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Date: 16 October 2020

Dear Abi,

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

Thank you for your screening opinion request dated 8 July 2020 in regards to the proposed land reclamation, quay wall construction and dredging works at Windmillcroft Quay, River Clyde, Glasgow. ("the Proposed Works").

The Scottish Ministers consider the Proposed Works to fall under paragraph 1(e) of schedule 2 of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the 2017 MW Regulations"), with the Proposed Works meeting the corresponding threshold described in column 2 of schedule 2. 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.

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"), Glasgow City Council ("GCC") 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 take into account such of 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:

Characteristics of the works

The Proposed Works involve the reclamation of approximately 0.4 hectares (“Ha”) of land from the Scottish marine area through the construction of a new sheet piled quay wall offset into the River Clyde approximately 12 metres (“m”) from the existing wall, over a distance of approximately 337m.

Minor demolition works will be required at both the east and west tie-in points in addition to partial demolition of the existing wall along its full length. Land or marine based material removal activities will either be undertaken once the new quay wall frontage is in progress or in advance of any piling works. Onsite reuse of demolition materials will be carried out where possible.

Construction methods may either involve the use of marine plant or, the formation of a temporary bund in front of the existing wall to permit land-based piling and to enable works to be undertaken out of the water column. If a bund is used it will involve the placement of material brought in by barge onto the existing seabed by an excavator bucket.

It is anticipated that the new quay wall frontage will be constructed prior to the removal of seabed materials within the footprint of the structure. There is however the potential for dredging to take place in the open water column prior to the installation of the quay wall, with approximately 22000m³ of material to be removed.

The Proposed Works are scheduled to commence in August 2021, with an anticipated construction duration of 17 months. During the Proposed Works, noise and visual disturbance could disturb or displace birds, fish or marine mammals from the immediate area of the works.

In addition, increased sedimentation may occur within the water column due to dredging and the movement of materials. The Proposed Works also have the potential to pollute the marine environment should any release of contaminants from the dredged material or leakage of fuels, oils etc. from plant machinery/equipment occur.

In order to mitigate the risk of significant environmental impacts occurring during construction and dredging activities, the Proposed Works are intended to be carried out in adherence with SEPA’s pollution prevention guidelines. Mitigation measures, including marine mammal mitigation and the potential use of a silt curtain, are also proposed.

Location of the works

The Proposed Works are located within the River Clyde at Windmillcroft Quay in the centre of Glasgow. GCC screened the Proposed Works in 2019, under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and concluded an EIA was required due to concerns regarding the potential impact of the Proposed Works on the location and function of the River Clyde.

SEPA raised concerns regarding the proposed 0.4Ha ‘land take’ from the River Clyde, noting that no clear reason or justification is provided for this land take. SEPA advised that the Proposed Works will reduce the conveyance capacity of the River Clyde, which may have a significant impact on flood risk (and potentially other impacts, such as on river ecology). SEPA therefore considers a detailed EIA to be required.

The Proposed Works are not located within or in close proximity to any sensitive areas as defined by the 2017 MW Regulations. NatureScot advised that there is minimal likelihood of any impacts on significant natural heritage interests. HES advised that there are no assets for its interests within the site or in its immediate vicinity.

Characteristics of the potential impact

SEPA acknowledged that the applicant intends to submit a flood risk assessment ("FRA"), which will include data modelling, at the application stage. SEPA requested that the FRA is provided to them as soon as it is available to enable a detailed review of the FRA to be undertaken.

GCC highlighted the need to establish whether the area identified for an extension into the River Clyde (with its associated engineering works) could have a significant impact on water levels, including tidal flow/movement. GCC advised that flooding is also a matter to be addressed, particularly with recent studies on flood level modelling that are being updated to get a better understanding of how the river corridor could be affected, which takes account of potential flooding events and climate change.

The Scottish Ministers are in agreement with SEPA and GCC that the Proposed Works are likely to have a significant effect on the environment due to their nature, size and location. During construction and on completion of the Proposed Works the river width will be reduced, which has the potential to significantly effect the flow of the river, changes in flood risk, river ecology and the use of the river by others. These significant effects require to be assessed.

Conclusion

In view of the findings above, the Scottish Ministers are of the opinion that the Proposed Works are an EIA project under the 2017 MW Regulations and, therefore, an EIA is 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 again to confirm if the screening opinion is still valid.

A copy of the screening opinion has been forwarded to GCC planning department. The screening opinion has also been made publicly available through the Marine Scotland Information website at <http://marine.gov.scot/ml/screening-new-quay-windmill-croft-quay-river-clyde>.

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

Yours sincerely

Ellie Noble

Marine Scotland - Licensing Operations Team