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North Ayrshire Council (NAC)
By Email Only

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Dear Gordon

**Hunterston Marine Construction Yard
Clarification Statement on Environmental Studies for Applications**

As you are aware we submitted an Environmental Review with our screening request of 20 February 2017. This Environmental Review discussed the potential environmental effects of the development as a whole as agreed in our site meeting of January 2017. Subsequently, as fully discussed with North Ayrshire Council (McInally Associates/NAC) it was considered that the most appropriate approach to making the necessary changes to the Hunterston Marine Construction Yard was through three separate planning applications (and a Marine Licence from Marine Scotland). We have described below the information which we intend to accompany each application and the rationale behind that position for clarity.

With regard to the Environmental review which informed the screening opinion received from you and from Marine Scotland, this concluded the following assessments would require to be undertaken as part of any application process:

- An assessment of Coastal Flooding levels and potential wave overtopping (maximum predicted flood level in worst case conditions inclusive of climate change predictions);
- An assessment of the potential effects of underwater noise on marine mammals and cetaceans.

In addition to the above we understand that an assessment relating to noise associated with operation of the Construction Yard was also requested by you in consultation with McInally Associates.

We have described below the relevance of the above assessments to each of the applications below for clarity and also how suitable protection of the environment is agreed/enforced for each of the activities.

1. Planning Application: Variation of Condition 1 of Consent No.16/00268/PP

With regard to the coastal flooding and wave overtopping study this was not considered specific to the existing marine construction yard for the following reasons:

- The existing facility has never been known to flood since its establishment;

- The SEPA online flood mapping does not show the platform area to be at risk of coastal flooding; and
- The platform levels range generally from 5 to 6m AOD and the 1:1000yr extreme flood level available from SEPA is 4.03m AOD, well below the platform minimum levels.

The underwater noise assessment likewise is not considered relevant to this application as day to day operation of the yard does not generally involve piling or other large scale noise generating operations in the marine environment, these are contained within the dry dock area or on the existing platform.

An initial operational noise assessment was provided to McNally Associates to accompany the application.

With regard to the wider environment and its protection the existing Consent also contains conditions which are worthy of discussion here, namely Conditions 2 and 3. Condition 2 requires the applicant to obtain written approval of a series of issues including 'treatment and disposal of effluents', 'treatment and disposal of...surface water' and 'preventative measures to avoid pollution of the foreshore'.

Condition 3 also requires 'all processes and activities to be carried out in such a manner to minimise nuisance by way of noise, dust, smell, vibration or pollution of the sea'.

Therefore pollution control will require further submissions to North Ayrshire Council (NAC) to discharge Condition 2 prior to commencement of any operations at the yard.

Over and above the discharge of Condition 2 the future Operator of the site will have to obtain a Pollution Prevention and Control licence from SEPA. The description of this permitting system and its requirements was provided in our correspondence of 8 May 2017 but is attached as Enclosure 1 to this letter for ease of reference. In short the Operator will have to agree a whole series of management plans to assure SEPA that the site can operate without detriment to the local and surrounding environment prior to any operations at the site.

With regard to components of marine structures awaiting decommissioning the normal procedures are to have the components brought ashore wherever possible on arrival at a yard (we have experience of this from visiting and discussing the operation of the Vats base in Norway and the bases in Lerwick and Dales Voe, Shetland). On occasion sections of marine structures (like parts of topsides) may be temporarily stored on a barge tied up to the decommissioning yard quay. Once arrived and tied up we understand that the responsibility for unplanned discharges and corresponding pollution prevention measures (such as floating booms to contain oil in emergency situations and the deployment of dispersal or absorbent materials) would pass to the site Operator of the yard. These pollution prevention measures again would be detailed within the PPC permit management plans that will require to be agreed with SEPA. Whilst the components are in transit (or indeed vessels being towed or steaming to the yard for decommissioning) there is a plethora of regulation which applies to marine shipping and pollution prevention. The decommissioning plan for a particular marine structure is 'structure specific' and includes creation of an inventory of materials on, or in, the structure. The decommissioning plan also of course will document the safe method for transit of the structure to the decommissioning base. Therefore, there is an entire chain of regulation and licencing from pre-removal of the structure or vessel to the final decommissioning.

2. Application to Erect New Caisson Gates

The erection of the new gates and associated structures will also require a future planning application. The coastal flood level study is relevant to this feature to ensure the dry dock is adequately protected and this assessment will be provided with the application.

In addition we are carrying out a wave over-topping calculation for Peel Ports Group. Whilst wave overtopping is not considered a risk to the dry dock and its operation or a pollution risk (as there will always be a system in place to treat and pump out water accumulating in the dry dock), it is an operational safety consideration.

At this point the erection of the gates is not considered likely to require piling in open water and therefore the assessment of potential effects on marine life from piling is not considered relevant to this application. Should piling in open water be required an assessment will of course be provided.

3. Application for Improvements to Hammerhead Quay

The current extreme coastal water level at 1:1000yr is a design consideration for the new quay to ensure it does not flood. However the wave overtopping calculation is not considered to be as crucial for this feature as it is considerably more sheltered than the caisson gates will be. Once the wave overtopping calculations have been made for the caisson gates the level for the improved quay will be reviewed and increased if required. Again this is not an environmental consideration, rather an operational safety one.

An assessment of potential effects of piling noise on marine life will be provided to accompany this application.

Condition 5 of the existing consent will be complied with for any piling operations undertaken which requires specific times to be agreed with NAC prior to undertaking any piling work.

4. Marine Scotland Applications

One final clarification with regard to the various applications relates to the role of Marine Scotland and our approach to licencing under their Regulations.

The variation to Condition 1 and erection of caisson gates are not considered to fall under the jurisdiction of Marine Scotland. The reasoning being that the variation of Condition 1 is a planning matter only and does not in itself allow any activities in the marine environment that would not have to be applied for consent from Marine Scotland at a later date in any case.

An application for a construction licence will be required for the Improvements to the quay and we are progressing that application in conjunction with the three planning applications. Consultation with Marine Scotland has re-commenced in January 2018 with regard to the timing and requirements for dredging licences for the quay berth and approaches to the Caisson Gates.

We trust the above is of assistance. Should you require further information to assist in this matter please do not hesitate to contact us.

Yours sincerely
for EnviroCentre Ltd

(Pdf issue only)

Emma Cormack
Principal Consultant

Dr Campbell G. Fleming PhD CGeol FGS
Director

Enc: Enclosure 1 - Relevant Narrative from our Letter 008 (of 8 May 2017) Relating to PPC Permit Requirements

CC: McNally Associates, and Mike Bland (Marine Scotland).

Enclosure 1 - Relevant Narrative from our Letter 008 (of 8 May 2017) Relating to PPC Permit Requirements

'There are a number of other regulatory and permitting requirements that would require to be adhered to, and addressed, should the development achieve planning permission. We have not listed all of those here, however of particular note are the requirements of the Pollution Prevention and Control (Scotland) Regulations 2012.

For the operational phase the proposed activities will fall under the Pollution Prevention and Control (Scotland) Regulations 2012 as the activities will potentially involve 'the recovery of hazardous waste with a capacity exceeding 10 tonnes per day' and certainly 'the recovery of non-hazardous waste with a capacity exceeding 75 tonnes per day'. As such a Pollution Prevention and Control permit will be required from SEPA (PPC permit).

The PPC permit is based on the application of Best Available Techniques (BAT) for the operation of the process and the prevention or control of emissions. The application process will include providing assessments of the potential for significant human health and environmental effects as a result of the proposed activities emissions to land, air and the water environments. This also takes into account the potential for the activity to have a significant effect on a European Conservation Site for the purposes of the Conservation (Natural Habitats etc.) Regulations 1994.

Management Plans detailing how the operator plans to manage the facility to meet all the environmental requirements of the PPC Regulations will require to be proposed and agreed with SEPA prior to the permit being issued. The application process includes also how waste will be managed, stored and handled, energy consumption and efficiency, noise control and methods of monitoring emissions to the environment.

Once the permit is granted SEPA will regulate the facility through the Permit and ensure it is operated to the agreed BAT standards.

The preparation of this detailed management planning for a PPC permit application would be carried out in the future, in all likelihood by, or in conjunction with, the Operator. This information would also be used to address Condition 2 and 3 of planning consent N/16/00268/PP which require information on management of wastes, effluents and other environmentally related issues to be approved by the council in writing prior to any work on the site beginning.'