential impacts of traffic, shipping and navigation in Section 12 of the Scoping Report. The Applicant identifies potential significant effects in Section 12.3 and receptors that are proposed to be scoped in and out in Section 12.4. This Scoping Opinion will only address aspects below MHWS.

However, the Scottish Ministers advise that all transport concerns must be addressed to the satisfaction of the consultees in the EIA Report.

- 5.13.2 The MCA in its representation acknowledge that the Proposed Works fall within the jurisdiction of Clydeport Operations Limited who are both the Applicant and a Statutory Harbour Authority (“SHA”). The MCA highlight that the SHA is responsible for maintaining the safety of navigation within its waters during the construction and operational phase of the Proposed Works. Further, the MCA note that the Applicant proposes to scope out further assessment of the impacts associated with shipping however, the MCA advise that the impact on both recreational and commercial navigation should be considered. The Scottish Ministers agree with the MCA advice and advise that assessment of the impact of the Proposed Works on recreational and commercial navigation is scoped in for assessment within the EIA Report.
- 5.13.3 The Scottish Ministers acknowledge the Applicants proposal to undertake a Navigational Risk Assessment and direct the Applicant to representation from RYA Scotland and the MCA which both provide advice on what should be included in the assessment. The Scottish Ministers refer to the detailed response from the MCA and RYA Scotland within Appendix I provided with this Scoping Opinion and advise that the advice is fully addressed within the EIA Report.
- 5.13.4 The Scottish Ministers advise that impacts on traffic, shipping and navigation are scoped in for further assessment in the EIA Report.

5.14 Water Environment and Coastal Processes

- 5.14.1 The Applicant considers water environment and coastal processes in Section 13 of the Scoping Report. The Applicant identifies potential effects in Section 13.3 and receptors that are proposed to be scoped into the EIA Report in Section 13.4.
- 5.14.2 The Scottish Ministers highlight representation from NatureScot which questions whether, once the Proposed Works are completed, the proposed new bathymetry, and quay wall, could cause sufficient change to hydrodynamics resulting in the Southannan SSSI sandflat habitat suffering a net loss of extent. NatureScot highlights confusion in the Scoping Report and emphasises that there must be clarity over how potential hydro-sedimentary effects of the Proposed Works are handled in the EIA Report. The Scottish Ministers agree with NatureScots view and advise that the Applicant must assess the magnitude of hydro-sedimentary effects. The Scottish Ministers direct the Applicant to points 1.13-1.15 of NatureScots representation for advice on what to include and consider in this assessment.

- 5.14.3 The Scottish Ministers advise that although the Applicants proposal to assess the changes to tidal currents, waves and sediment transport separately is reasonable, the Applicant must assess the magnitude of any likely changes in sandflat extent and extent of sub-habitats due to changes to the above three factors in combination. Additionally, the Scottish Ministers advise that the Applicant must assess the potential physical effects of a dredging-induced sediment plume as a separate effect. These views are supported by NatureScot representation.
- 5.14.4 Further, the Scottish Ministers highlight NatureScots representation in respect to explicitly separating out the effects of the construction phase from those in the post-construction and operational phases and advise that this must clearly be done within the EIA Report. The Scottish Ministers refer to point 1.18 in NatureScots representation for further clarity on this which must be addressed in the EIA Report. Additionally, as per point 1.19 of NatureScots representation, the Applicant must assess the potential effects of side-slope relaxation on the Southannan Sands SSSI sandflat feature as a separate operational-phase effect. The Scottish Ministers highlight that this could require a full geotechnical assessment and strongly advise the Applicant to consult NatureScot in relation to its proposed methodology.
- 5.14.5 The Scottish Ministers direct the Applicant to point 1.20 of NatureScots representation and advise that the Applicant adhere to NatureScots advice and undertake a further technical consultation on the scope and detailed method of both the changes to tidal currents and waves during the operational phase, and dredging plum dispersion, with assessment of changes to sediment transport. This should include consideration of semi-quantitative assessment of sediment transport changes using empirical formulae.
- 5.14.6 The Scottish Ministers agree with representation from NatureScot and advise that water environment and coastal processes are scoped in for further assessment in the EIA Report for both construction and operational phases. The Scottish Ministers direct the Applicant to representation from NatureScot in Appendix I and advise that it is fully addressed within the EIA Report. The Scottish Ministers strongly advise the Applicant consults NatureScot in relation to the proposed assessment methodology as per NatureScots advice.

5.15 Population and Human Health

- 5.15.1 The Applicant considers the potential effects of population and human health within Section 14.1 of the Scoping Report and has indicated that this receptor would be scoped out.

- 5.15.2 The Scottish Ministers however, do not agree with this approach and direct the Applicant to advice from the MAU which recommends that population and human health is scoped in for further assessment in the EIA Report. The Scottish Ministers agree with MAU advice and advise that population and human health is scoped in for further assessment in the EIA Report for both construction and operational stages. The Scottish Ministers direct the Applicant to the MAU advice, as provided in Appendix I of this Scoping Opinion, and advise that it must be fully addressed within the EIA Report. The Scottish Ministers note that population and human health can be assessed in combination with socio-economic impacts.
- 5.15.3 The Scottish Ministers advise the Applicant to liaise with the emergency planning function in South Ayrshire Council, Magnox Ltd and EDF Energy Nuclear Generation Ltd to address the points raised by the ONR. These topics must be fully addressed within the EIA Report.

5.16 Material Assets and Waste

- 5.16.1 The Applicant considers the potential effects of materials and waste in Section 14.1 of the Scoping Report and indicates that material assets and waste will be scoped out.
- 5.16.2 The Applicant has identified that waste from the Proposed Works will potentially be construction waste, waste soils and dredge arisings. The Applicant has indicated that they are applying for a separate dredge deposit licence from Marine Directorate. The Scottish Ministers agree with the Applicants proposal to scope out material assets and waste but direct the Applicant to Section 2.4.3 of this Scoping Opinion for advice on what must be assessed in relation to sea deposit. The Scottish Ministers support to proposal to produce a Site Waste Management Plan.

6. Application and EIA Report

6.1 General

- 6.1.1 The EIA Report must be in accordance with the 2017 MW Regulations and the Scottish Ministers draw your attention in particular to, regulation 6. In accordance with the 2017 MW Regulations, the Scottish Ministers advise that the EIA Report must be based on this Scoping Opinion.
- 6.1.2 A gap analysis template is attached at Appendix II to record the environmental concerns identified during the scoping process. This template should be completed and used to inform the preparation of the EIA Report. As part of the submission of the EIA Report the Scottish Ministers advise that the Applicant must provide confirmation of how this Scoping Opinion is reflected in the EIA Report.

7. Multi-Stage Consent and Regulatory Approval

7.1 Background

- 7.1.1 The EIA Regulations contain provisions regulating the assessment of environmental impacts. A multi-stage consent or regulatory approval process arises where an approval procedure comprises more than one stage; one stage involving a principal decision and one or more other stages involving implementing decision(s) within the parameters set by the principal decision. While the effects which works may have on the environment must be identified and assessed at the time of the procedure relating to the principal decision, if those effects are not identified or identifiable at the time of the principal decision, assessment must be undertaken at the subsequent stage.
- 7.1.2 The definition in the 2017 EW Regulations is as follows (the definition in the 2017 MW Regulations provides for the same but in relation to “regulatory approvals”): “application for multi-stage consent” means an application for approval, consent or agreement required by a condition included in a regulatory approval where (in terms of the condition) that approval, consent or agreement must be obtained from the Scottish Ministers before all or part of the development permitted by the Electricity Act consent may be begun”.
- 7.1.3 A section 36 consent or marine licences, if granted, by the Scottish Ministers for the Proposed Works, may have several conditions attached requiring approvals etc. which fall under this definition, for example the approval of a CMS. When making an application for multi-stage consent or regulatory approval the Applicant must satisfy the Scottish Ministers that no significant effects have been identified in addition to those already assessed in the EIA Report.
- 7.1.4 If during the consideration of information provided in support of an application for multi-stage consent or regulatory approval the Scottish Ministers consider that the development may have significant environmental effects which have not previously been identified in the EIA Report (perhaps due to revised construction methods or updated survey information), then information on such effects and their impacts will be required. This information will fall to be dealt with as additional information under the EIA Regulations, and procedures for consultation, public participation, public notice and decision notice of additional information will apply.

Signed

23 February 2024

Authorised by the Scottish Ministers to sign in that behalf.

Appendix I: Consultation Responses & Advice

Appendix II: Gap Analysis

Applicant to complete:

Consultee	No.	Point for Inclusion	EIA Report Section	Justification
	1			
	2			
	3			
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Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:

MD.MarineLicensing@gov.scot

Marine Directorate
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

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

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



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 Szupczynska and they can be contacted by phone on 0131 668 8983 or by email on Urszula.Szupczynska@hes.scot.

Yours faithfully

Historic Environment Scotland

Marine Analytical Unit

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 that 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 2017¹

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](https://www.gov.uk)

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](https://www.iaia.org)

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](https://www.gov.uk)

Best practice guidance for assessing the socio-economic impacts of OWF developments: [Guidance on assessing the socio-economic impacts of offshore wind farms \(OWFs\)](https://www.gov.uk)

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 \(www.gov.scot\)](https://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 &
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:

 Please consider the environment before printing this e-mail

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 Priority 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/

31 Miller Road, Ayr KA7 2AX
31 Rathad a' Mhùilneir, Inbhir Àir KA7 2AX
01292 294048 nature.scot

NatureScot is the operating name of Scottish Natural Heritage

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 <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, 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 requirements⁴.
- 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 detail⁵.
- 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 guidance⁶, 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 SSSI⁷ & Ballochmartin Bay SSSI⁸

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 thresholds⁹ 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 mitigation¹⁰ 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.

Benthic habitats and species

- 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 website¹¹

Priority Marine Features

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.

in the following report - SNH Commissioned Report 406: Descriptions of Scottish Priority Marine Features¹².

- 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 Guidance¹³ 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. 748¹⁴
 - Firth of Clyde Biosecurity Plan¹⁵

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 HMP¹⁸ 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

84 George Street
Edinburgh EH2 3DA

Tel: 0131 473 3100
Fax: 0131 220 2093

Website: www.nlb.org.uk
Email: enquiries@nlb.org.uk

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
Aberdeen
AB11 9DB

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

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

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

Work safe. **Home safe.**



 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
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G3 6BS

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rspb.org.uk/Scotland



The RSPB is part of Bird Life International, a Partnership of conservation organisations working to give nature a home around the world.

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

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 Marine Climate Change Impacts Partnership (<https://www.mccip.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 | 6 Parklands Avenue | Eurocentral | Holytown |

📍 North Lanarkshire | 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

Marine Directorate
Scottish Government
Marine Laboratory
Aberdeen
AB11 9DB

Your ref:
0033

Our ref:
GB01T19K05

Date:
08/12/2024

MD.MarineLicensing@gov.scot

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.