

Appendix One

Consultation Responses

Scottish Environment Protection Agency

David Hutchison

From: Planning South <Planning.South@sepa.org.uk>
Sent: 22 April 2024 10:50
To: MD Marine Licensing
Cc: David Hutchison
Subject: PCS-20001293 SEPA Response to SCR-0073 Gruggies Burn FAS
Attachments: 20240212 11660 Gruggies Burn FAS - SEPA EIA Screening Response.pdf

Dear David,

Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Screening Opinion Request - Construction of Flood Defences, Gruggies Burn, Dumbarton

Thank you for the above consultation for an EIA screening opinion on the Gruggies Burn FAS.

We can confirm we do not require an EIA for this project and have no further site specific advice. Please instead refer to our SEPA standing advice for the Department for Business, Energy and Industrial Strategy and Marine Scotland on marine consultations available [here](#).

For your information, I have also attached our EIA screening response (dated 12 February 2024) on the project under the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (as amended).

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards,

Simon Watt
Senior Planning Officer



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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk. Togalach Aonghais Mhic a' Ghobhainn, 6 Craobhraid Parklands, Eurocentral, Baile a' Chuilinn, Siorrachd Lannraig a Tuath, ML1 4WQ. Faodar conaltradh còmhla ri SEPA a sgrùdadh no a chlàradh no a sgaoileadh gus obrachadh èifeachdach an t-siostaim a ghlèidheadh agus airson adhbharan laghail eile.

Steven McAleer
Fairhurst

By email only to: steven.mcaleer@fairhurst.co.uk

Our Ref: 11660
Your Ref: 153386

SEPA Email Contact:
planning.south@sepa.org.uk

12 February 2024

Dear Steven

**Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010 (as amended)
Gruggies Burn Flood Alleviation Scheme - EIA Screening Consultation
Gruggies Burn, Dumbarton, West Dunbartonshire**

Thank you for consulting SEPA for an EIA Screening Opinion on the proposed Gruggies Burn Flood Alleviation Scheme.

Following our review of the Request for EIA Screening Opinion letters (dated 08 June 2023 and 15 January 2024) and with reference to Schedule 1 of the regulations, **we agree EIA is not required for this proposal**. This is on the basis that modest or plainly and easily achievable environmental mitigation measures will be put in place during the construction works and operation as discussed in the screening letters. Please note our advice below.

Advice on the proposed FAS

1. Flood risk

- 1.1 The Gruggies Burn area is an area at significant flood risk predominantly from tidal/coastal sources and to a lesser extent river flood sources. We have multiple records of flooding in the area which further highlights the flood risk. We are therefore supportive of the FAS in principle from a flood risk perspective.
- 1.2 From the information submitted preferred options and locations for the FAS have already been identified. It is assumed that this will have been subject to detailed modelling and review from a baseline assessment of the flood hazard, feasibility, preferred options and outline design. It should be ensured the FAS has at least a neutral effect on flooding. We would wish to review the flood modelling undertaken to help verify that the FAS will help reduce overall flood risk in this area. Whether or not the project is supported by an EIA, the detailed modelling and assessment should be done as soon as feasibly possible and shared with SEPA prior to any formal consultation on the project.



Chair
Lisa Tennant

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2. Impacts on the water environment

- 2.1 The Gruggies Burn a non-baseline water body which means it has a catchment area below 10 km². Non-baseline water bodies are not given a WFD classification but engineering activities on them are still regulated under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). As the FAS will require a separate authorisation under CAR, we recommend the applicant engages in pre-CAR application discussions with our [Water Permitting Team](#) to discuss authorisation requirements and supporting information.
- 2.2 The proposed tidal walls will further disconnect the channel from its surrounding floodplain and likely increase stream powers in the channel through this section during higher flows as a result. However, as the channel where the proposed flood walls are to be placed is already confined by hard bank protection on both banks and flood walls in some areas the additional morphological impact of the new floodwall is likely low.
- 2.3 If possible, we recommend the walls are set-back from the channel banks as far as is feasibly possible to reduce their effect on morphological processes. As these walls will likely be placed within 10m of the channel bank they will require authorisation from SEPA. This would likely be a complex licence due to the length of wall.
- 2.4 Based on the information provided the morphological effect of the relief culvert is also likely to be small as *'the inlet to the flood relief culvert is anticipated to be installed above the burn's present-day bank top level'* meaning it only becomes active during times of out of bank flow.
- 2.5 The EIA screening letter refers to potential sediment management activities. Depending where this is to be carried out this would also likely require a CAR licence and should be discussed with our Water Permitting Team.

3. Construction environmental management

- 3.1 We welcome the commitment to prepare and implement a Construction Environmental Management Plan (CEMP) and Pollution Prevention Plan (PPP). We recommend reference is made to the [Guidance for Pollution Prevention](#) and our [Supporting Guidance \(WAT-SG-75\) on Water Run-Off from Construction Sites](#) as these may help in the preparation of the CEMP and PPP.
- 3.2 Construction sites that discharge water run-off to the water environment covering an area greater than 4ha require a licence under CAR. Below this threshold the applicant must comply with [GBR10](#) which requires, amongst other things, all reasonable steps be taken to ensure the discharge does not result in pollution of the water environment. Further information is on our [water run off from construction sites webpage](#).
- 3.3 We note a site waste management plan is to be prepared which will consider the reduction, reuse and recycling of all resources. Any waste imported or removed from the site must be managed in accordance with the Waste Management Licensing Regulations. Further information regarding the waste regulations is available on our [website](#).

4. Site ecology

- 4.1 We understand that Extended Phase 1, National Vegetation Classification and targeted invasive non-native species (INNS) surveys are all planned. Given the highly disturbed and developed nature of the areas of proposed works we are unlikely to have concerns with the FAS from an ecological perspective but will consider the surveys and our position when these are available. In relation to INNS, there is further information on our [website](#) and in the [Biosecurity and management of invasive non-native species for construction sites and Controlled Activities](#) guidance.

5. Impacts on the marine environment

- 5.1 Engineering works in coastal and transitional waters are not regulated by SEPA therefore any morphological pressures (i.e., tidal flood gate and embankments) would be considered by Marine Scotland. We recommend however that the coastal embankments are set-back as far as feasibly possible. For any works planned in the marine environment, we recommend you refer to our [standing advice on marine consultations](#).

6. Other planning matters

- 6.1 For all other planning matters, please see our [triage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/

Advice for the applicant

7. Regulatory advice

- 7.1 Further details of regulatory requirements and good practice advice can be found on our [website](#). If you are unable to find the advice you need for a specific regulatory matter, please contact our local compliance team at GGCE@sepa.org.uk.

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk.

Yours sincerely

Simon Watt
Senior Planning Officer
Planning Service

Ecopy to: Pamela.Clifford@west-dunbarton.gov.uk; James.McColl@west-dunbarton.gov.uk; michael.jones@fairhurst.co.uk; simon.shillington@fairhurst.co.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](#)

Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to:

MD.MarineLicensing@gov.scot

David Hutchison
Marine Licensing Casework Officer
Licensing Operations Team, Marine
Directorate
Scottish Government Marine Laboratory
Aberdeen
AB11 9DB

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Edinburgh
EH9 1SH

Adele.Shaw@hes.scot

T: 0131 668 8758

Our case ID: 300070522

Your Ref: SCR-0073

09 May 2024

Dear David Hutchinson

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
West Dunbartonshire Council (per Fairhurst) - Flood Alleviation Scheme - Gruggies Burn,
Dumbarton
Screening opinion consultation

Thank you for your consultation dated 19 April 2024. We have reviewed the information provided for our historic environment interests. That is scheduled monuments and their setting, category A listed buildings and their setting, gardens and designed landscapes on their respective Inventories, World Heritage Sites and Historic Marine Protected Areas.

Our interest

The proposals are in the vicinity of the scheduled [Dumbarton Castle](#) (SM90107). There may be a requirement for scheduled monument consent (SMC) for works shown on drawing GBFAS-FRH-ZZ-ZZ-DR-W-100002. The need or otherwise for SMC should be established with us prior to any works starting for this scheme. In the event that SMC is required, pre-application consultation is strongly recommended. The applicant should contact ScheduledMonumentConsent@hes.scot in the first instance, marking correspondence for the attention of Dr Iona Murray.

Screening opinion

We can confirm that Environmental Impact Assessment of the proposals is not required for our historic environment interests as set out above.

However, you may wish to seek information and advice on other aspects of the historic environment from the relevant local authority archaeological and conservation advisors. The West of Scotland Archaeology Service may be able to provide advice for unscheduled archaeology and can be contacted at enquiries@wosas.glasgow.gov.uk. West Dunbartonshire Council's planning service will be able to provide advice on category B and C listed buildings and conservation areas.

Yours sincerely

Historic Environment Scotland

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

West Dunbartonshire Council

David Hutchison

From: James McColl <James.McColl@west-dunbarton.gov.uk>
Sent: 03 May 2024 16:06
To: MD Marine Licensing
Subject: RE: SCR-0073 - West Dunbartonshire Council (per Fairhurst) - Flood Alleviation Scheme - Gruggies Burn, Dumbarton - Consultation on Request for Screening Opinion - Response Required by 10 May 2024
Attachments: Screening - Gruggies Burn (1).pdf

David,

I refer to your Email below in respect of an EIA Screening Opinion request for the Gruggies Burn Flood Alleviation Scheme.

I have previously undertaken an EIA Screening for the whole of the Scheme and concluded that an Environmental Impact Assessment (EIA) is not required in this instance. I attach my previous Screening Opinion for your information.

Regards

James McColl
Development Management Team Leader
Planning and Building Standards
West Dunbartonshire Council

Tel: 01389 737673

Mobile: [REDACTED]

From: Development Management <Development.Management@west-dunbarton.gov.uk>
Sent: Wednesday, April 24, 2024 11:53 AM
To: planning scanindex <planning.scanindex@west-dunbarton.gov.uk>
Cc: James McColl <James.McColl@west-dunbarton.gov.uk>
Subject: FW: SCR-0073 - West Dunbartonshire Council (per Fairhurst) - Flood Alleviation Scheme - Gruggies Burn, Dumbarton - Consultation on Request for Screening Opinion - Response Required by 10 May 2024
Importance: High

Apologies for the delay in sending this over.

From: MD.MarineLicensing@gov.scot <MD.MarineLicensing@gov.scot>
Sent: Friday, April 19, 2024 11:09 AM
To: WestCentral@nature.scot; hmconsultations@hes.scot; Development Management <Development.Management@west-dunbarton.gov.uk>; planning.south@sepa.org.uk
Subject: SCR-0073 - West Dunbartonshire Council (per Fairhurst) - Flood Alleviation Scheme - Gruggies Burn, Dumbarton - Consultation on Request for Screening Opinion - Response Required by 10 May 2024

Dear Sir/Madam,

Mr S McAleer
Fairhurst
4th Floor
300 Bath Street
Glasgow
G2 4JR

2nd October 2023

Dear Mr McAleer,

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Request for EIA Screening Opinion – Gruggies Burn Flood Alleviation Scheme, Dumbarton

I refer to your request for an Environmental Impact Assessment (EIA) Screening Opinion in respect of the above development.

The Screening Opinion request relates to a flood alleviation scheme for Gruggies Burn extending from a point just north of the A82 Stirling Road to the banks of the tidal Clyde. The proposed scheme will consist of a flood relief culvert, coastal embankment, tidal defence gate and tidal river walls. It is indicated that the flood alleviation scheme will be promoted under the Flood Risk management (Scotland) Act 2009.

Under the above Regulations, proposals are screened to determine whether they fall within one of the types or scales of development which would require an EIA. In screening a proposal, consideration is given to whether it would fall into any of the categories set out in Schedules 1 or 2 of the Regulations.

Schedule 1 of the Regulations lists types and scales of development for which an EIA will always be required. Having reviewed the proposal, it is not considered to be a Schedule 1 Development.

Schedule 2 of the Regulations lists types and scales of development for which an EIA may be required. Category 10(h) of Schedule 2 includes Infrastructure Projects comprising of flood relief works with an area exceeding 1 hectare. It is indicated in the screening request that the total area of the works would extend to around 6 hectares. The project therefore falls into a qualifying category of development that may require to be the subject of an Environmental Assessment. The criteria for screening Schedule 2 developments is set out under Schedule 3. Guidance is also offered by Scottish Government Circular 1/2017.

Characteristics of the Development

The proposal comprises a flood alleviation scheme comprising four distinct aspects. Firstly, the creation of tidal flood walls on Gruggies Burn, secondly a flood relief culvert which will be constructed under Stirling Road (A82) before following Greenhead Road to the cycle path south of Geils Avenue. The culvert then follows the cycle path to Oaktree Gardens before turning towards the Clyde and following a route to the west of the bonded warehouses. Thirdly, a coastal

embankment will be situated along the bank of the tidal Clyde to the south of the existing sewerage works. Finally, a tidal flood gate is proposed on Castle Road in the vicinity of either the Castle Crag or the football stadium.

The proposed works, aspects of which will traverse through an urban area and be situated on the open banks of the Clyde, will result in a visual impact during the construction phase. Once construction is complete, a large part of the scheme will be below ground with visual impacts restricted to the above ground infrastructure comprising the tidal walls, flood-gate and embankment. Care will require to be taken to ensure that the tidal walls are finished appropriately to ensure no adverse impact upon and compatibility with the adjacent Conservation Area. Landscaping will likely be required for the embankments.

It is not considered that any cumulative impact with the existing development at this location would occur. Impacts from pollution and nuisance during construction will require to be managed appropriately.

Location of the Development.

The site is located within a varied urban area extending from the settlement edge north of Stirling Road to the banks of the tidal Clyde. To the northern end of the site lies a Local Nature Conservation Site designation and to the south the Inner Clyde Special Protection Area (SPA). Being within the urban area, the wider site is visible from a variety of vantage points with aspects such as the tidal wall and embankment clearly visible. The site includes Greenhead Road which is a busy thoroughfare and the tidal walls will lie adjacent to the Knoxland Square Conservation Area and careful attention will require to be paid to the impact. Matters relating to ecology, biodiversity and protective species will also require to be addressed as will the impact upon local residents during construction.

Characteristics of the Potential Impact

The characteristics of the potential impact require to be considered in relation to the nature of the proposed development and its location, and with regard to the criteria set out within Paragraph 3 of Schedule 3 of the above Regulations. With regard to the criteria listed, the will be constructed within an urban area and in close proximity to a large number of residential properties. The impact on properties fronting Greenhead Road along the line of the culvert will be particularly notable. Impacts from construction noise, traffic, dust and vibration would require to be considered. Managing this through a robust Construction Environmental Management Plan will be key to reducing and mitigating the impacts during construction. Impacts relating to ecology, biodiversity and protected species, noting the potential to impact on Local Nature Conservation Site designations and most notably the Inner Clyde Special Protection Area (SPA), will require to be addressed. The potential for impact upon the SPA will likely require to be considered in a Habitat Regulations Appraisal. Any implications from the ground disturbances in terms of archaeological potential will also require to be considered. The core path network will be impacted upon and this will require to be managed with suitable core path diversions as required and this includes the cycle path. The proposal will impact upon the A82 Trunk Road and this will require to be carefully managed in consultation with Transport Scotland. The impact upon local roads together with managing residents access during the works will also be key.

There is no potential for transboundary impact and, overall, the proposal is considered likely to have a geographical impact of relatively low magnitude and complexity. It is also considered if suitably managed and mitigated, the proposal will be one where it is unlikely that any long term significant impact will occur. Potential impacts from the proposed development will be thoroughly assessed through the studies and documents expected in support of any development proposal of this nature together with any additional information and clarifications requested where necessary.

Conclusion

Drawing all of the above together, it is considered the proposed development is unlikely to have effects on the environment to the extent that an Environmental Assessment would be justified and

required. Nevertheless, there are a variety of issues which may be expected to ordinarily form part of an Environmental Assessment that will require to be considered and addressed as noted above.

The screening opinion therefore concludes that an Environmental Impact Assessment (EIA) is not required in this instance and the Council as Planning Authority formally adopts this opinion.

Yours sincerely

<Redacted>

James McColl
Development Management Team Leader

NatureScot

From: [Dave Lang](#)
To: [MD Marine Licensing](#); [David Hutchison](#)
Cc: [Sharron Worthington](#); hmconsultations@hes.scot; Development.Management@west-dunbarton.gov.uk; planning.south@sepa.org.uk
Subject: RE: SCR-0073 - West Dunbartonshire Council (per Fairhurst) - Flood Alleviation Scheme - Gruggies Burn, Dumbarton - Consultation on Request for Screening Opinion - Response Required by 10 May 2024
Date: 25 April 2024 13:33:18
Attachments: [image001.png](#)

Dear David,

NatureScot's interest in / role with regard to this proposed Flood Alleviation Scheme relates to the proximity of many elements to the Inner Clyde European Special Protection Area (SPA) and underpinning Site of Special Scientific Interest (SSSI), and therefore the associated requirement for all regulatory authorities involved (including Marine Scotland / Scottish Ministers in the case of the necessary Marine Licence) to carry out an assessment under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (generally referred to as a Habitats Regulations Appraisal or HRA) when determining their consents.

In carrying out their HRA, Marine Scotland as the competent authority must satisfy itself that adequate mitigation measures will be in place to ensure (on the basis of there being no reasonable scientific doubt) that these proposals will give rise to no adverse effects on the integrity of the SPA with specific regard to the Conservation Objectives for this particular site. NatureScot will provide support and advice in this process in our roles as a statutory consultee. The SNH website has a more detailed summary of the relevant legislative requirements at <https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra>

With that in mind, we are pleased to note that the applicant has already produced and submitted their own 'shadow' HRA, which should be helpful within that process. This Shadow HRA proposes that adhering to the measures detailed in the Construction Environment Management Plan, which they have also submitted, will be sufficient to ensure that there will be no adverse effects on the integrity of the SPA.

NatureScot will advise further on the adequacy of the proposed mitigation measures at the appropriate stage of the Marine Licence determination. However in relation to EIA screening, we can advise that we do agree with what appears to be the broad approach being proposed by the applicant – i.e. that adherence to general mitigation measures will be sufficient to avoid adverse effects on the protected bird populations without the need for further detailed, project-specific surveys.

As such, and as the HRA will be required regardless of whether this application is made subject to a requirement for EIA or not, it is not our view that an EIA is specifically required in this case in terms of our own interests and role.

Other statutory consultees may however be of a different view in terms of their own roles, and it will ultimately be for Marine Scotland to determine whether or not the project meets any of the thresholds that you are required to consider in relation to EIA screening for Marine Licence applications.

I hope that the advice above is of some help in allowing you to progress your EIA screening determination. However please do not hesitate to get in touch if there is anything further that you wish to discuss.

Yours,

Dave Lang

Operations Officer

NatureScot – West Central Scotland
