
NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	North Coast
Reference	18/00134/PP
Application Registered	20th February 2018
Decision Due	20th April 2018
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Hunterston Construction Yard Fairlie Largs Ayrshire
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Applicant	Clydeport Operations Ltd
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Proposal	Replacement and enlargement of existing jetty
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1. Description

This can be ascertained by reference to the attached plans and photographs.

The application proposes alterations to the quay located on the north side of Hunterston Construction Yard.

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 re-orientate and increase the size of the hammerhead quay.

The existing quay is rectangular in shape, measuring approximately 67 metres long, 20 metres wide with a maximum jetty height of 6 metres.

The new quay would be approximately 100 metres long and 30 metres wide with a maximum jetty height of 6 metres. As part of the re-orientation of the quay, any excess voids

would be backfilled with earth with new sections of rock armour sloping down into the sea to provide protection and a wave break.

The walls of the quay would be formed with piles backfilled with concrete and earth. Two new lighting masts would be sited on the rear sections of the quay with a concrete mooring dolphin and connecting walkway located to the west of the quay.

The applicant has indicated that the backfilled soil would be material dredged from the seabed and a programme of dredging is proposed around the new quay. The dredging would not require planning permission and would be controlled through license by Marine Scotland, However the applicant has confirmed that no dredging would occur or be deposited within the SSSI

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 new quay is 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 quay crest levels (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 erection of a caisson gate (Reference 18/00132/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 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

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

1. The proposed jetty extension would not be big enough for the marine structures as such this is just the first extension to the quay. Further extensions would be required as well as extensive dredging.

2. The proposed formation of the quay and dredging would have a detrimental impact on the SSSI.

3. FCC has not been provided with enough detail to make an informed judgement and consider this application is inconsistent with the true extent of what is being proposed.

4. 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. The application is contrary to LDP Policies IND 1, IND2 and NPF3

Response - This application is for the formation of a quay. The viability of the quay is not a material planning consideration, the applicant has applied for the quay to be extended and the main consideration is whether the scale, design and appearance of the proposal are acceptable. Dredging is proposed but does not require planning permission and is controlled by Marine Scotland. The applicant has confirmed that no dredging would occur or be deposited within the SSSI. It is not considered that the proposed formation of the quay would have a detrimental impact on the SSSI. It is considered that the information provided is sufficient to make an informed opinion on the proposal, which in this case is for the formation of a new quay. In this case Policies IND1 and IND2 would not apply.

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

1. The installation of a quay 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 a new quay. 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 the existing jetty is to be expanded to improve the site's viability.

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 new quay. 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 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.

Scottish Natural Heritage (SNH) - No objections. During construction the piling operations have the capacity to generate significant noise levels while the terrestrial 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 we 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. It is noted that efforts to minimise the percussive impacts could help reduce the transmitted noise however there remains a significant risk of disturbance. In addition the adjacent, related works at the Caisson gates would also generate percussive noise via separate piling operations and the cumulative impact would be 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. The applicant has provided an impact assessment on marine mammals regarding potential noise generated by both vibratory and impact piling during construction. The report summarises that subject to certain mitigation measures there would be no adverse, long term, impacts on the local marine mammal population. 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 quay located on the north side of Hunterston Construction Yard by re-orientating and increasing the size of the hammerhead quay.

The main determining issues are whether the proposed quay 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 applicant has provided an impact assessment on marine mammals regarding potential noise generated by both vibratory and impact piling

during construction. The report summarises that subject to certain mitigation measures there would be no adverse, long term, impacts on the local marine mammal population. SNH has confirmed that the greatest potential 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 removal of the existing quay and formation of the new one and how marine mammals would be protected.

Any pollution associated with the ongoing use of the site would be controlled through separate means. 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 be deposited within the SSSI. Subject to condition 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 (c) landscape character.

With regard to (a) the proposed scale, design and appearance of the quay would be suited to the use of the site as a construction yard. The quay 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 through other means. There would be limited visual impact when the quay is in situ. Subject to condition regarding the submission of a Construction Method Statement, the SSSI would be protected. There would be no significant 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 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 impacted.

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

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 and construction works;

- ii) proposed timetable and procedure for construction;
- iii) methods of construction;
- iv) risk assessment (including potential impacts of construction on marine mammals); and,
- v) 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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