

From: Lorraine.Gray@gov.scot
To: [REDACTED]
Cc: tommarshall@north-ayrshire.gov.uk; [REDACTED]; [Fiona Mills](#); [REDACTED];
[REDACTED]
Subject: RE: re-run of Peelports / Arch Henderson pre consultation on 14th June.
Date: 12 June 2018 10:18:44
Attachments: Larg Weekly.pdf

Dear [REDACTED]

Thank you for your email below in relation to the decommissioning aspect of the Petroleum Act 1998, and your concerns over how this could impact the proposed operations at Hunterston Yard. The responsibility for ensuring that the requirements of the Petroleum Act 1998 are complied with rests with the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) which sits within the Department for Business, Energy and Industrial Strategy (BEIS).

As Marine Scotland Licensing Operations Team are responsible for licensing deposits and/or removal of substances or articles at sea, unless the O&G structure is within 12 NM, then we would not have any jurisdiction over the Environmental Assessment (EA).

My understanding, albeit not as the regulator for this activity, is the EA or Decommissioning Plan only considers the impacts of removal based upon "the presumption that the installation would be disposed of on land", i.e. the OSPAR Decision is primarily concerned with in-situ removal – not the full cradle to grave process. As OPRED / BEIS are responsible for the DP and EA, I recommend you contact them to find out if the DP includes an assessment of where the structures go after they have been removed from the seabed.

In respect to pre-application consultation, we regulate the requirements under The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013, that is, for the proposed works below the Mean High Water (i.e. their intention to submit a marine licence application for the pier). I confirm Peel Ports have advertised the PAC event in the local press (as attached), therefore fulfilling requirements of the Marine Licensing PAC regulation.

We appreciate your interest and concerns, and thank you for consulting with us on this matter.

Kind regards,

Lorraine

-----Original Message-----

From: [REDACTED]
Sent: 11 June 2018 12:47
To: [REDACTED]
Cc: Tom Marshall; Gray L (Lorraine); Isabel Glasgow; Fiona Mills; [REDACTED]; [REDACTED]
Subject: Re: re-run of Peelports / Arch Henderson pre consultation on 14th June.

[REDACTED]

Well done for saying exactly what needs to be said. By copy of this email can I also respectfully request of Ms Gray that she similarly looks into the question of whether this so called pre-consultation is not in fact a serious breach of Section 12 (Environment) of the Guidance Notes for the Petroleum Act 1998, in that an Environmental Impact Assessment / Statement has not been provided? Unless this matter can be addressed at Scottish Government level then it is fully my intention to ask the UK Minister to take up these concerns. At the end of the day it is a United Kingdom Act of Parliament that is being ignored and denied here.

[REDACTED]

Sent from my iPad

> On 11 Jun 2018, at 11:57, [REDACTED] wrote:

>
> Dear Lorraine,
>
> I am aware that there is a re run of Peel Ports pre consultation on Thursday at Seamill Hydro.
>
> This event has not been publicised in the local papers as per instructions in consultation guidance notes.
>
> I understand that it may primarily be for the benefit of Clyde Marine Planning Partnership board members to fulfil their statutory consultee obligations.
>
> However, as a public pre application license event, there should be a duty for developers to re-advertise this event in local papers? Its scandalous that no one in surrounding communities knows about this event.
>
> As you are aware, there was limited amount of information presented at the first event. And abosultely no information concerning caisson gates structures even though this was advertised in the original public notification.
>
> I would presume that the event due to be held on Thursday will have much more detail about the development than was available to the public during the first event.
>
> I believe the general public and local residents have a right to all available information, as outlined in pre consultation guidance notes and be correctly notified of any consultations. Without this they are not able to engage with the process and contrary to the whole ethos behind consultative process.
>
> I believe having a re-run of a public consultation without public notification, while presenting additional information that was withheld from general public, and only notifying Clyde marine planners is 'systems gaming'. There is an obvious lack of transparency around consultative and planning processes which I believe needs to be addressed?
>
> Lorraine, could you have a look at this in terms of the consultation guidance notes. Do the developers need to make a public notice and inform communities of the consultation?
>
> I have taken opportunity to CC some people into email:
> Tom - Chair of NAC Planning Committee
> Isabel & Fiona - Clyde Marine Planning Partnership
> [REDACTED] - Chairs of Fairlie, West Kilbride, Cumbrae and Largs Community Councils
>
> Thank you for assistance and time on this.
>
> [REDACTED]
>
>

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean,

foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.
