



The Planning Manager,  
North Ayrshire Council,  
Cunnighame House,  
Irvine, KA12 8EE.

12<sup>th</sup> February 2018

Dear Sir,

**Planning Reference 17/001273/PP – Application to Vary Condition 1 of Consent N/16/00268/PPM  
Hunterston Construction Yard**

I refer to the application by Clydeport Operations Limited to vary Condition 1 of Consent N/16/00268/PPM so as to allow the Hunterston Marine Construction Yard to be used for the decommissioning of large marine-related structures. Having given careful consideration to all relevant documents submitted in support of both the original and current applications I would ask that the planning authority have regard to the following when considering the application.

The application is quite specific in relation to large marine structures and the McInally Associates supporting letter dated 12<sup>th</sup> December 2017 would appear to confirm that such structures relate particularly to redundant North Sea platforms. This is in accordance with Policy IND 2 of the current Local Development Plan which states that 'decommissioning shall be restricted to oil rigs, platforms and similar structures which have served the national oil and gas industry and offshore renewable industry'.

Some local concern has arisen as to whether the planning application, if granted, would allow vessels as well as marine structures to be decommissioned. This concern arises from there being no intention by the applicant to amend Condition 7 of the existing consent which refers to 'the hours of operation for vessel construction and/or repair'. To remove any ambiguity and potential future disagreements as to what can and cannot be decommissioned I would request that the applicant and planning authority agree to further amend Condition 1 so that the last part of that condition reads 'and the site shall be used for no other purpose, this including the decommissioning of any form of vessel'.

The applicant's proposal to amend Condition 1, if approved, will also require an amendment to Condition 7. I would thus request that if the planning authority is minded to consent the application the planning authority and the applicant agree to amend Condition 7 not only to include reference to decommissioning but also to remove the word vessel. I would suggest that Condition 7 be amended to read 'that the hours of operation of the site for marine structure construction, decommissioning and/or repair and the arrangements for 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 on site'.

Para 6.13 of the current LDP requires the environmental sensitivities of the Hunterston site to be considered as part of the planning application and that 'any measures necessary to minimise, mitigate or compensate for adverse effects on the environment or communities are provided'. Policy IND 2 requires that the development proposal fully takes into account the environmental sensitivities of the Hunterston location 'by providing any measures considered necessary in order to minimise, mitigate or compensate for any adverse effects on the environment or local communities'.

As the documents submitted in support of the application correctly recognise, the decommissioning of steel structures is a process which can result in significant noise, especially intermittent noise. If such noise is not adequately minimised or mitigated there would be an adverse effect on the nearby communities.

Condition 3 of the current consent requires that that all processes and activities shall be carried out in such a manner 'as to minimise nuisance by way of noise'. However, as other developments at Hunterston have shown the interpretation of 'minimise' can cause considerable difficulty. To address this it has become standard in recent consents to include a number of quite detailed noise conditions.

In this regard I would request that the applicant and the planning authority consider Conditions 6 to 12 inclusive of the appeal granted by Scottish Ministers in January 2018 in relation to the planning application to extend the operation of the Hunterston wind turbine test site (Department of Planning & Environmental Appeals reference PPA-310-2028), and how the conditions imposed by Scottish Ministers can be used, if the new Clydeport application is consented, as a starting points for amendment of Conditions 3, 5, 6 and 7 of the existing consent, or if more appropriate for the addition of new conditions relating to noise.

Detailed measurements of background noise, both day and night, have been undertaken in relation to the wind turbine test site at the Hunterston Construction Yard site and I would suggest that the results from that survey, or from one of a similar format that the applicant be requested to undertake, form the quantitative base for amended or additional noise conditions.

This submission should not be considered as an objection to application 17/001273/PP . It is a representation made to achieve clarity and consistency. I consider that 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. I welcome the potential for significant sustainable local employment opportunities. It must be recognised, however, that historic operations by the applicant and others at the overall Hunterston site have resulted in many complaints from nearby residents. It is thus essential that any consent to allow decommissioning includes very detailed planning conditions and that robust procedures are put in place by the applicant to effectively address complaints.

