

North Ayrshire Council
Cunninghame House
Irvine, KA12 8EE

2nd March 2021

To Whom It May Concern,

Re: Hunterston development - community and biodiversity rights

Fauna & Flora International (FFI) is an environmental NGO active across 40 countries. Since our establishment in 1903 our primary focus has been biodiversity conservation, believing that healthy and diverse ecosystems underpin the health and livelihoods of people across the planet. We currently operate over 140 conservation projects worldwide, and have been actively working in Scotland since 2011. Here we began to host a project in 2014 which is focused on offering support to local coastal communities to engage in inshore marine management and protection.

Through FFI's current facilitation of Scotland's Coastal Communities Network¹ we have established relationships with several local groups in the Fairlie area (e.g. Fairlie Coastal², Friends of the Firth of Clyde³) who are working towards the protection and restoration of local biodiversity. Recently we have been made aware of their concerns, as local residents, of certain aspects of the ongoing development of the neighbouring Hunterston PARC, a brown field site currently being developed as a major port and industrial centre.

We acknowledge the aspirations of the site to work towards "blue and green economies" - it is of course vital that Scotland leads the way in pioneering truly sustainable and just transitions to carbon neutral energy creation, industries, and operations, with myriad benefits to be achieved through these efforts. Alongside these opportunities, there is a vast responsibility to ensure the stated visions are upheld, and the associated processes are undertaken adequately and fairly – ensuring that there are positive benefits created, not just for Scotland's businesses, but for its local communities and its native biodiversity.

FFI is aware that there has been extensive representation from Friends of the Firth of Clyde et al ("the community") made to date around their ongoing concerns and thus we do not seek to simply reiterate in detail the community's positions, which appear clear in their own representation. We do seek, however, to give support to these positions and to emphasise the injustices of certain processes, which the community has thus far been subject to, including concerns around the Hunterston PARC project's handling of planning

¹ www.communitiesforseas.scot

² <http://www.fairliecoastal.org/>

³ <https://friendsoffirhofclyde.org/>

permissions and the EIA screening⁴, and, more recently, the current drafting of a Memorandum of Understanding.

As local residents, and therefore key stakeholders in the environmental decisions being made around the sites development, the community are requesting the right to be consulted prior to any decision being made with Hunterston PARC - in line with the "Aarhus Convention" (the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters). In addition, they are gravely concerned about the lack of independent environmental expertise or strategic commitment to safeguarding the adjacent Southannan Sands SSSI⁵ and the surrounding flora and fauna (both at land and within the marine environment), which includes OSPAR protected species including native oysters and seagrass meadows.

The Hunterston Ministerial Taskforce seems to be a key decision-making body linked to the sites development - it is made up of various government agencies and Hunterston Estates, however there is no community representation, suggesting little or no means of intervention for local residents at this stage. We are informed that the local Field Studies Centre is involved and that NatureScot will soon be involved, which is encouraging – however, transparent and fair pathways for a host of local environmental knowledge bases ought to be provided the opportunity to be meaningfully involved, so as to ensure the site is adequately scrutinised and held to the highest environmental standards.

We note within the NAC Hunterston Strategic Development Area document⁶, that there is an ethos with regards to this site to accelerate development – it will be particularly critical, therefore, that the community is involved *before* development plans are established, and not brought in tokenistically, when decisions are already made. It is only by providing meaningful means of participation for the local community that the "collective priorities of the stakeholders" and "wide consultation and engagement", stated in document, can be achieved.

It will not only be pertinent to ensure the site is in line with the Scottish Government's Fourth National Planning Framework, but the concerns being brought to us by the local community with regards to Hunterston PARC chime with wider established concerns around the lack of meaningful routes for participation for local communities to gain a voice within marine planning and decision-making in Scotland – as highlighted in the Environment, Climate Change and Land Reform Committee recently published report on the 'Development and implementation of Regional Marine Plans in Scotland'⁷. This is particularly relevant due to the outstanding marine-focused EIA for the site from Marine Scotland.

⁴ Friends of the Firth of Clyde has highlighted that since North Ayrshire Council undertook the original EIA screening there have been a number of significant developments, including but not limited to i) a change of the EIA regulations has come into force; ii) Material changes in the "project"; iii) a positive screening from Marine Scotland regarding an EIA issued on 06thMar20 <http://marine.gov.scot/ml/hunterston-marine-construction-yard-redevelopment-hunterston-north-ayrshire>; iv) as well as increased understanding of the environmental vulnerability – specifically OSPAR protected shell fish species.

⁵ <https://sitelink.nature.scot/site/10261>

⁶ Accessed via NAC web portal [here](#).

⁷ It describes various opportunities to align regional marine planning with wider Scottish Government policy to improve community involvement in marine issues such as providing a mechanism for community consent for marine development in Scotland's National Marine Plan, listing Marine Planning Partnerships as a relevant public authority which a Participation Request can be made to under Part 3 of the Community Empowerment (Scotland) Act, and the potential for local ownership and empowerment of marine assets under the Scottish Crown Estate Act 2019 (transfer or delegation of assets and their management). It also highlighted various concerns including the concern that marine legislation may be too prescriptive to allow sufficient flexibility for the inclusion of community groups in Scotland's Marine Planning Partnerships.

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With the spirit of the Scottish Government's current intentions to reform community access to marine decision-making in mind, there is surely a great opportunity being missed at present for the North Ayrshire Council to demonstrate how it takes its role seriously in ensuring a robust process is undertaken with regards to the Hunterston PARC.

We implore the Council and to uphold its responsibilities to both the local community and the local natural environment, and to ensure that biodiversity protection and community consultation is at the heart of this development's processes.

Yours sincerely,

Kerri Whiteside

A handwritten signature in black ink that reads "K Whiteside".

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