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Karla Tully

FCC Secretary

secretary@fairliecommunitycouncil.org

22nd august 2018

Dear Lara,

Re: Pre-Application Consultation (PAC) for Marine Scotland Licence application relating to proposed works at Clydeport Operations Ltd Construction Yard held on Wednesday 8th August 2018, Fairlie Village Hall.

FCC would like the following issues to be considered as part of the PAC process:

1. **As a Scottish Government Agency 'Marine Scotland' should instigate a full EIA for all proposed works on Hunterston PARC.**
   This application forms a small part of the 'whole' project to develop the Parc for decommissioning of large marine vessels and industrial use.
   We believe that it is highly likely that the applicants are purposefully applying for planning permission in parts to avoid an EIA.

   The site development project falls under the definition of a 'Project subject to Mandatory EIA'; Annex I of the EIA Directive

   "Paragraph 8(b): Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry ports) which can take vessels over 1350 tonnes."

2. **Marine Scotland needs to ensure that the full extent of the SSSI is protected and that they recognise the national significance of this site by ensuring its protection.**

   Under the EIA and Habitats Directive the construction and operation of such a jetty for the purposes of oil rig decommissioning will take place on top of, and next to, a SSSI site.

   This will involve the removal of hundreds of thousands of tonnes of sediment from, and around, the impact zone of the SSSI, which in itself will actually remove significant parcels of sandflats the SSSI was designated to protect.

   The Developers have indicated that UK Priority Species will be suffocated by dredge sedimentation, which means that this project will have 'significant environmental effects'.

   The Scottish Natural Heritage Southannan Sands SSSI Environmental Management Statement (20/03/13) for the site includes:

   1. The sandflats are of national significance
   2. Contains UK LBAP priority habitats

3. 170ha (40%) of intertidal sand flats have already been lost to industrial land reclamation.
4. SNH wish to "protect the site and to maintain and where necessary enhance its features of special interest".
5. That SNH aim to "maintain the extent of the intertidal sandflats by ensuring protection from damaging impacts, in particular any future coastal development".
6. The SNH SSSI Management Statement reiterates that "Coastal development could have an adverse impact on the sandflats through direct habitat loss and interfering with the natural processes in the coastal ecosystem".
7. With reference to existing and other industrial developments it says, "These development proposals all have the potential to have adverse effects on the sandflats feature of Southannan Sands SSSI".

We believe that the SNH 'management statement for circumstances' for the proposed site develop also automatically triggers Annex II of the EIA directive.

We also believe that granting a marine license for this work without an EIA would be a breach of the Petroleum Act 1998

3. Marine Scotland need to ensure that a full mammal marine survey is carried out by impartial independent marine experts before any planning permission is considered.

There are no real provisions for protecting the significant populations of porpoise and seals, alongside the unique lone dolphin 'Kylie' under the NAC planning conditions issued on the 25th April 2018.

4. Marine Protected Areas

South Arran has been designated a 'Natural Conservation' MPA.

We question why the waters of the whole of the Clyde are not designated a 'Special Area of Conservation' as is the upper west coast of Scotland.

We would appreciate acknowledgement of this submission and an explanation of how the points raised will be considered by yourselves and Marine Scotland.

Yours sincerely,

Karla Tully

Secretary

For and on behalf of Fairlie Community Council