
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast
Reference	18/00132/PP
Application Registered	20th February 2018
Decision Due	20th April 2018
Ward	Dalry And West Kilbride

Recommendation Approved subject to Conditions

Location Hunterston Construction Yard Fairlie Largs Ayrshire

Applicant Clydeport Operations Ltd

Proposal Erection of caisson gates and subsequent removal of existing bund

1. Description

The application proposes alterations to the existing bund formed at the entrance to Hunterston Construction Yard. Part of the bund, on the western side of the yard is to be removed and replaced with a floating caisson gate.

The existing Peel Ports Hunterston Marine Construction Yard, lies on the Firth of Clyde, north of the EDF Hunterston Power Stations and west of the Hunterston Coal Terminal. The site forms part of the Offshore Wind Turbine Test Facility operated by SSE, but is otherwise vacant at present. The site is reclaimed land that has historically been used for industry and currently comprises an access road, service infrastructure, a deep void (dry dock) with a bund in place and a hammerhead quay.

This application is to partially remove the bund and erect a caisson gate.

The existing bund would be partially removed and replaced with a new caisson gate. The gate would measure approximately 115 metres long, 20 metres deep and 15 metres high. The gate would be constructed of concrete but for the most part would be hollow to allow the gate be flooded when in place and emptied to allow floatation.

The walls and foot of the opening would be formed with a concrete abutment which would be shored up with a sheet pile wall filled with earth. A rock armour slope would provide protection and a wave break for the concrete walls and sheet pile wall.

Flexible seals at the sides and bottom of the gate would ensure the gate is fixed and avoid any water leaking into the dry dock.

In support of the application a Coastal Assessment has been provided which gives an analysis on extreme sea water levels for the design, wave analysis to establish significant wave heights for the design, analysis of water levels and an overtopping analysis.

The purpose of the report is to ensure that the design of the new opening and height of the gate are sufficiently designed to avoid overtopping for the protection of workers. The report takes into account extreme weather events and climate change.

The report summarises that the analysis of extreme sea levels shows that the existing construction yard bund crest level, and proposed caisson gate (6mAOD), are situated well above (+1.8m) the predicted 1 in 200 year extreme water level (including climate change allowance) of 4.2mAOD. The assessment of wave overtopping indicates that only limited overtopping would be expected during an extreme 1 in 200 year return period storm event. It is anticipated that during such extreme storm events work activities on site would be limited. Given the potential for large waves (> 3m) during an extreme 1 in 200 year return period storm event, the report provides recommendations regarding the safety of workers.

Within the North Ayrshire Local Development Plan the site is located within the Hunterston industrial area. As the development is to erect a caisson gate Policies IND1 (Strategic Business Locations) and IND2 (Hunterston: Development in the National Interest) would not apply.

The site is in close proximity to Southannan Sands SSSI where Policy ENV 9 (Nature Conservation) is most relevant.

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 (c) landscape character.

The application is also accompanied by two other planning applications for the extension of the existing quay (Reference 18/00134/PP), and an 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 (Reference 17/01273/PP).

2. Consultations and Representations

The standard neighbour notification process was undertaken and the application was advertised in the local press on 14th March 2018.

One letter of representation was received which expresses support for the application but also states:

1. It is understood that the construction of the gate abutments and cill would involve piling and if this includes driving piles by percussive means that conditions are imposed on any consent to ensure that noise is controlled to avoid disturbance to nearby communities.

Response: A condition would not generally be applied with respect to control of noise from construction works, particularly piling. Environmental Health Legislation would control any noise where it is considered to be excessive or a nuisance.

Consultations

West Kilbride Community Council - has no objections but wish to raise the following points.

1. The installation of a Caisson gate would require significant dredging which would have a significant detrimental effect on the SSSI.
2. Any decommissioning would have to be subject to noise restrictions.
3. Decommissioning would also increase the probability of environmental pollution that could result in environmental damage. The adjacent area is a winter feeding ground for migrating birds which constant noise operation would seriously effect.

Response: Noted. This application is for the formation of Caisson gates, only. Any decommissioning of structures, control over noise and operation of such structures is not relevant to this application. Similarly any concerns regarding pollution associated with the use of the site are not relevant to this proposal. In terms of dredging, this would be controlled by Marine Scotland and not by Planning but the purpose of this application is to improve the current situation whereby a bund is built up and removed during the use of the site which has the potential to impact on the local environment. The applicant has also confirmed that no dredging would occur or be deposited within the SSSI.

Cumbræ Community Council - wish to make the following observations on the above application.

1. This application is directly related to 2 other applications in respect of the Hunterston Construction Yard. North Ayrshire Council must ensure that the cumulative impact of these linked proposals is clearly identified and taken into consideration. The full environmental impact of all the applications should be considered.
2. The applications all involve major construction works which could have a major negative impact on the landscape and environment, both marine and land based, as well as adversely impacting on tourism, particularly marine based tourism, in the area.
3. The application is contrary to LDP Policy IND 1 and NPF3 as this application would adversely affect any other proposed form of development on the site due to nature of the work involved in decommissioning such structures. All criteria of Policy IND2 would not be met.
4. 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.

Response: Noted. This application is for the formation of a caisson gate, only. Any decommissioning of structures, control over noise and operation of such structures is not relevant to this application. Similarly any concerns regarding pollution associated with the use of the site are not relevant to this proposal. In terms of dredging, this would be controlled by Marine Scotland and not by Planning but the purpose of this application is to improve the current situation whereby a bund is built up and removed during the use of the site which has the potential to impact on the local environment. The applicant has confirmed that no dredging would occur or be deposited within the SSSI. In this case Policies IND1 and IND2 would not apply. The development would comply with the aspirations of LDP2. An EIA screening request was submitted on February 2017 where it was determined that an EIA was not required for decommissioning, erection of caisson gates or the extension to the quay as any adverse environmental impacts could be successfully mitigated through compliance with best practice guidelines or through the use of conditions attached to the planning permission.

Fairlie Community Council - wish to make the following observations on the above application.

1. This application is directly related to 2 other applications in respect of the Hunterston Construction Yard. North Ayrshire Council must ensure that the full environmental impact of all the applications should be considered. All conditions associated with the decommissioning should be amended and re-assessed.
2. The proposal is contrary to LDP Policy IND 1 and NPF3.
3. Interim storage of the caisson gate is proposed to be to the east side of Hunterston Jetty 800m opposite Fairlie. The impact of this has not been assessed. No information is available to say how often or for how long this will occur and no comment has been made regarding alternatives.
4. The installation of a Caisson gate would require significant dredging which would have a significant detrimental effect on the SSSI.

Response: Noted. This application is for the formation of a caisson gate, only. In this case Policies IND1 and IND2 would not apply. An EIA screening request was submitted on February 2017 where it was determined that an EIA was not required for decommissioning, erection of caisson gates or the extension to the quay as any adverse environmental impacts could be successfully mitigated. In terms of dredging, this would be controlled by Marine Scotland and not by Planning. The applicant has confirmed that no dredging would occur or be deposited within the SSSI. The purpose of this application is to improve the current situation whereby a bund is built up and removed during the use of the site which has the potential to impact on the local environment. The operation of the gates would be controlled by Marine Scotland but plans provided by the applicant illustrate that the gates would be removed to the west of the dry dock, away from the settlement of Fairlie.

Scottish Natural Heritage (SNH) - No objections. During construction the piling operations have the capacity to generate significant noise levels while the construction works activity may in certain conditions, be a source of dust. SNH note the proximity of the works to the

Southannan Sands Site of Special Scientific Interest but confirm that it is unlikely, providing the construction management plan contains measures for the suppression of dust generation in dry conditions, that there would be no damaging impacts on the features of interest within the protected site.

There is a risk that otters may be present on the site. As otters are a mobile species it is essential that a pre-construction survey is undertaken by a competent surveyor. Should evidence of otters being present be found then there may be a need for the developers to obtain an appropriate licence and implement a mitigation plan. This process could potentially impact on construction schedules and therefore SNH advise that this risk should be taken into account in contingency planning. The Firth of Clyde is home to a number of species of seals and cetaceans and there is a strong potential that construction noise, particularly piling operations could cause disturbance to these specially protected species. While it is acknowledged that the proposed piling operations within the sand bund would be muted to a degree, there remains a risk that should bedrock be encountered that the noise levels might be raised temporarily. In addition, as the related planning application for the works at the adjacent hammer head pier also requires a significant amount of piling the cumulative noise could be much more significant.

SNH therefore recommend that consideration is given to undertaking a sea watch, specifically for marine mammals, during piling operations. It is anticipated that a competent observer, potentially on a boat, would scan the sea for mammal activity and be able to communicate sightings to the piling foreman. The foreman could put piling on hold until the risk of disturbance has passed.

Response: Noted. There is the potential that protected species could be adversely affected as such a condition could be applied requiring a pre-construction survey and mitigation plan for protecting marine mammals prior to any works proceeding on site.

Marine Scotland - No comments

3. Analysis

The application proposes alterations to the existing bund formed around Hunterston Construction Yard. Part of the bund, on the western side of the yard is to be removed and replaced with a floating caisson gate.

The main determining issues are whether the proposed erection of caisson gates 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 application requires to be assessed against Policy ENV 9 (Nature Conservation) as well as criteria a), b) and c) of the General Policy of the LDP.

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.

The purpose of the erection of caisson gates is to improve access to the dry dock associated with Hunterston Construction Yard. The current arrangement for use of the site for construction, involves the formation of a bund to maintain the dryness of the dock during works and the removal of the bund in order to flood the dock. The formation of the caisson gates is proposed to improve the current use of the site as well as reducing the impacts that can occur, from the removal and building up of the bund, within the marine environment.

SNH has confirmed that the most significant impact from the proposed development would be in its construction. As such it would be considered appropriate to require a pre-construction survey and construction management plan which outlines the proposed steps for deconstruction of the bund and formation of the opening and how marine mammals would be protected.

Any pollution associated with the use of the site would be controlled by SEPA and Marine Scotland. It is considered that the formation of the gates would result in an improvement to the site and ensure that any significant impact to the SSSI is adequately managed. Any dredging works would be controlled by Marine Scotland and would not require planning permission, however the applicant has confirmed that no dredging would occur or dredged materials be deposited within the SSSI. Subject to condition it is considered that the objectives and overall integrity of the SSSI would not be significantly 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 (c) landscape character.

With regard to (a) the proposed scale, design and appearance of the gates would be largely hidden. The gates would not appear out of place when considered in context of the site, its use and its location. The visual impact of the development would be limited.

In relation to (b) the use of the site for construction, and potentially decommissioning of structures, is controlled by Marine Scotland and SEPA. There would be limited visual impact when the gates are in situ and would result in an improvement to the current situation whereby a bund is removed and built up within the marine environment. There would be no detrimental impact on the visual amenity of the area.

Finally with respect to (c) the scale and siting of the development would be such that there would be limited impact on the landscape character of the area. The greatest visual impact would be within the construction yard itself, where access is controlled. The proposal would not appear out of place and any medium to long range landscape views would not be adversely impacted.

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 prior to the commencement of development a Construction Method Statement shall be provided for the written approval of North Ayrshire Council. The Construction Method Statement shall include:

- i) a pre-construction survey for protected marine mammals, protection measures during construction and details of proposed monitoring of the site by a competent observer during the demolition of the bund and construction works;
- ii) the method and timetable for demolition and disposal of surface material relating to the existing bund;
- iii) proposed timetable and procedure for construction;
- iv) methods of construction;
- v) risk assessment (including potential impacts of construction on marine mammals); and,
- vi) details of preventative measures to avoid long term impacts on marine mammals, pollution of the foreshore and SSSI.

If agreed, the development shall proceed in compliance with the method statement to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to protect and maintain the integrity of the SSSI, and any potential impact on European Protected Species.



Karen Yeomans
Executive Director
Economy & Communities

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

Appendix 1 – Location Plan

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