

---

## NORTH AYRSHIRE COUNCIL

### Planning Committee

Locality	North Coast
Reference	17/01273/PP
Application Registered	17th January 2018
Decision Due	17th March 2018
Ward	Dalry And West Kilbride

---

<b>Recommendation</b>	Approved subject to Conditions
-----------------------	--------------------------------

---

<b>Location</b>	Hunterston Construction Yard Fairlie Largs Ayrshire
-----------------	---

<b>Applicant</b>	Clydeport Operations Ltd
------------------	--------------------------

<b>Proposal</b>	Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary Condition 1 of Planning Permission ref 16/00268/PP to allow use of the site for decommissioning of large marine structures
-----------------	--

---

### 1. Description

This is an application to vary a condition of a Planning Permission to permit the decommissioning of large marine structures, at the Hunterston Construction Yard.

On 31 August 2016, the Planning Committee approved an application to delete condition 1 of a Planning Permission (ref.11/00230/PPM) to remove the temporary restriction on the use of the site (ref.16/00268/PP). Condition 1 was deleted and replaced with a revised condition 1 which stated:

'That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose.'

The applicant proposes to vary this condition to state:

"That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion and decommissioning of large marine related structures; and the site shall be used for no other purpose."

The applicant has provided a list of the main structures and components related to the oil and gas industry and offshore renewables industry which would be decommissioned at the site. They include:

#### Oil and Gas Industry

- FPSOs (Floating Production, Storage and Offtake vessels)
- Floating oil & gas platforms
- FSUs (Floating Storage Units)
- MODUs (Mobile Offshore Drilling Units) including semisubmersibles and jack-ups
- Storage tanks
- Platform topsides (including integrated decks, Module Support Frames, modules and components)
- Platform superstructures, bridges and decks
- Subsea structures (wellhead protection structures, ESDV structures, manifolds)
- Pipelines
- Umbilical's (hydraulic and electrical control lines and bundles)

#### Renewables Industry

- Turbine jackets, piles and transition pieces
- Floating and submersible bases
- Anchorage mechanisms
- Wind generators including towers, blades and nacelles
- Wave generators
- Underwater turbines
- Cables and pipework
- Substations and platforms

In support of the application the following documents have been provided:

#### Environmental Statement

This statement summarises the scope of development proposed at the construction yard including this application, a proposal to erect caisson gates (Reference 18/00132/PP) and the extension of the existing quay (Reference 18/00134/PP).

With regard to this application it is stated that a coastal flooding and wave overtopping study was not required as the existing marine construction yard has never been known to flood since its establishment; is not indicated within SEPA flood maps to be at risk from coastal flooding; and the platform is above SEPA's 1:1000yr extreme flood level by over 1 metre.

It is also indicated that an underwater noise assessment is not considered relevant to this application as day to day operation of the yard would not generally involve piling or other large scale noise generating operations in the marine environment, as these would be contained within the dry dock area or on the existing yard.

Finally with regard to the wider environment and pollution control the applicant states that conditions 2 and 3 already provide potential protection with regard to the existing use and that a Pollution Prevention and Control license would be required from SEPA to ensure that the site can operate without detriment to the local and surrounding environment prior to any operations at the site.

## Planning Statement

The Statement assesses the key planning considerations arising from the application, its need and benefits, and compliance with the Development Plan and relevant material considerations. The statement focuses on changes in the industry whereby the Scottish Government is offering decommissioning opportunities in Scotland, referring directly to Scottish Enterprise's, Decommissioning Action Plan.

The statement indicates that the Scottish Government has established a new £5million fund to provide opportunities in Scotland to benefit from the decommissioning of North Sea infrastructure, which is expected to generate £17.6 billion in decommissioning large marine structures over the next 10 years. Over the next 35 years the expectation is that some 470 platforms would require decommissioning from the North Sea. In relation to Hunterston it stated that decommissioning offers a significant opportunity for the creation of new jobs at Hunterston to replace jobs lost by the recent closure of the Coal Stockyard at this location.

As decommissioning is not included within the definition of work which can currently be carried out at the Hunterston Construction Yard, it is necessary to seek a variation of Condition 1 to ensure that the opportunities arising from decommissioning can be attracted to Hunterston.

The statement confirms that the proposal would not have additional impacts on the transport network as bulk exports of scrap would leave the site via rail or sea.

## Socio Economic Report

The report provides socio-economic baseline information on the area and the scale and scope of the investment proposed at Hunterston. It provides the predicted economic impacts of future activity based on upgraded infrastructure and the securing of contracts associated with oil and gas /renewable energy sector and decommissioning activity secured by the site. It outlines that Peel Ports Groups are advancing a series of investment packages at Hunterston and have been successful with funding through the DECOM Challenge Fund. DECOM Challenge Fund support has been provided for feasibility studies to redevelop the marine construction dock and marine quay, and infrastructure to support marine decommissioning activity. The report summarises that the long term investments at the site would secure initial investment of approximately £60-80 million from partners and funding resulting in a capital investment of £76m at the site to accommodate the decommissioning. The initial investment would create 500-550 gross Person Year Equivalent jobs in construction and related sectors and the ongoing

operations at the site would result in £50m annual operating contract values, generating some 220-260 permanent full time equivalent jobs.

## Noise Appraisal

This document provides a desk study of the potential for the development to have effects on the surrounding environment with respect to noise.

The appraisal outlines potential noise impacts on existing residential properties and wildlife in the SSSI. It states that while most operational activities for decommissioning are considered comparable to operational activities for construction, the movement and loading of scrap is acknowledged as a potentially significant noise generating decommissioning activity if not well controlled. The report refers to the Dales Voe facility in Shetland and from experience of visiting the AFDecom operational decommissioning base in Vats in Norway where the main noise sources associated with decommissioning activities are linked to cutting, dismantling and other operations within laydown and dismantling areas; movement of clean waste and scrap materials both around the site and into containers for transport offsite; impact noises such as metal dropping from height; and loading of materials e.g. scrap metal onto a barge or other vessel for shipment off site.

The document provides advice on potential mitigation to avoid detrimental impacts on people and wildlife with respect to noise from decommissioning.

Within the North Ayrshire Local Development Plan the site is located within an industrial area where Policies IND1 (Strategic Business Locations) and IND2 (Hunterston: Development in the National Interest) specifically apply. Policies ENV 8 (Coastal Zone) and ENV 9 (Nature Conservation) are also relevant. All development proposals require to be assessed against the relevant criteria of the General Policy of the LDP.

The application is also accompanied by two other planning applications for the erection of caisson gates (Reference 18/00132/PP) and the extension of the existing quay (Reference 18/00134/PP).

## **2. Consultations and Representations**

The standard neighbour notification process was undertaken and the application was advertised in the local press on 24th January 2018. Three letters of representation were received, one objection and two general comments.

The main points of objection could be summarised as:

1. NAC Policy IND2 states that applications should clearly demonstrate that it is a forerunner of large-scale industrial development. The applicant is proposing unknown future applications that will be made by a third party operator.

Response: Policy IND2 refers to Maritime Construction and Decommissioning Yard as a potential use. This would result in the development/use of the majority of the Marine Construction yard. There are 3 planning applications being considered which deal with

different aspects of separate developments on the site. The applicant has provided a statement which outlines potential socio-economic benefits.

2. This application fails to clearly demonstrate the environmental and social-economic impacts that could result from as yet unknown aspects of the proposed 3-tier future planning proposals. There are many unanswered environmental questions about this development that need to be resolved. A full EIA is required. Before this application is considered assurance need to be made that Policy ENV9 applies to this development proposal and has primacy over other policies in the Local Development Plan. The construction yard has been constructed from reclaimed land. Pile driving and constructional work in the basin will be transmitted to the sea.

Response: An EIA screening request was submitted on February 2017 where it was determined that an EIA was not required as any adverse environmental impacts could be successfully mitigated through compliance with best practice guidelines and through the use of conditions attached to the planning permission. This position was also adopted by Marine Scotland who has responsibility for development within the marine environment. The principle of the development is assessed against Policy IND2. An assessment against Policy ENV9 is considered within the analysis, Policy ENV9 does not restrict or stop development but must be considered in light of proposed development. Pile driving and construction work could be carried out as it stands. This application is only to assess a change to Condition 1 to allow decommissioning. Any piling works would be controlled through condition.

3. The surrounding communities have not been made properly aware of the scale of this development. This application should remain open until after the statutory Marine Scotland pre-consultation deadline.

Response: The statutory planning notification and advertisement procedures have been undertaken as part of this application. Planning and Marine Scotland licencing regimes are not reliant on one another. There is no requirement to hold the decision until Marine Scotland consider the position on licensed operations.

4. Clyde Porpoise marine mammal project has determined that the area around Hunterston is a critical habitat for cetacean species and insist that European Protected Species guidelines are instigated for this and proposed future applications. Clyde Porpoise marine mammal project has made a considerable investment in the areas natural marine capitol for the social-economic benefit of surrounding communities. As stated in IND2, issues around mitigation and compensation need to be addressed before this application proceeds.

Response: Scottish Natural Heritage (SNH) has not objected to the proposals, subject to amendment to condition 2. Policy IND2 is not intended to compensate third parties for development in the Hunterston area where there is no indication that significant environmental impacts would occur. The applicant has provided a statement which outlines potential socio-economic benefits. The applicant states that the introduction of decommissioning could result in significant investment in the provision of new infrastructure at the site, the creation of approximately 220-260 permanent full time equivalent jobs.

The two general comments state:

1. Some local concern has arisen as to whether the planning application, if granted, would allow vessels as well as marine structures to be decommissioned. To remove any ambiguity Condition 1 should clarify that decommissioning does not include any form of vessel. If approved, Condition 7 should also be amended to take account of decommissioning. Conditions regarding noise, similar to the Hunterston Turbines appeal should be applied.

Response: Conditions 1 and 7 could be amended to reflect these concerns. The conditions applied to the Hunterston Turbines appeal are specific to that development and would not apply in this case, however an amendment to condition 3 is proposed to provide clarity on the controls over noise.

2. The use proposed by the amendment is one appropriate to the construction yard site and unlike past proposals has a realistic prospect of taking place. The potential for significant sustainable local employment opportunities is welcomed. EDF Energy has no objections to the proposals.

Response: Noted.

## **Consultations**

**SEPA** - No objection to this planning application from a land use planning perspective. SEPA consider that the principle of development has been established at this site. Notwithstanding this, there would be a requirement for the developer to provide further information and to apply for the relevant environmental regulatory permits. The applicant should contact SEPA to discuss what permits may be required and to consider what controls would fall upon the Local Authority.

Response: Noted. It is understood that the applicant has engaged SEPA with regard to seeking a PPC permit which controls operations on the site.

Scottish Natural Heritage (SNH) - No objection subject to amendment to condition 2 which required that preventative measures to avoid pollution of the foreshore are considered in consultation with SNH.

Response: Condition 2 could be amended to take account of this recommendation.

**NAC Environmental Health** - No objection subject to a condition controlling noise. The condition would be applicable if the control of noise from the site is regulated by North Ayrshire Council. SEPA has requested further information from the applicant to allow a determination of what environmental regulatory permits would be required. It may be the case that control of noise from the site will be a matter for SEPA to consider under permit.

Response: Noted. A condition could be applied in this regard. It is understood that the applicant has engaged SEPA with regard to seeking a PPC permit which controls operations on the site. If a PPC permit is provided by SEPA the controls would take precedence over any Planning conditions.

**HSE Office for Nuclear Regulation** - The application falls outside ONR's consultation criteria. No objection.

Response: Noted.

**Marine Scotland** - Marine Scotland the regulator for the marine aspects of the proposal would not normally comment on a planning application. Marine Scotland - Licensing Operations Team understands that applications for marine licences for the marine elements of this proposal would be submitted in the coming weeks and the marine aspects would be considered through that process.

Response: Noted.

**Fairlie Community Council (FCC)** - object on the following grounds:

1. FCC would appreciate NAC Planning tightening up the terminology over interpretation of what is meant by a "large marine structure". The remaining conditions should be scrutinised to ensure conditions are not unenforceable.
2. FCC appreciates the need for employment opportunities in North Ayrshire, but many jobs are in the tourist and leisure industries which rely on the beauty and attractiveness of the area being maintained.
3. FCC are somewhat cynical about the applicant being concerned too much about our environment.

Response: Noted. The applicant has provided a list of potential marine structures and equipment that would be decommissioned at the site. The revision of conditions 1, 2, 3 and 7 would ensure that the site could operate under clearer controls. The remaining conditions would be enforceable. An amendment to condition 3 would ensure that there is no significant detrimental impact by way of noise but in the event that a PPC permit is provided by SEPA, those conditions within the permit would strengthen any planning controls. Pollution and lighting would be controlled through the remaining conditions as well as any regulations outlined by SEPA and Marine Scotland when a license is applied to the site.

**West Kilbride Community Council (WKCC)** - would wish the following to be considered:

1. WKCC consider that the proposal is contrary to NPF3. The re-industrialisation of the peninsula either by further construction or decommissioning must be accompanied by improved access to the peninsula as the A78 is now at the limit of its capacity where it passes through both Seamill and Fairlie.
2. The Offshore Wind Turbine test facility has permission for an additional two years. It would be dangerous to have decommissioning of structures so close to active turbines.
3. The decommissioning of offshore structures would increase the potential of contamination of the SSSI adjacent to the site. In the event that Section 42 is allowed, the proposals for the installation of a Caisson gate and extension to the adjacent Jetty would require significant dredging which will have a significant detrimental effect on the SSSI. The only structures that could be decommissioned are ones that were the same size as the one that was constructed on the site i.e. Semi-submersible less than 20,000 tonnes.

Response: Noted. As outlined within the analysis below it is not considered that the proposal is contrary to NPF3. NPF3 states that Hunterston should aim to make sustainable use of its key assets, including its deep water access. There are no proposals as part of this application to improve access to the site via the A78 as scrap material would be removed via rail or the sea. The applicant has control of the land and could ensure the turbines are removed prior to works, should they be causing obstruction to development on the site. The management of dredging would be controlled by Marine Scotland. The applicant has confirmed that no dredging would occur or be deposited within the SSSI. Similar to construction, the scale of structures being decommissioned would be restricted by the limitations of the site.

**Cumbræ Community Council (CCC)** - would wish to raise the following concerns:

1. CCC consider that the proposal is contrary to the LDP and NPF3 in that the use of this site for decommissioning would limit any renewable energy based development, due to the nature of work involved in decommissioning such structures. Similarly the proposal would be contrary to Policy IND 2 in that it would not be possible for its objectives to be delivered if the site is used as a decommissioning site and it would not be possible to "safeguard the wider potential for development within the designated industrial site" or to provide "deep water access from other parts of the site".
2. LDP 2 refers to the need to ensure that the LDP be aligned "..... closer with the ambitions of key national, regional and local strategies such as the Clyde Marine Regional Plan, National Renewables Infrastructure Plan, National Planning Framework 3 and the Council's Economic Development and Regeneration Strategy ....." . This proposal does not comply with this aspiration.
3. Although the proposed change to the existing consent initially appears to be a minor change of use, the "construction, repair and subsequent removal on completion of large marine related structures" is a very different operation to that of the "decommissioning" of such structures. Decommissioning would require the huge quantities of resultant scrap materials to be stored on site for indefinite periods of time. These structures would also be contaminated and contain pollutants which present a risk of spillage and environmental damage and which would also need to be stored/ transported with the associated risks that entails to the environment.
4. In LDP 1 it states that the "Storage of oil rigs, platforms and similar structures shall be restricted to those which are actively being decommissioned only." This proposal would result in large numbers structures being moored within the vicinity of the site awaiting access to the dock. This would present the risk of a contaminated/polluted structure being blown on shore causing risk to the SSSI. The visual effect these structures would also have an extremely adverse effect on the essential tourism based economy in this area.
5. Finally it would appear that Condition 7 of the 2016 Consent also requires to be amended to reflect the proposal to also decommission structures.

Response: Noted. As outlined within the analysis below it is not considered that the proposal is contrary to NPF3 or the Local Development Plan. The applicant has provided a list of potential marine structures and equipment that would be decommissioned at the site. The development would comply with the aspirations of LDP2. Concerns regarding the local environment and the SSSI would be controlled by condition and would be subject to

further consideration by SNH. General management of the construction yard and the avoidance of accidents offshore would be controlled by SEPA and Marine Scotland. Condition 7 would be amended to reflect the changes to condition 1.

### **3. Analysis**

In relation to an application under Section 42 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority shall consider only the question of the conditions subject to which permission should be granted. The applicant proposes to vary condition No. 1 of a Planning Permission (ref. 16/00268/PP) in order to allow use of the site for the decommissioning of large marine structures.

The main determining issues are whether the proposed decommissioning would accord with the provisions of the development plan, and if there are any other material planning considerations which would indicate otherwise.

In this case, the adopted North Ayrshire Local Development Plan (LDP) is the development plan.

The marine construction yard forms part of the overall industrial allocation at Hunterston, subject to Policies IND1 and IND2, which identify the site as a strategic business location and a national development area respectively. The national development area being allocated in NPF2 and safeguarded for development of national importance requiring deep water access. Whilst the site has seen only intermittent development activity since the original 1974 planning permission, the existing permitted use of the site is for the construction, repair and subsequent removal on completion of large marine related structures.

Policy STRAT2 states that the LDP will contribute to the Council's aim of creating new jobs by 2020 by safeguarding key business and industrial sites at Ardeer and Hunterston. At the time of adoption of the LDP, Hunterston was highlighted, at national level, as having potential for major employment generating development. NPF2 identified Hunterston as a National Development location for a clean coal fired power station, container transshipment hub, maritime construction and decommissioning yard and associated energy and industrial development. It was not site specific but identified the location of the National Development as "adjoining the existing bulk handling terminal and marine construction yard at Hunterston, Ayrshire".

NPF3 replaced NPF2 and is the spatial expression of the Scottish Government's Economic Strategy and of the Government's plans for infrastructure investment. A key ambition of NPF3 is to achieve at least an 80% reduction in greenhouse gas emissions by 2050. Hunterston is not any longer identified as a national development, but forms part of an area of co-ordinated action to provide energy hubs throughout Scotland. NPF3 states that the low carbon agenda forms a crucial part of the strategy and in regard to Hunterston NPF3 states that it should aim to make sustainable use of its key assets, including its deep water access. Activities which could align with the national strategy include manufacturing and servicing support for offshore renewable energy development, building on the success of the onshore test facility for offshore wind turbines.

The applicant states that in this regard the proposal to introduce decommissioning of large marine structures offers a significant opportunity for industrial employment which makes use of the key assets of the deep water access, the existing construction yard facilities and particularly the dry dock without impacting upon future potential uses. As such the proposal continues to be in conformity with National Planning Policy as stated in National Planning Framework 3. The applicant states that the introduction of decommissioning could result in significant investment of at least £25 million in the provision of new infrastructure of the site, the creation of approximately 100 jobs on the site and in addition the construction phases for the new infrastructure and the new employment at the site would introduce more than £3 million per annum into the local economy.

Scottish Planning Policy (SPP) introduced a new presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan. The SPP sets out a series of principles whereby development could be considered to be sustainable. For this application, the most relevant are: giving due weight to net economic benefit; supporting delivery of infrastructure; and, supporting climate change mitigation.

There is a need, during transition to more renewable technologies, to accommodate the decommissioning of those marine structures, particularly those relating to activities in the North Sea Oil Industry. Whilst the site is currently being used for the testing of off shore wind turbines, this consent will expire in 2020. This application would assist in the ongoing use of the site and subsequently the overall aims of the government to support climate change mitigation through the decommissioning of redundant oil platforms and associated structures.

With respect to the Local Development Plan the proposal requires to be assessed against Policies IND1, IND2, ENV 8, ENV 9 and the General Policy of the LDP. Policy IND1 identifies Hunterston as a Strategic Business Location for nationally important development as identified in Policy IND2.

Policy IND2 sets out a list of developments that shall accord with the LDP including a maritime construction and decommissioning yard, and the criteria against which such developments require to be assessed. In this regard the LDP states that decommissioning shall be restricted to oil rigs, platforms and similar structures which have served the national oil and gas industry and offshore renewables industry. It also states that storage of oil rigs, platforms and similar structures shall be restricted to those which are actively being decommissioned only.

The applicant has provided a list of structures, equipment and platforms which would be decommissioned at the site. Condition 1 could be amended to ensure that vessels not associated with the oil and gas industry and offshore renewables industry are not decommissioned at the site. In addition Condition 7 could be amended to ensure that only those structures being constructed, repaired or decommissioned should be stored on site. Subject to amended conditions the proposal would comply with Policies IND1 and IND2.

Whilst the applicant proposes the decommissioning of large marine related structures there is the potential that this description could be interpreted to include vessels. It would therefore be recommended that the wording of the condition specifically omits the potential for vessels and only those structures being constructed, repaired or

decommissioned shall be stored on site, which would ensure that the proposal would comply with Policies IND1 or IND2.

With regard to Policy ENV8 the site lies within the Developed Coast where development which requires a coastal location and which would enhance the developed coast shall accord with the LDP. The site is existing and the proposed commissioning and decommissioning of marine structures requires a coastal location.

ENV 9 states that proposals for development which would affect national designations such as Sites of Special Scientific Interest shall not accord with the LDP. The site is located in close proximity to Southannan Sands SSSI which comprises a coastal section, subdivided into three discrete areas, which together support one of the best examples of intertidal sandflats habitat on the Clyde coastline. SNH has not objected on the basis that the approval of preventative measures to avoid pollution of the foreshore, required under condition 2, and conducted in consultation with SNH. These measures should include full details of the mitigation to be implemented during construction and operation of the site to ensure any risk of pollution of the SSSI is adequately managed. Subject to this requirement it is considered that the objectives and overall integrity of the SSSI would not be compromised. The proposal would comply with Policy ENV 9.

With respect to the General Policy of the LDP, the relevant criteria in this case are (a) siting, design and external appearance, (b) amenity and (d) transport.

With regard to (a) the existing permitted use for construction has now been established on the site for some 40 years, it is not considered that the current proposal for the decommissioning of structures requires further assessment. Issues of siting, design and landscape character would all be controlled through conditions of the permission.

In relation to (b) the applicant has provided a noise appraisal which outlines the potential impacts of the development by way of disturbance to local residents and wildlife. Environmental Health has not objected to the proposal and has recommended that any operations not licensed by SEPA, be controlled through a noise condition. This condition would allow clearer control of operations on site. It is therefore recommended that condition 3 be updated to avoid any impact on residential amenity.

With respect to (d) the applicant has confirmed that structures to be decommissioned would be brought to the site by sea. The resulting scrap materials would be transported from site via the sea or rail. Any impact on the road network would be negligible.

Overall, the proposal complies with the terms of the Local Development Plan and it is recommended planning permission be granted.

#### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant

which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and decommissioning of large marine related structures; and the site shall be used for no other purpose. For the avoidance of doubt construction, repair and decommissioning shall be restricted to oil rigs, platforms, similar structures that have served the oil and gas industry and offshore renewable industry and are defined within approved drawing '01B'. Storage of these structures shall be restricted to those which are actively being constructed, repaired or decommissioned only.

**Reason**

To restrict the use of the site in the interest of the amenity of the area.

**Condition**

2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction. For the avoidance of doubt the approval of "preventative measures to avoid pollution of the foreshore", required under part c) shall be agreed with SNH and such measures shall include full details of the mitigation that will be implemented during the construction and operation of the site to ensure that they adequately manage the risk of any pollution entering the SSSI.

**Reason**

In the interests of the amenity of the area and protect the integrity of the SSSI.

**Condition**

3. The rated noise level, as defined in BS 4142:2014, from activities associated with the construction, repair and decommissioning of large marine related structures, permitted under Condition 1, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. For the avoidance of doubt this condition would not apply to any operations that are licensed by SEPA or Marine Scotland.

**Reason**

To maintain control over the development in the interest of amenity.

**Condition**

4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.

**Reason**

To ensure that the development does not affect the operation of the power station in the interest of safety.

**Condition**

5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.

**Reason**

In the interest of the amenity of the area.

**Condition**

6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.

**Reason**

In the interest of the amenity of the area.

**Condition**

7. That the hours of operation of the site for construction, repair or decommissioning of large marine related structures, permitted under Condition 1, and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.

**Reason**

To maintain control over the development in the interest of amenity.



Karen Yeomans  
Executive Director  
Economy & Communities

For further information please contact Mr Ross Middleton Planning Officer on 01294 324379.

## Appendix 1 – Location Plan

**DO NOT SCALE** Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

