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Redacted

Associate Director/Ground Risk & Remediation
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Date: 25 January 2019

Dear Redacted

Former Bowling Terminal Bowling West Dumbartonshire

SCREENING OPINION UNDER PART 2, REGULATION 11 OF THE MARINE
WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 (AS AMENDED)

Thank you for your correspondence received on the 19 December 2018 with regard to sea wall repairs, connection of new drainage system to existing outfall and, to facilitate remediation works, installation of replacement sheet pile wall including piling and temporary works within the foreshore.

In considering your screening opinion request, the Scottish Ministers have consulted with Scottish Natural Heritage ("SNH") as to their view on whether the proposed works are an Environmental Impact Assessment ("EIA") project. A copy of SNH's response is enclosed for your review (Appendix 1).

The Scottish Ministers consider the 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"). The threshold for sea defence works, as described in column 2 of Schedule 2 of the 2017 MW Regulations, is "all works", thus the proposed works exceeds this threshold.

When making a determination as to whether Schedule 2 works are an EIA project, the Scottish Ministers must take into account the selection criteria set out in Schedule 3 of the 2017 MW Regulations as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

1. Characteristics of the works

The proposed works forms part of a wider programme of site remediation at the former Bowling Fuel Terminal. West Dumbarton Council considers that the proposed development does not require an Environmental Impact Assessment.

The proposed works are for 4500 m² of remediation work to meet planning requirements for an existing site which will include 173 m of a vibro sheet pile wall to enable the removal of the existing wall.

If marine mammals are observed in proximity to the site, piling works will be suspended until the mammals have moved away.

Based on the information provided and advice received, the Scottish Ministers are of the opinion that the characteristics of the works are unlikely to have significant effects on the environment and is similar to what already exists.

2. Location of the works

The site is immediately adjacent to the Inner Clyde European Protection Area (SPA), Scottish National Heritage (SNH) are of the view that the installation of the vibro sheet pile wall will not require to be made subject to EIA. However, the proposed work will be subject to a Habitats Regulation Appraisal. The site is also adjacent to an SSSI and a RAMSAR site.

Sheet piling is proposed to take place in the summer months to avoid impacts to wintering redshanks.

Based on the information provided and the advice received, the Scottish Ministers do not have any significant concerns regarding the environmental sensitivity of the geographical areas likely to be affected by the proposed works.

3. Characteristics of the potential impact

The main potential impact is to wintering redshanks but this will be avoided due to the works being undertaken in the summer months.

There is the potential of noise disturbance to marine mammals but with vibro piling being undertaken the noise disturbance is reduced.

In view of the findings in sections 1 and 2 above, the Scottish Ministers are content that the proposed works are unlikely to significantly affect the environment and that any potential impacts can be effectively addressed and mitigated by the marine licence application and determination process.

The Scottish Ministers are therefore of the opinion that the proposed works are not an EIA project under the 2017 MW Regulations and 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 Scotland – Licensing Operations Team to confirm the screening opinion is still valid.

A copy of the screening opinion has been forwarded to West Dunbartonshire Council planning department for their information. The screening opinion has been made publicly available through the Marine Scotland Information webpage:
<http://marine.gov.scot/marine-applications>.

Thank you for consulting with us on this matter.

Yours sincerely

Redacted

Redacted

Licensing Operations Team
Marine Scotland

Redacted

From: Redacted
Sent: 16 January 2019 13:08
To: Redacted
Subject: RE: FW: Esso Petroleum Company Ltd – Installation of a sheet pile wall – Bowling, West Dunbartonshire – Consultation on Request for Screening Opinion – Response Required by 05 February 2019

Dear Sir/Madam,

The proposed installation of a sheet pile wall at this location forms part of a wider programme of site remediation at the old Esso Petroleum Company site in Bowling, West Dunbartonshire for which the applicant is also in the process of seeking planning consent from West Dunbartonshire Council. This wider programme of works has been deemed not to require to be made subject to Environmental Impact Assessment under the Regulations – a decision with which Scottish Natural Heritage agrees.

This being the case, SNH are of the view that the installation of the sheet pile wall to which this Marine Licence relates will **not** require to be made subject to EIA either.

That said, as is made clear by the applicant in their submission, the proposed side of the works is immediately adjacent to the Inner Clyde European Special Protection Area (SPA) classified to protect and internationally important population of over-wintering redshank. As such, the planning application to West Dunbartonshire Council does require to be made subject to a Habitats Regulations Appraisal (HRA) in order to fulfil the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations").

This will also be the case with if a Marine Licence application is required.

If determining a licence application for these works, Marine Scotland as a competent authority is required to consider the effect of the proposal on the SPA before it can be consented (i.e. to undertake a Habitats Regulations Appraisal or 'HRA'). There is also a statutory requirement to consult SNH as part of this process. The SNH website has a summary of the legislative requirements at <http://www.snh.gov.uk/docs/A423286.pdf>

I would therefore request clarification from you as to whether you intend to submit a subsequent consultation to us on the licence application itself once EIA screening has been determined, in order that these legislative requirements can be fulfilled.

I look forward to hearing from you with regard to this matter in due course - but hope that, in the interim, the advice above allows you to progress your EIA screening determination.

Yours,

Redacted

Operations Officer

Scottish Natural Heritage | Caspian House | Mariner Court | Clydebank Business Park | Clydebank | G81 2NR | t:
Redacted

Dualchas Nàdair na h-Alba | Taigh Caspian | Cùirt a' Mharaiche | Pàirc Gnothachais Bhruach Chluaidh | Bruach Chluaidh | G81 2NR

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From: Redacted
Sent: 15 January 2019 15:32

To: STRATHCLYDE_AYRSHIRE

Subject: FW: Esso Petroleum Company Ltd – Installation of a sheet pile wall – Bowling, West Dumbartonshire – Consultation on Request for Screening Opinion – Response Required by 05 February 2019

Dear Sir/Madam,

THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 (AS AMENDED) (“the EIA Regulations”)

CONSULTATION UNDER PART 2, REGULATION 10(5) OF THE EIA REGULATIONS

Esso Petroleum Company Ltd – Installation of a sheet pile wall – Bowling, West Dumbartonshire

Esso Petroleum Company Ltd have submitted an application for a marine licence. The Scottish Ministers consider that the works may require an EIA under the above regulation and have therefore decided that the works require a screening opinion to be adopted under regulation 10(1) of the EIA Regulations.

I should be grateful if you would please review the information found at <http://marine.gov.scot/ml/installation-sheet-pile-wall-bowling-west-dumbarton> and, as required by regulation 10(5) of the EIA Regulations, provide your view as to whether the above proposed works are an EIA project as defined in the EIA Regulations.

In accordance with regulation 10(6) of the EIA Regulations, please ensure you provide your view no later than 05 February 2019 (3 weeks from the date of consultation).

Please be aware that West Dumbarton Council have already screened the works under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulation 2011 and concluded that the works do not require an EIA. SNH may have previously provided advice on these works which may inform a response to this consultation.

Kind regards,

Redacted

Marine Licensing Casework Manager
Marine Scotland - Marine Planning & Policy

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sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH.
