



Our Ref : TMCI/JL/1040

23 March 2016

The Head of Development Management
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Sir,

PLANNING APPLICATION : HUNTERSTON CONSTRUCTION YARD, HUNTERSTON, NORTH AYRSHIRE KA23 9QX – DELETION OF CONDITION 1 OF PLANNING CONSENT N/11/0230/PPM

I enclose for your attention the aforementioned planning application which is submitted within the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by Circular 3/2013. In this context the application seeks permission to develop land without compliance with the conditions attached to the previous consent N/11/0230/PPM and specifically condition 1 which restricts the permission until 29th May 2016.

As you are aware the Hunterston Construction Yard was granted planning consent by the then Secretary of State for Scotland on 13th January 1988 subject to a range of conditions including condition 1 which states that planning permission shall expire on 13th January 1995. This condition was further amended by the Secretary of State for Scotland on 5th October 1993 to effect that the planning permission would expire on 31st December 2005. Thereafter further extensions have been granted by North Ayrshire Council to effect that condition 1 of planning consent N/11/00230/PPM now states that planning permission shall expire on 29th May 2016.

Throughout the period of the most recent consents there has been a number of interests in the use of the construction yard for a range of uses including oil rig construction, repair and decommissioning, however, the limitation imposed by condition 1 has been one of the obstacles in the delivery of such projects.

A more recent interest was in the extension of the jetty which exists at the construction yard to allow transportation of larger components for offshore wind turbines. This project was intended to service the wind turbine test facility at Hunterston and to provide a basis for manufacture of large scale offshore components at Hunterston for transportation to

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offshore installations in the future. Unfortunately the level of investment necessary for such a project could not be justified against the uncertainty of a planning consent which would expire on 29th May 2016.

To a greater degree the restructuring of Clydeport Operations within the Peel Ports Group has also contributed to the lack of promotion of the site at Hunterston, however, these matters have now been resolved with Peel Ports directly involved in discussions with the local authority to promote investment at this location through the Ayrshire Growth Deal which Peel Ports fully support.

These discussions have increased focus in circumstances where employment levels at Hunterston have been affected by the reduction in the supply of coal to power stations in Scotland. These changes alone have led to a 70% reduction in employment at the Hunterston facility and a loss of some 70 jobs over the past year. In such circumstances it is of prime importance that the assets at Hunterston are maintained to maximise the options for the attraction of new sources of employment at this location.

In this regard it is of some importance that Peel Ports is in active liaison with Transport Scotland, Scottish Enterprise and North Ayrshire Council to promote Hunterston as a Key Asset. In addition the site is identified in the NRIP programme and subject of additional wind turbine research application. As such the maintenance of the planning status of the marine construction yard is fundamental to additional future uses and employment opportunities on this site.

Until now the continuum for the planning consent has been based on renewal of the consent for the Marine Construction Yard on a 5 year basis, however, this situation has not provided an appropriate level of security of consent to allow the development of long term investment plans for the use of the site.

The most recent example of this has been the requirement to undertake significant investment in extension of the quayside at the Construction Yard in order to prepare the site for construction and transportation of large structures to service the offshore wind industry already being developed at Hunterston with the tests beds for offshore transmission. Similar considerations are relevant to the decommissioning of rigs and other structures serving the oil and gas industry, where lengthy preparation is required to secure appropriate amendments to the existing consents.

In circumstances where future investment in Hunterston is necessary, it is essential that a long term security of tenure with the existing planning consent is secure. In this context it is important that the marine construction yard exists and the current Local Development Plan supports the use of the site for marine construction and decommissioning. In addition, any new buildings or structures required to support the use of the site for marine construction will require all necessary planning consents prior to construction. In these circumstances

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there is no benefit in the imposition of a condition limiting occupation of the site for a use entirely compatible with the Local Development Plan.

Circular 4/1998 outlines tests for the appropriate application of temporary planning permission, including firstly that :

- It will rarely be necessary to give a temporary consent to an applicant who wishes to carry out development which conforms to the provisions of the development plan.
- The reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenity of the area.
- A temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development in the area.

In this context it is important that the current Local Development Plan policy for Hunterston outlined in Policy IND 2 states :

“Development of the type set out below, on land identified on the LDP Proposals Map, as established by the National Planning Framework, OFGEM, N-RIP and as identified by Scottish Enterprise shall accord with the LDP subject to the specific requirements identified.

- *Maritime container transshipment hub;*
- ***Maritime construction and decommissioning yard;***
- *Downstream industrial development relative to the above uses;*
- *Energy related development consistent with the national planning framework;*
- *New grid connections to support sub-sea electricity transmission;*
- *Associated environmental works;*
- *Integrated manufacture of marine renewables development; and*
- *Wind turbine test centre of national significance.”*

Over the past few years Clydeport Operations has considered the extension and enhancement of the quay wall of the existing jetty at Hunterston to serve long term options for the fabrication of offshore wind turbines. The commitment of such a level of investment for a use which is renewable every 5 years is entirely untenable. In this context it is of importance that Clydeport Operations commissioned technical drawings and specification of such work and with environmental studies necessary to support such an application. This project has however been deferred subject to renewal of the planning consent.

In addition a recent report from Scottish Enterprise (October 2014) anticipates that in relation to oil rig decommissioning **“it is expected that the next 5 to 10 years will see a significant increase in activity, increasing up to an estimated annual spend in excess of £2.5bn per annum.”** In such circumstances, Hunterston and the existing Construction Yard

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could offer an ideal opportunity for such investment and employment. To attract such opportunity would however require the planning permission for the use of the construction yard to remain in place to minimise any delay in being able to attract such business.

- **Accordingly this application seeks the deletion of condition 1 from the current planning permission to encourage additional investment and new employment opportunities in this area of North Ayrshire.**

I trust that the above and the enclosed information is of assistance in positive consideration of this application however should you require further details please contact the writer.

Yours faithfully,



TOM MCINALLY
DipTP, MRTPI, Hon FRIAS
MCINALLY ASSOCIATES LTD

Enc.

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