

By email: [REDACTED]

Our Ref: SIR153226/A2810737

17 December 2018

Dear [REDACTED]

Information Request – Peel Ports Decommissioning Project

Thank you for your information request, which we received on 16 November. We have considered your request under the Environmental Information (Scotland) Regulations 2004 ('the EIRs').

Your Request

"We understand that representatives from SNH attended a Screening Opinion Meeting with North Ayrshire Council some time around May 2017 to discuss the requirements for an EIA for the Peel Port Decommissioning Project - involving change of use of the site, extension of the dock and construction of caisson gates. Planning Applications:

| | |
|-----------|---|
| 17 Jan 18 | Planning Permission N/17/01273/PP – to vary the purpose to allow decommission of large marine structures. The application is explicitly for the Marine Construction Yard as demonstrated in the location site . |
| 16 Feb 18 | Planning Permission N/18/00132/PP - Erection of caisson gates and subsequent removal of existing bund |
| 19 Feb 18 | Planning Permission N/18/00134/PP Replacement and enlargement of existing quay. Also referred to as Jetty and Dock. |

1. I wonder if SNH could recall the advice provided at this time to North Ayrshire Council regarding the need for an EIA of this project.
2. Did SNH consider that this was an EIA application?
3. Could SNH provide any meeting minutes or written documentation they provided or were circulated to them at this time.
4. Does SNH recall the advice provided by any of the other agencies at this time?
5. Can SNH recall how the meeting was concluded.
6. Does SNH have any follow up communications with either North Ayrshire Council or any of the other agencies after the meeting regarding the need for an EIA of this project."

Our Response

We have carried out a detailed search of the information we hold, and the attached documents comprise all the relevant information we have.

We have marked out (redacted) some parts of the documents where they contain personal data. Releasing the personal data into the public domain in response to an access to information request would breach the Data Protection Act 2018. We are therefore withholding the information under EIRs Regulation 11(2) (Personal data).

We have also responded to each of your specific questions below.

1. I wonder if SNH could recall the advice provided at this time to North Ayrshire Council regarding the need for an EIA of this project.

North Ayrshire Council are the competent authority for deciding on the necessity of an EIA. In this case they called a screening meeting to discuss the project and its potential impacts in order to help them come to a decision.

2. Did SNH consider that this was an EIA application?

At the meeting we did express the opinion that due to the scale, the introduction of new processes and complex nature of the entire project, that it would be sensible to request the production of an EIA. The structure of any EIA could be scoped to narrow down the range of environmental factors and impacts being considered.

3. Could SNH provide any meeting minutes or written documentation they provided or were circulated to them at this time.

We hold some brief hand written notes, but there was no written up notes or formal minute of the meeting. A copy of the note is included in the information provided – please see the last page of the information provided.

4. Does SNH recall the advice provided by any of the other agencies at this time?

We do not hold any information on this. I therefore need to explain that this means that EIRs Regulation 10(4)(a) (Information not held) applies to this part of your request.

5. Can SNH recall how the meeting was concluded.

At the conclusion of the meeting the Council indicated that they would consider the change of use application for the rig yard without an EIA of the entire project.

6. Does SNH have any follow up communications with either North Ayrshire Council or any of the other agencies after the meeting regarding the need for an EIA of this project.

We have provided copies of all of the relevant material we hold on this case.

How We Handled Your Request

We believe you have asked for environmental information as defined in the Environmental Information (Scotland) Regulations 2004 ('the EIRs'), so we are dealing with your request under those regulations. To be able to use the EIRs, we must apply an exemption under section 39(2) of the Freedom of Information (Scotland) Act 2002 ('FOISA'). The Scottish Information Commissioner's guidance recommends that public authorities apply this exemption to environmental information and handle requests under the EIRs. If you would like to find out more about the access to information legislation, there is a guidance booklet available on the Scottish Information Commissioner's website:

<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=5487&SID=5024>.

Review and Appeal

I hope this information meets your requirements but if you are dissatisfied with how we have responded to your information request, please write to us within 40 working days explaining your concerns. You can contact us at Battleby, Redgorton, Perth, PH1 3EW or email us at FOI@nature.scot. We will carry out a review of our response and contact you with our findings within 20 working days.

If you are not satisfied following this, you can make an appeal to the Scottish Information Commissioner. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Online appeal service: www.itspublicknowledge.info/Appeal

Website: <http://www.itspublicknowledge.info/>

Telephone: [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

Information Officer
FOI@nature.scot