

Sharron Worthington
West Dunbartonshire Council
Roads Depot
6-9 Elm Road
Dumbarton
G82 2RH

Date: 28 May 2024

Dear Ms Worthington,

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

Thank you for your screening opinion request dated 23 January 2024 and further information supplied on 17 April 2024 in regards to the proposed Gruggies Burn Flood Alleviation Scheme, including the construction of a culvert outfall headwall east of Gruggies burn and construction of new or replacement walls on the Gruggies burn at Dumbarton (“the Proposed Works”).

The Scottish Ministers consider the Proposed Works to fall under paragraph 10(h) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“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 an Environmental Impact Assessment (“EIA”) project under the 2017 MW Regulations.

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).

When making a determination as to whether schedule 2 works are an EIA project, the Scottish Ministers must provide their reasons in a written statement, taking into account the selection criteria set out in schedule 3 of the 2017 MW Regulations, as are relevant to the Proposed Works. This is set out below.

Characteristics of the works

The Proposed Works are required to address flooding incidents surrounding Gruggies Burn in Dumbarton. The Proposed Works include the construction of new or replacement walls at Gruggies Burn.

Walls currently exist on one bank of the burn; however these do not meet the requirements of a modern flood alleviation scheme. New walls will be constructed on both banks of the burn, these will be of similar height to the existing walls and will incorporate drainage outfalls and non-return valves. The new walls will likely be constructed using sheet piles with aesthetic cladding and topped with concrete or masonry cope. The walls will stretch from the River Clyde shoreline to the tidal limits.

There are also terrestrial flow diversion works associated with the Proposed Works, these will require the construction of a culvert outfall headwall partly below mean high water springs. The concrete headwall will include new twin 2.4 metre by 2.4 metre culverts with security screens which are part of the flow diversion works. The location is currently the site of existing outfalls for the Hunters Burn.

Location of the works

The Proposed Works are located within the Inner Clyde Special Protection Area (“SPA”) and Site of Special Scientific Interest. NatureScot welcome the ‘shadow’ Habitat Regulations Appraisal (“HRA”) which proposes adherence to measures detailed in a construction environment management plan. The Scottish Ministers agree with NatureScot and are content that any impacts to the Inner Clyde SPA can be managed through the HRA carried out as part of the marine licensing process. NatureScot concluded that it does not consider an EIA is required for the Proposed Works. West Dunbartonshire Council agreed with NatureScot that the Proposed Works do not require an EIA.

HES advised that the works are to take place in the vicinity of the scheduled monument of Dumbarton Castle. Whilst it does not consider the Proposed Works to be an EIA project, it advised that scheduled monument consent may be required and further discussion with HES would be required by the applicant.

Characteristics of the potential impact

SEPA advised that the Proposed Works do not require an EIA in respect of its interests. SEPA referred to its standing advice and indicated that it had no site specific comments to make.

Conclusion

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, an EIA is not required to be carried out in respect of the Proposed Works.

If you increase, alter or extend the Proposed Works, you are advised to contact Marine Directorate - Licensing Operations Team again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to West Dunbartonshire Council planning department. The screening opinion has also been made publicly available through the [Marine Scotland Information](#) website.

If you require any further assistance or advice on this matter, please do not hesitate to contact me.

Yours sincerely,

Gerry Millar
Marine Directorate - Licensing Operations Team