

Our Ref: 11/0012/SCOPE

Your Ref:

Date: 30th August 2011

Regeneration & Environment
Corporate Director: Aubrey Fawcett

Municipal Buildings
Clyde Square
Greenock
PA15 1LY
Tel: 01475 712764
Fax: 01475 712731
aubrey.fawcett@inverclyde.gov.uk

Colin Lavety
W A Fairhurst & Partners
225 Bath Street
GLASGOW
G2 4GZ

Dear Mr Lavety,

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

Scoping opinion for proposed alterations and environmental improvements to existing car parks and construction of new public realm areas, open space, public realm link with associated car parking and associated engineering works at Gourock Pierhead

I refer to your letter, dated 28th July 2011, in respect of the above matter.

In accordance with the above Regulations consultation has been carried out and I have considered the submitted opinion. With respect to the consultations I would advise you as follows:

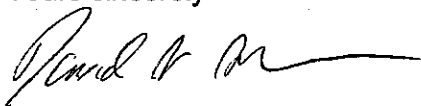
Health and Safety Executive – no comments offered.

SEPA – considerable number of comments provided. Consultation response attached.

SNH – considerable number of comments provided. Consultation response attached.

Having reviewed the submitted information I am satisfied that the scope of the proposed study should be sufficient to address all likely relevant areas. I would add that I have received representation in respect of waterfront access from the Inverclyde Local Access Forum. It appears that the shingle beach presently provides access to the water's edge for canoeists etc, and I would request that consideration be given to retaining some form of waterfront access at the shingle beach.

Yours sincerely



David A Ashman
Development Management Team Leader

FAIRHURST GLASGOW	
DATE RECEIVED	05 SEP 2011
JOB No.	
ACTION	
COPIES	

Enquiries To: David A Ashman
Cathcart House, 6 Cathcart Square, Greenock, PA15 1LS
Tel: 01475 712416



Our ref: PCS/115331
Your ref:

FAO David Ashman
Inverclyde Council

If telephoning ask for:

Lynne Anderson

By email only to: devcont.planning@inverclyde.gov.uk

19 August 2011

Dear Sir

**The Environmental Impact Assessment (Scotland) Regulations 2011
Scoping Consultation Proposed Environmental Improvement Works
Gourock Pierhead**

Thank you for consulting SEPA on the scoping opinion for the above development proposal by way of your email which we received on 8th August 2011.

Please note that all of the issues below should be addressed in the Environmental Statement (ES), but there may be opportunities for several of these to be scoped out of detailed consideration. The justification for this approach in relation to specific issues should be set out within the ES.

We consider that the following key issues should be addressed in the EIA process:

1. Scope of the ES for marine developments

- 1.1 From the information submitted we understand the development will include both onshore and offshore components. As such, the development will be subject to a range of different consenting regimes. We would encourage you to consider producing a single ES which covers all aspects of the proposed development. This will enable a full assessment of the potential effects of the development as a whole, rather than assessing certain details of the development individually.

2. Water Framework Directive and River Basin Management Planning

- 2.1 The ES should identify if the impacts of the proposal are likely to lead to deterioration of the water environment or present opportunities for improving the water environment. The planning authority should take this into account in considering the application, as, in order to meet the requirements of the Water Framework Directive (2000/60/EC), planning authorities are designated "responsible authorities" by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve "good" ecological status by 2015.



Chairman
David Sigsworth

Chief Executive
Dr Campbell Gemmill

East Kilbride Office
Redwood Crescent, Peel Park, East Kilbride G74 5PP
tel 01355 574200 fax 01355 574688
www.sepa.org.uk

- 2.2 All coastal water out to three nautical miles seaward from the Scottish territorial baseline falls under the Directive which requires them to be considered in terms of their chemical, ecological and hydrological status.
- 2.3 In order to assist both applicants and planning authorities, we have made information available on our website. River Basin Management Plans have been prepared to support the successful implementation of the Directive and include measures set against individual water bodies which require to be implemented if "good" status is to be achieved. The GIS interactive map (complete with user guide) or the River Basin Management Plan data download function, both available on the River Basin Management Plan section of our website, should be used in assessing any development proposal. The map enables a search for individual water bodies by grid reference, place name or postcode. The data download tool allows water body information to be filtered by planning authority. Both the map and data download tool hold data sheets relating to each individual water body. The water body data sheets set out the water body's ecological status, any pressures upon it, measures set up to resolve any issues and targets for any improvement needed. As responsible authorities, planning authorities should promote measures already agreed in respect of relevant water bodies as well as considering other opportunities for the proposals in question to contribute to Directive objectives.

3. Site layout and nature of construction for marine developments

- 3.1 The ES should contain plans giving detailed information on the site layout, including details of all onshore and offshore components such as access tracks, buildings, cabling and marine devices. These plans should be supported by a statement detailing the development, as well as reasons for the choice of site and design of the development.

4. Land reclamation and construction

- 4.1 A site plan and cross sections showing the location of all the engineering activities, including temporary works, in the marine environment will be required. Depending upon the scale and nature of the works, there may be a need to carry out hydrodynamic modelling to predict the impacts of construction activities on water quality, as well as coastal processes in the longer term. Any potential impacts from suspended sediment should be compared to natural background levels and water quality standards (eg Shellfish Waters Directive). Any proposed mitigation should also be detailed in the ES.

5. Coastal protection/flood defence

- 5.1 The ES should include site plans and cross sections showing the precise location, design, type (revetment, sea wall, gabion baskets) and size of material to be used in the project. Access routes and working areas for vehicles should be specified during construction. The application will also have to demonstrate that the works will not increase the risk of flooding in other locations. Depending upon the scale of the works and neighbouring sensitivities, there may be a need to carry out hydrodynamic modelling to predict the impacts on water quality during construction and coastal processes in the longer term.
- 5.2 The ES should include a section on the appraisal process and justification for the preferred defence option. The feasibility of soft engineering techniques should always be considered in the appraisal process. Any coastal defence scheme should be appropriate in scale and type for the area.

- 5.3 With all coastal defence initiatives there is an element of uncertainty with regard to how the shoreline will respond after implementation of the scheme. Depending upon the scale of the scheme and neighbouring sensitivities, there may be a need to carry out hydrodynamic modelling to investigate potential impacts upon the local hydrodynamics and sediment transport patterns both in the vicinity of the proposed structure and along the neighbouring stretches of coastline in the longer term. Any proposed mitigation should be detailed in the ES.

6. Onshore engineering activities in the water environment

- 6.1 In order to meet the objectives of the Water Framework Directive, the on shore components of the development should be designed wherever possible to avoid engineering activities in the water environment. The water environment includes burns, rivers, lochs, wetlands, groundwater and reservoirs. We prefer the water environment to be left in its natural state, with engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams avoided wherever possible. Where watercourse crossings are required, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. If the proposed engineering works are likely to exacerbate flood risk, then a flood risk assessment should be submitted in support of the planning application and we should be consulted.
- 6.2 Scottish Planning Policy states “Culverts are a frequent cause of local flooding, particularly if the design or maintenance is inadequate. Watercourses should not be culverted as part of a new development unless there is no practical alternative and existing culverts should be opened whenever possible. If culverts are unavoidable, they should be designed to maintain or improve existing flow conditions and aquatic life. A culvert may be acceptable as part of a scheme to manage flood risk or where it is used to carry a watercourse under a road or railway” (Paragraph 211). Planning applications should be determined in line with this planning policy.
- 6.3 A site survey of existing water features and a map of the location of all proposed engineering activities in the water environment should be included in the ES or planning submission. A systematic table detailing the justification for the activity and how any adverse impact will be mitigated should also be included. The table should be accompanied by a photograph of each affected water body along with its dimensions. Justification for the location of any proposed activity is a key issue for us to assess at the planning stage. The detailed design of engineered structures in the water environment will be considered under regulations administered by us. Where flood risk may be an issue, this will need to be addressed at the planning stage.
- 6.4 Further guidance on the design and implementation of crossings can be found in our Construction of River Crossings Good Practice Guide. Best practice guidance is also available within the water engineering section of our website.

7. Onshore water abstraction

- 7.1 Where water abstraction is proposed we request that the ES, or planning submission, details if a public or private source will be used. If a private source is to be used the information below should be included. Whilst we regulate water abstractions under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 we require the following information to determine if the abstraction is feasible in this location:

- Source eg ground water or surface water;
- Location eg grid ref and description of site;
- Volume eg quantity of water to be extracted;
- Timing of abstraction e.g. will there be a continuous abstraction;
- Nature of abstraction e.g. sump or impoundment;
- Proposed operating regime e.g. details of abstraction limits and hands off flow;
- Survey of existing water environment including any existing water features; and
- Impacts of the proposed abstraction upon the surrounding water environment.

7.2 If other development projects are present or proposed within the same water catchment then we advise that the applicant considers whether the cumulative impact upon the water environment needs to be assessed. The ES or planning submission should also contain a justification for the approach taken.

8. Timing and duration of project

8.1 All submissions should include information on likely timing and duration of the project, possible long-term locational and/or operational impacts and short-term construction impacts.

9. Air quality

9.1 The local authority is the responsible authority for local air quality management under the Environment Act 1995, however we recommend that this development proposal is assessed alongside other developments that are also likely to contribute to an increase in road traffic. This increase will exacerbate local air pollution and noise issues, particularly at busy junctions and controlled crossing points. Consideration should therefore be given to the cumulative impact of all development in the local area in the ES or supporting information. Further guidance regarding these issues is provided in NSCA guidance (2006) entitled Development Control: Planning for Air Quality.

9.2 Excavation works, particularly through drilling and blasting, may cause nuisance to adjacent land users due to the generation of dust and noise. Comments from the local authority environmental health officers should be sought on the potential nuisance to adjacent land users during the construction and decommissioning phases of the project.

10. Construction Environmental Management Document (CEMD) and pollution prevention

10.1 One of our key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. The construction phase includes construction of access roads and any other site infrastructure.

10.2 We advise that the applicant, through the EIA process or planning submission, should systematically identify all aspects of site work that might impact upon the environment, potential pollution risks associated with the proposals and identify the principles of preventative measures and mitigation. This will establish a robust Project Environmental Management Process (PEMP) for large scale (e.g. Major and Environmental Impact Assessment Projects (EIA)). A draft Schedule of Mitigation should be produced as part of this process. This should cover all the mitigation measures identified to avoid or minimise environmental effects. Details of the specific issues that we expect to be addressed are available on the Pollution Prevention and Environmental Management section of our [website](#).

- 10.3 A key issue for us is the timing of works. Therefore, the Schedule of Mitigation should include a timetable of works that takes into account all environmental sensitivities, such as fish spawning, which have been raised by SEPA, SNH or other stakeholders. Timing should also be planned to avoid construction of roads, dewatering of pits and other potentially polluting activities during periods of high rainfall. We can provide useful information such as rainfall and hydrological data through our [Access to Information Team](#).
- 10.4 A Construction Environmental Management Document (CEMD) is a key management tool to implement the Schedule of Mitigation. We recommend that the principles of the CEMD are set out in the ES drawing together and outlining all the environmental constraints and commitments, proposed pollution prevention measures and mitigation as identified in the ES.
- 10.5 The CEMD should form the basis of more detailed site specific Construction Environmental Management Plans (CEMPs) which along with detailed method statements may be required by planning condition or, in certain cases, through environmental regulation. This approach provides a useful link between the principles of development which need to be outlined at the early stages of the project and the method statements which are usually produced following award of contract (just before development commences).
- 10.6 We recommend that the detailed CEMD is submitted for approval to the determining authority at least two months prior to the proposed commencement (or relevant phase) of development to order to provide consultees with sufficient time to assess the information. This document should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. This document should also include any site specific CEMPs and Construction Method Statements provided by the contractor as required by the planning authority and statutory consultees. The CEMD and CEMP do not negate the need for various licences and consents, e.g. CAR and PPS, if required. The requirements from the obtained licences and consents should be included within the final CEMPs.

11. Flood Risk

- 11.1 The onshore components of the development should be assessed for flood risk from all sources in line with Scottish Planning Policy (Paragraphs 196-211). Further information and advice can be sought from your Local Authority technical or engineering services department, Scottish Water and from our website. Our Indicative River & Coastal Flood Map (Scotland) is also available to view online. If a flood risk is identified then a flood risk assessment (FRA) should be carried out following the guidance set out in the Annex to the SEPA Planning Authority flood risk protocol. Our Technical flood risk guidance for stakeholders outlines the information we require to be submitted as part of a FRA, and methodologies that may be appropriate for hydrological and hydraulic modelling. Further guidance on assessing flood risk and planning advice can be found at our website.

12. Marine ecological interests

- 12.1 A baseline assessment of existing intertidal and subtidal habitats and species should be submitted. This should include any UK Biodiversity Action Plan habitats and species (eg maerl, sea pens, eel grass, horse mussels). Additional information on the UK Biodiversity Action Plan is available at: www.ukbap.org.uk/UKPlans.aspx?ID=35. Developers will then be able to ascertain if they are required to supplement or quantify the available data with in-field surveys.

- 12.2 We also recommend information be submitted detailing how the development will contribute to sustainable development. Opportunities to enhance marine habitats in line with Water Framework Directive and The Nature Conservation (Scotland) Act 2004 objectives and Scottish Planning Policy guidance should be explored. Examples may include coastal realignment, the incorporation of naturalistic features in the design of shoreline works, or planting with salt tolerant species. These could be used as examples of best practice and demonstration sites under SEPA's Habitat Enhancement Initiative (HEI).
- 12.3 During the construction phase, it is important that good working practice is adopted and that habitat damage is kept to a minimum and within defined acceptable parameters. These should be controlled through an environmental management plan.
- 12.4 Advice on designated sites and European Protected Species should be sought from SNH. For marine and transitional Special Areas of Conservation (SAC) and Special Protected Areas (SPA), these are WFD Protected Areas. Therefore, their objectives are also RBMP objectives. In this case, SNH may contact us for input on the consultation.

13. Coastal Processes

- 13.1 Coastal processes should be assessed as part of the ES. This should include a baseline assessment to identify the coastal and sedimentary processes operating in the area. The baseline assessment should identify the following features and processes in the environment:

- Sediments (e.g. composition, contaminants and particle size);
- Hydrodynamics (waves and tidal flows);
- Sedimentary environment (e.g. sediment re-suspension, sediment transport pathways, patterns and rates and sediment deposition);
- Sedimentary structures (e.g. protected banks);
- Typical suspended sediment concentrations

- 13.2 Developers will then be able to ascertain if they are required to supplement or quantify the available data with in-field surveys and what mitigation measures are required.

14. Regulatory advice

- 14.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the Renfrew & Inverclyde Operations Team in your local SEPA office at:

5 Redwood Crescent
Peel Park
East Kilbride
G74 5PP

If you have any queries relating to this letter, please contact me by telephone on 01355 574200 or e-mail at planning.ek@sepa.org.uk.

Yours faithfully

Lynne Anderson
Senior Planning Officer



Scottish Natural Heritage

All of nature for all of Scotland

Mr David Ashman
Development Management Team Leader
Regeneration and Planning
Inverclyde Council
Cathcart House
6 Cathcart Square
Greenock
PA15 1LS

23 August 2011
Our Ref: CNS/EIA/I/70646

Dear Mr Ashman

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011.

GOUROCK PIERHEAD REGENERATION. SCOPING REPORT FOR ENVIRONMENTAL IMPROVEMENTS AND PUBLIC REALM LINK

Thank you for consulting Scottish Natural Heritage on the scoping report for the improvement works at Gourrock Pierhead.

1.0 PROTECTED SPECIES

Scottish Natural Heritage is obliged to inform developers about protected species, including 'European protected species' (EPS), which may be affected by certain proposals.

Bats and otters are protected by the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended). This makes it an offence to damage or destroy a bat roost or lying up area for otters whether intentionally or recklessly. Details of the legal situation which applies to EPS are given in the appendix to this letter.

1.1 Otters and Bats

The Scoping Report states that the site is unlikely to be used extensively by otters and bats. The phase 1 Habitat and Expert Eye Survey carried out by JDC Ecology Limited which accompanied the Scoping Report has provided this information and we support this.

.../2



WATER FOR PEOPLE

Printed on 100%
recycled paper

C320825
Scottish Natural Heritage, Caspian House, 2 Mariner Court, Clydebank Business Park,
G81 2NR, Scotland Tel 0141 951 4488 Fax: 0141 951 4510 www.snh.org.uk

Bats

The bat survey was carried out in March which means that it was only possible to survey for potential bat roosts. Bats tend to move to maternity roosts from the end of April and it is not unknown for bats to use an area as a roost for several days and then to move on as they are transient in nature. However, for this particular site we support the JDC Ecology conclusion that it is unlikely that the site will be used as a roost due to its location. We also support the recommendation that a Bat Method Statement should be prepared for demolition works on the old walls etc. This means that a survey should take place before demolition work starts to check for bats. If any bats are found then SNH must be contacted immediately.

Otters

It is our opinion that otters will not be affected by this development. Although the site has been used by an otter for feeding there is no evidence of the area being used as a lying up area. Again we support the JDC Ecology survey conclusion that there is regular disturbance on the site already and that development will not impact on otters.

1.2 Nesting Birds

Birds nests are protected by the Nature Conservation (Scotland) Act 2004. If work is to take place between April and July (inclusive) it will be necessary to carry out a nesting birds survey. If there are any nests found then disturbance of these nests cannot take place until any fledglings have left the nest.

2.0 Conclusion

It will be necessary to survey for bats prior to any demolition works and to ensure that birds nests are not disturbed, by regularly checking for nesting birds, if work takes place during April – July. If we can be of any further assistance please contact Fiona Stewart at this office.

Yours sincerely



FIONA STEWART
Operation Officer
Strathclyde and Ayrshire

Encs

Legal Position

Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended) (Habitats Regulations) provide full protection for certain animal and plant species. The species identified above are referred to as European protected species and are listed on Schedules 2 (animals) and 4 (plants) of the Habitats Regulations.

This means it is illegal to:

- Deliberately or recklessly capture, injure or kill a European protected species of wild animal or to deliberately or recklessly (i) harass an animal or group of animals; (ii) disturb an animal while it's occupying a structure or place used for shelter or protection; (iii) disturb an animal while it's rearing or otherwise caring for its young; (iv) obstruct access to a breeding site or resting place, or otherwise deny the animal use of the breeding site or resting place; (v) disturb an animal in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of the species to which it belongs; (vi) disturb an animal in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young;
- Damage or destroy the breeding sites or resting places of such animals.

Where it is proposed to carry out works which will affect European protected species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority (in this case Scottish Natural Heritage).

As highlighted in the Interim Guidance, 3 tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) to permit otherwise prohibited acts. An application for a licence will fail unless all of the 3 tests are satisfied. The 3 tests involve the following considerations:

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) (as amended). For development proposals, the relevant purpose is likely to be Regulation 44(2)(e) for which Scottish Natural Heritage is currently the licensing authority. This regulation states that licences may be granted by Scottish Natural Heritage only for the purpose of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."*
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Natural Heritage is satisfied *"that there is no satisfactory alternative"*.
- Test 3 - Regulation 44(3)(b) states that a licence cannot be issued unless Scottish Natural Heritage is satisfied that the action proposed *"will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*.

Consideration of European protected species must be included as part of the planning application process, not as an issue to be dealt with at a later stage. Any planning consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.

T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: MS.MarineLicensing@scotland.gsi.gov.uk

07 SEP 2011

UV

David Ashman
Development Management Team Leader
Regeneration and Planning
Inverclyde Council
Cathcart House
6 Cathcart Square
Greenock
PA15 1LS

1922
11/0012/SCORE

Date: 05 September 2011

Dear Mr Ashman

The Marine Works (Environmental Impact Assessment) Regulations 2007

Riverside Inverclyde: Gourock Pierhead Regeneration EIA Scoping Report

Thank you for your email of 08 August 2011, seeking the views of Marine Scotland on the above report.

The proposed work forms part of a larger development programme, but the Scoping Report concerns the environmental improvements centred on the Western Car park at Kempock St. Gourock. Part of the proposals concerns the raising of the ground level to form a platform for the public realm link between two existing car parks. Support for the platform will be provided by a sloped embankment with revetment protection.

As Marine Scotland Licensing Operations Team's (MS-LOT) remit is related to the marine environment, comments are restricted to the sections of the Report that are relevant to the area as follows:

Section 5.7.6 and Appendix C

It is noted that a habitat survey was undertaken but it would have been expected that a more systematic survey would have been completed and a full list of species encountered provided with the document. For example, no sampling of the infauna of the soft sediments has been carried out.

Section 5.7.7

It is considered that the rock revetment will have a significant effect on the environment as it will change part of the intertidal area from sand/mud/gravel to rock thus greatly altering the benthic community in the area.



T: +44 (0)1224 295579 F: +44 (0)1224 295524
E: MS.MarineLicensing@scotland.gsi.gov.uk

Sections 5.7.8 and 5.7.9

I agree that intrusive investigation should be undertaken, especially if the site has been used for any activity in the past that might have resulted in contamination. There is mention of previously developed land but no detail about the potential sources of contamination. The developer should consider undertaking sediment sampling from the adjacent marine environment as part of any intrusive investigations.

Section 5.8.6 and 5.8.7

I agree that there is potential for a significant effect on the environment if leachate and dust are introduced into the water environment and that this should be investigated further. It is recommended that SEPA's Pollution Prevention Guidelines PPG5 – 'Works and Maintenance in or near Water' are reviewed.

It is also recommended that the developer discuss the potential release of leachate or sediment bound contamination with SEPA as this is an issue that might need to be addressed under the Controlled Activities Regulations.

Finally, although the scale for the development extending below the MHWS mark appears to be small, the drawings included in the document are poorly annotated - they require legends and improved descriptions.

Thank you for consulting with us on this matter and if you require any further information or advice on Marine Licensing issues please contact the Licensing Operations Team at MS.MarineLicensing@scotland.gsi.gov.uk

Yours sincerely

Fiona Mackintosh