

**49 Castlepark Drive
Fairlie
Ayrshire, KA29 0DG**

Tel: 01475 568586

Your ref: 11/00230/PPM

The Assistant Chief Executive (Legal & Protective Services),
North Ayrshire Council,
Cunninghame House,
Irvine, KA12 8EE.

3rd May 2011

Dear Sir,

Planning Application 11/00230/PPM – Hunterston Marine Construction Yard, Fairlie

I refer to the application made on behalf of Clydeport Operations Limited to vary Condition 1 of the approved planning application N/06/00025/PP by extending the date on which the planning consent for the Hunterston Marine Construction Yard expires from 29th May 2011 to 29th May 2016.

The marine construction yard was constructed in 1976 for the specific purpose of building concrete gravity oil platforms for the North Sea. Only one such platform was built. Thereafter it was used for building a steel platform and then after extension for a marine related military structure. No further use of the yard has taken place since 1996. Because of the specific nature of the original purpose of the site the initial planning consent was of limited duration, the intention of the consent being that the site should be restored to its original natural state when no longer required for oil rig construction.

Subsequent applications have been made and approved to extend the limited consent at five yearly intervals and to change the allowable use that can be made of the site. Condition 2 of the current consent states that the site is 'for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose'. FCC notes that the current application to further extend the planning consent for the site does not seek to alter Condition 2 or any of the other thirteen conditions attached to the 2006 renewal.

Since 1996 no marine related structures have been constructed or repaired on the site and there has been no other consented use. In that time buildings and other structures associated with the last use have fallen into disrepair and become derelict (see enclosed photographs). Condition 12 of the 2006 planning consent required that redundant buildings and buildings no longer fit for their purpose should be removed from the site. The owner of the site, Clydeport, failed to implement that condition and only in recent days, with the planning consent due to expire, has that work been started. The planning authority has failed to ensure that the condition was complied with.

Condition 13 of the 2006 planning consent required Clydeport to submit to North Ayrshire Council as planning authority details of a scheme of remediation to bring the site into some favourable or beneficial use. As far as FCC is aware Clydeport has also failed to comply with this condition, and again the planning authority would appear not to have sought to enforce it.

Clydeport has a good record of bringing back into beneficial use former waterside sites in its ownership. These sites include Ardrossan Harbour where the company is working closely with North Ayrshire Council and other agencies to remove the dereliction of redundant industrial use. It is therefore all the more disappointing that the same company has done nothing about its derelict Hunterston construction site, despite the site being highly visible both from the land and from the sea.

The paddle steamer Waverley and the cruise ships which Clydeport is encouraging to visit the Clyde regularly sail past the site. Passengers on these vessels must hardly see it as a good advertisement for either Clydeport or North Ayrshire.

FCC is well aware that both local residents and visitors to the area are fed up with the disused and derelict construction yard site on this part of the Clyde coast and the adverse visual impact caused by the many abandoned and redundant structures. As the site may continue to exist for another 5 years with no beneficial development it is essential that the owner and the planning authority now give proper and serious attention to minimising its visual impact.

Should the planning authority agree to the change in Condition 1 FCC would therefore ask that Condition 12 of the 2006 consent also be changed as follows:

12 a That within three months of this approval all remaining buildings and all man-made structures other than the site access road, the sheet pile jetty and the equipment necessary to keep the dock dewatered be removed from the surface area of the site.

12b That no buildings, structures or equipment of any kind other than as required to maintain the integrity of the dock basin, whether of a temporary form or otherwise, be placed on the site unless as part of a consented planning application for a specific beneficial use of the site.

12c That no form of storage take place on the site unless as part of a consented planning application for a specific beneficial use of the site

The reason for the above condition(s) are in the interest of the amenity of the area and in particular to minimise the visual impact of the site.

At the time of the original planning consent in the 1970s the development was not subject to any formal environmental assessment. The use of the site allowed by the current planning consent and the sought extension (the construction and repair of large marine related structures) would be one now falling within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. Given the time which has elapsed since any consented use has been made of the site FCC considers that it is appropriate that any future use of the site be the subject of an environmental impact assessment. FCC would therefore request that a new Condition 14 be added to any approved consent as follows:

14 That prior to the commencement of activity on the site relating to the construction, repair and subsequent removal on completion of any large marine related structure an environmental impact assessment of the proposed activity be undertaken.

The reason for the above condition is to conform with current good practice.

Unless the above proposed conditions are included within any further planning consent FCC would formally **object** to such further consent being granted.

However, FCC acknowledges that there is no realistic possibility in the foreseeable future of the site being restored to its original natural state whether planning consent for a further extension is or is not granted by North Ayrshire Council. Given that political reality FCC would therefore accept further conditioned use of the site by a development, and only by a development, that creates significant local employment, that requires the natural deepwater location and is constructed and operated to minimise its impact on the environment.

FCC would also hope that the present tolerated use of the site for such informal local recreational activities as walking, angling and bird-watching can continue and indeed be encouraged until such time as a new development may restrict such informal use.

Yours faithfully,

DRAFT 2

John Riddell

For and on behalf of Fairlie Community Council