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BS2 0HQ

Date: 14 April 2021

Dear Sheri,

SCREENING OPINION UNDER THE MARINE WORKS (ENVIRONMENTAL  
IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED)

- 1.1 Thank you for your screening opinion request dated 15 December 2020 and further information dated 17 February 2021, in regards to the removal of the existing river wall and construction of a replacement rock armour revetment along the Centerfield frontage at the Bowling terminal, West Dunbartonshire (“the Proposed Works”).
- 1.2 The Scottish Ministers consider the Proposed Works to fall under paragraph 10(m) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) (“the 2017 MW Regulations”), with the Proposed Works being carried out in a sensitive area, as defined by the 2017 MW Regulations. Consequently, the Scottish Ministers are obliged to adopt a screening opinion as to whether the Proposed Works are, or are not, an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.
- 1.3 Under regulation 10(5) of the 2017 MW Regulations, the Scottish Ministers have consulted with NatureScot (formerly Scottish Natural Heritage), the Scottish Environment Protection Agency (“SEPA”), West Dunbartonshire Council and Historic Environment Scotland (“HES”) as to their view on whether the Proposed Works are an EIA project. Copies of the consultation responses received are attached for your review (at Appendix I). Due to reasons outwith its control, SEPA has been unable to provide a consultation response, however, previous advice from SEPA in relation to this project has been considered.
- 1.4 When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must take into account such of the selection criteria set out in schedule 3 of the 2017 MW Regulations as are relevant to the Proposed Works. In this regard, the Scottish Ministers have considered the following:

## 2 Characteristics of the works

- 2.1 The location of the Proposed Works is the site of the former Esso oil terminal at Bowling, West Dunbartonshire. The Proposed Works are part of a wider remediation scheme for the site. The Scottish Ministers adopted a negative screening opinion in relation to the replacement of the existing river wall with a new sheet piled wall on 25 January 2019 and a marine licence was subsequently granted on the 25 November 2019. Following a design review, the applicant has modified the proposed works to construct a rock armour revetment rather than the previously proposed sheet piled wall.
- 2.2 The new revetment will replace the existing river wall which is composed of a sheet pile wall with concrete at the western end and a section of rock armour and concrete revetment at the eastern end. The existing oleophilic bio barrier will also be removed. The new revetment will cover an area of approximately 0.37 hectares and extend 250m along the full Centerfield frontage. The new revetment will extend a maximum of 1.5m from the existing river wall. Due to the high hydrocarbon concentrations within the soil at the site, the soil is to be remediated through excavation and backfill of the land, with backfill being comprised of cleaned excavation material or imported clean fill. The terrestrial site will be remediated first leaving a 5m wide “valley” between the site and the existing revetment (Figure One). A series of temporary bunds will be constructed across the valley to allow the existing wall to be removed and the new revetment reconstructed in 25m sections working from east to west (Figure Two). Once a section is excavated, it will be backfilled with appropriate clean material and finished with rock armour on the foreshore. The use of rock armouring will be consistent with the surrounding area.

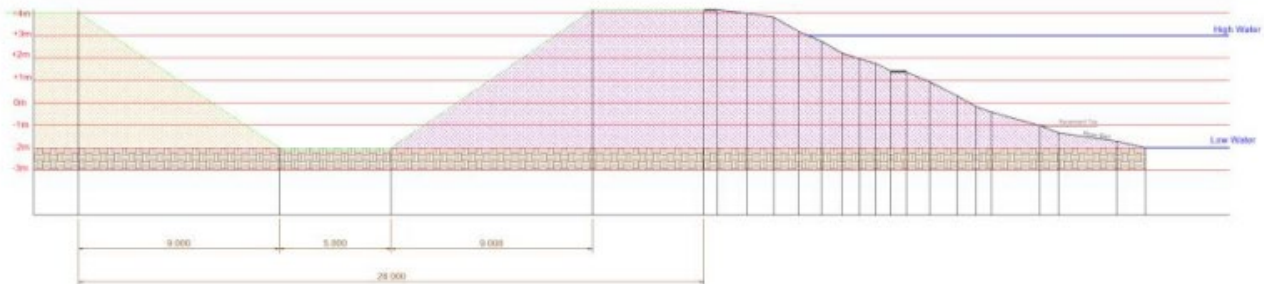


Figure One – Profile of the revetment (purple) and valley during works.

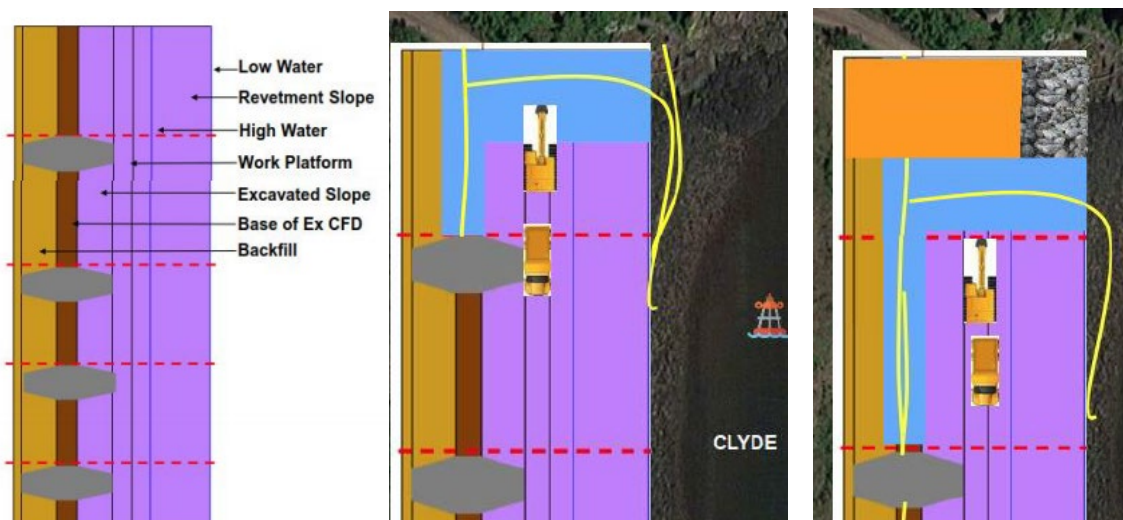


Figure Two – Sequence of works. Absorbent booms are shown in yellow.

### 3 Location of the works

- 3.1 The site is located on the north bank of the River Clyde, approximately 0.3km from the village of Bowling. The rock armour revetment will be installed along the full length of the frontage, from the outcrop in the east to the basin in the west and the site will overlap with the Inner Clyde Special Protection Area (“SPA”) and the Inner Clyde Ramsar site, designated for overwintering redshank (*Tringa totanus*). In addition, the site partially overlaps with the Inner Clyde Site of Special Scientific Interest, designated for a number of bird species and saltmarsh habitat.
- 3.2 HES confirmed that there are no recorded sites of marine archaeological interest in the vicinity and advised that in its view, an EIA is not required for the Proposed Works. HES did highlight two aspects of the works and proposed methodology which should be considered further in any marine licence application. Details of these points can be found in the consultation response in Appendix I.

### 4 Characteristics of the potential impact

- 4.1 NatureScot advised that the change in design for this project would lead to better ecological outcomes post-development, compared to the sheet pile wall. This is due to the possible net increase in habitat available to the protected bird species that the revetment approach will deliver, and the fact that the revetment solution will require less use of plant that would give rise to short bursts of acoustic and/or vibrational disturbance such as piling.
- 4.2 The applicant identified that the protected redshank feature of the Inner Clyde SPA and Ramsar site could be displaced or disturbed by acoustic and visual effects from the works. The Proposed Works include a number of mitigation measures to reduce this disturbance. Revetment works will be scheduled to avoid the sensitive winter period for redshank (16<sup>th</sup> September to 15<sup>th</sup> March inclusive) and if they do extend into the winter period, liaison will be undertaken with NatureScot and works supervised by an Ecological Clerk of Works who has the power to stop works if redshank are observed within 150m of the work area. In addition, visual screens will be installed along the eastern shore of Dunglass basin to screen the works from an area known to be used by redshank.
- 4.3 NatureScot is of the view that the proposed installation of the rock armour revetment does not require an EIA and that any issues regarding the protected features of the SPA and Ramsar site can be assessed through the Habitats Regulations Appraisal process.
- 4.4 Due to the main potential impacts coming from the release of contaminants from the former oil terminal into the wider environment, the applicant has included several mitigation measures in the proposed methodology. Excavation will be undertaken on a falling tide, using a sectional approach and keeping the bucket of the excavator out of the water where possible, to minimise the mobilisation of contaminants and sediment. Additionally, containment and absorbent booms will be deployed within the valley and main river channel, and monitoring and river water quality sampling are to be undertaken during excavation and construction, as well as regular skimming of sheens and the formulation of an emergency response plan to detail response to large volumes of pollutants being released and/or the failure of any mitigation measures.

The revetment works will be undertaken after the adjacent terrestrial site has been remediated.

- 4.5 In its response to West Dunbartonshire Council, SEPA acknowledged that the proposed methods represent an acceptable approach for reducing the historical contamination present at the site.
- 4.6 West Dunbartonshire Council advised that in its view the Proposed Works do not constitute an EIA project and has also issued a negative screening opinion for the terrestrial elements of this project under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It concluded that sufficient mitigation would be in place, secured by conditions, to ensure that the risks from mobilisation of contaminants will not be capable of having significant environmental effects.
- 4.7 The Scottish Ministers are content that the embedded mitigation of the Proposed Works', in particular the carrying out of works outwith the peak overwintering period for redshank and the measures listed in paragraph 4.4 above to reduce the risk of contaminated material reaching the water course, is sufficient to ensure no significant impacts on the environment. It is the Scottish Ministers' intention that this mitigation will be formalised in conditions, as appropriate, attached to any marine licence subsequently granted for the Proposed Works.

## 5 Conclusion

- 5.1 In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are not an EIA project under the 2017 MW Regulations and, therefore, no EIA is required to be carried out in respect of the Proposed Works.
- 5.2 If you increase, alter or extend the Proposed Works, you are advised to contact Marine Scotland - Licensing Operations Team again to confirm if the screening opinion is still valid.
- 5.3 A copy of the screening opinion has been made publicly available through [the Marine Scotland Information website](#) and a copy has been sent to the local authority, in this instance West Dunbartonshire Council.
- 5.4 If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Anni Mäkelä  
Marine Scotland - Licensing Operations Team

# Appendix One

## 1.1 NatureScot Response

To ■ MS Marine Licensing

Cc ■ 'Historic Environment Scotland -'; ■ 'Scottish Environment Protection Agency -'; ■ Planning&BuildingControl@west-dunbarton.gov.uk

Dear Thomas,

We have previously confirmed to Marine Scotland that the change in design for this project from a rock armour solution to a revetment solution will, in our view, lead to better outcomes ecologically post-development. The main reasons for this are the possible net increase in habitat available to the protected bird species post-development that the revetment approach looks likely to deliver, and the fact that it seems possible that the revetment solution will require less use of plant that would give rise to short bursts of acoustic and/or vibrational disturbance such as piling.

Beyond that however our general views about the potential environmental impacts of this development project as a whole remain largely as stated in our screening advice to you regarding the earlier version of the proposal (the sheet pile wall solution) – a project which in our view did not require to be made subject to EIA.

That being the case, I can confirm that NatureScot are of the view that – from our own perspective and in terms of our own interests, responsibilities and requirements - the currently proposed installation of the rock armour revetment to which the present Marine Licence relates will **not** require to be made subject to EIA either.

That said, as you will be aware, the proposed site of the works is around the boundary of the immediately adjacent to the Inner Clyde European Special Protection Area (SPA) – a site classified to protect an internationally important population of over-wintering redshank. This being the case, Marine Scotland will be required to undertake a Habitats Regulations Appraisal (HRA) of the licensable works in order to fulfil their obligations under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (generally referred to as the “Habitats Regulations”).

In carrying out this 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 site. NatureScot will provide support and advice in this process in our roles as a statutory consultee.

This HRA will be required regardless of whether this application is ultimately made subject to a requirement for EIA or not.

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/habitats-regulations-appraisal-hra>

We would therefore expect to be consulted over the Marine Licence application for this revetment proposal itself in due course. However in the interim I hope that the advice above is helpful in allowing you to progress your EIA screening determination.

Yours,

Dave Lang  
Operations Officer  
NatureScot  
Strathclyde & Ayrshire

## 1.2. West Dunbartonshire Council Response

Dear Sir,

Thank you for your consultation request in relation to the below EIA Screening Opinion. Whilst I initially contacted yourselves on Monday the 1<sup>st</sup> March 2021 to advise you that I was unable to access the relevant Screening Opinion document provided by WSP, I can now clarify that following assistance from our technical support team, I have been able to convert the document and access it in full.

Following a detailed review and consideration of the EIA Screening Opinion submitted, I would advise you that West Dunbartonshire Council Planning Authority do not consider that the proposed development and works constitute an EIA project. As is set out and detailed within the document provided, the Council have reviewed and considered the proposed development firstly through an EIA Screening Opinion and then thereafter as part of a detailed planning application (DC20/134). Marine Scotland were consulted as part of both of these processes, but for the avoidance of any doubt, I attach above a copy of the Council's EIA Screening Opinion Response alongside the Council's Report of Handling and the Decision Notice for the planning application for your awareness.

Please note, this position taken through these processes is based on the Council's understanding of the limitations and parameters of our remit which in this regard fundamentally relates to the terrestrial aspect of the development works. In other words the decision taken with regards to the EIA Screening Opinion was made on the understanding of our threshold which we work to; anything above the Mean High Water Springs line. On this basis, and notwithstanding our considerations of the proposed development works, we acknowledge that Marine Scotland have considerations to make from their own remit (e.g. below Mean High Water Springs line) and respect the assessments in this regard including the potential for alternative conclusions.

If you require any further information or clarification on the above, please do not hesitate to contact me.

Regards,

Ross

Ross Lee MRTPI  
Lead Planning Officer  
Planning & Building Standards



Scottish Awards for Quality in Planning 2018: Award Winner



Scottish Awards for Quality in Planning 2017: Award Winner



### 1.3. Historic Environment Scotland Response



HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email to:**  
[MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Marine Scotland  
Marine Laboratory  
375 Victoria Road  
Aberdeen  
AB11 9DB

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

[chloe.porter@hes.scot](mailto:chloe.porter@hes.scot)  
T: 0131 668 8585

Our case ID: 300027811

16 March 2021

Dear Marine Scotland

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017  
Marine License - Esso Petroleum Company, Limited (per WSP) -  
Request for Screening Opinion for Construction of a rock armour revetment - Esso  
Distribution Terminal, Bowling

Thank you for your consultation which we received on 23 February 2021 seeking our comments on an Environmental Impact Assessment (EIA) screening opinion for the above proposed development. This letter contains our comments for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes and battlefields on their respective Inventories.

Your archaeological and conservation advisors will also be able to offer advice for their interests. This may include unscheduled archaeology, category B- and C-listed buildings and conservation areas.

### **Our Screening opinion**

An EIA is not required for the proposed development. There are no recorded sites of marine archaeological interest in the vicinity.

Any need for archaeological monitoring during the works could be covered by a condition attached to the licence should one be granted. Planning consent has already been granted for the project subject to a condition requiring the prior submission and approval of a Written Scheme of Investigation for archaeological works before the project can start.

While the current consultation is specifically to determine the need for an EIA process, we would like to advise Marine Scotland of two issues that have raised concern during our assessment of the current consultation and which we would wish to see addressed in any licence application submitted.





- 1) It is difficult to ascertain from the information supplied what the works will involve in terms of physical disturbance and therefore how their impact on marine heritage assets could be mitigated. The licence application and/or a Written Scheme of Investigation supporting it should provide more detail on the nature of disturbance necessitated by the works to allow any mitigation proposals to be assessed properly.
- 2) Table 4.2 of Section 4 of the Environmental Management Plan states that: “In the event any archaeology is encountered during monitoring work, any excavation or recording works will be severely hampered or constrained for environmental protection and practical safety reasons. Preservation/recovery will not be possible given ground conditions and safety constraints”.

While we acknowledge that safety must be paramount, we would wish to see this issue reconsidered and options investigated that could allow for detailed recording and recovery if important remains are found. This could be a legal necessity if, for example, human remains are uncovered during works.

Yours faithfully

**Historic Environment Scotland**