

T: +44 (0)300 2445046

E: ms.majorprojects@gov.scot

Ms Elsa Simoes
Infrastructure Design
Argyll and Bute Council
Manse Brae
Lochgilphead
Argyll
PA31 8RD

Date: 23 May 2018

Dear Ms Simoes,

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

Thank you for your screening opinion request for the proposed Helensburgh Waterfront Development received on 21 February 2018 and the subsequent submission of an updated methodology statement dated 23 March 2018.

In considering your screening opinion request, the Scottish Ministers have consulted with Scottish Natural Heritage ("SNH"), the Scottish Environment Protection Agency ("SEPA"), Historic Environment Scotland ("HES") and Argyll and Bute Council, as to their view on whether the proposed works are an Environmental Impact Assessment ("EIA") project. Copies of the consultation responses are attached for your review (Appendix I).

The proposed works include the construction of rock armour revetment flood defences therefore, the Scottish Ministers consider the works to fall under paragraph 10(m) 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 exceed this threshold.

The terrestrial elements of the development will be subject to a screening review by the relevant local planning authority (Argyll & Bute Council) and do not require a marine licence under the Marine (Scotland) Act 2010 or EIA screening under the 2017 MW Regulations.

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 (Appendix II) as are relevant to the works. In this regard, the Scottish Ministers have considered the following:

1. Characteristics of the works

In regards to the size/design of the proposed rock armour revetment flood defences, the Scottish Ministers are content that the works are relatively limited in their extent (0.463 hectares below mean high water springs) and, as per advice received from Argyll & Bute Council, that the proposed structure has been adequately designed to ensure the protection and safety of users of the terrestrial elements of the development from flooding and wave action.

The proposed construction methods are for the most part restricted to land-based operations with only the works for the south revetment being undertaken from a barge in the water. No piling or dredging is proposed.

It is anticipated that waste materials produced during construction will be appropriately disposed of via an approved land-based waste disposal site and that operational waste generated will not affect the marine environment, as it will either be recycled or appropriately disposed of. A Waste Management Plan will also be produced to ensure adoption of best practice waste management procedures.

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.

2. Location of the works

The location of the proposed works does not encompass any European sites or other areas classified or protected under national legislation, the closest sensitive area being more than 2km away, and therefore there is no expectation that the proposed works will have a negative impact on the natural environment's absorption capacity.

SNH and SEPA have advised, however, that invasive non-native species and measures to minimise the risks of their introduction into the adjacent water bodies, should be considered in any prospective marine licence application and supporting Construction Environmental Management Plan ("CEMP").

HES and Argyll & Bute Council have advised that the proposed works are unlikely to significantly impact historic environment interests.

Based on the information provided and 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

In view of the findings in sections 1 and 2 above, the Scottish Ministers are content that the proposed flood defence works are unlikely to significantly effect 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 if the screening opinion is still valid.

The screening opinion has been made publicly available through the Marine Licensing current projects webpage: <http://www.gov.scot/Topics/marine/Licensing/marine/current-construction-projects> .

Thank you for consulting with us on this matter. If you require any further assistance or advice regarding marine licensing, please do not hesitate to contact me.

Yours sincerely,

Rania Sermpezi
Licensing Operations Team
Marine Scotland

Appendix I Consultation Responses

Development and Infrastructure Services

Director: Pippa Milne

Helensburgh and Lomond Civic Centre, 38 East Clyde Street, Helensburgh G84 7PG
Tel: 01546-605-552

14 May 2018

Our Ref. : 18/00720/SCREEN

Your Ref. :

Contact: Mr D Moore

Direct Line: (01436) 658916

e-mail address: david.moore@argyll-bute.gov.uk

Dear Sirs,

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
Request for Screening Opinion Input by Argyll and Bute Council from the Scottish
Ministers.**

APPLICANT : Scottish Government
PROPOSAL : Redevelopment of Helensburgh Pier
ADDRESS : Helensburgh Pier, Helensburgh

You seek the views of the Council on the need for an EIA submission in respect of the above proposals through response to a screening request to Marine Scotland.

The proposed works comprise:

- Construction of new leisure facilities building (including swimming pool);
- Installation of flood defence;
- Formation of 250 space car park;
- Formation of public realm space;
- Demolition of former swimming pool and making good of site
- Future retail development (not part of this proposal)

Much of this development will be subject to a screening review by the Planning Authority as it relates to terrestrial development and will not require a license or screening from Marine Scotland.

The following matters are judged to be matters for consideration under the Marine EIA Regs:

- Installation of Flood Defences. – as set out at Paragraph 2.2 of the screening request

In respect of the above, consultations have been undertaken with the Councils Drainage and Flooding advisor in respect of the design and scale of the proposed sea defences in order to confirm that the proposed structure is of a design necessary to ensure the protection and safety of users of the terrestrial development component from flooding and any wave action.

This ensures that the proposed sea defence works, which would fall under the Marine EIA Regulations 2017, are an accurate reflection of the extent of construction works necessary. This will then define the extent of works solely in the marine environment.

It is necessary for Scottish Ministers to have regard to the advice contained in The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017. It will be for Marine Scotland to determine whether the development falls within Schedule 1 or Schedule 2 development. It is noted that for the purposes of this consultation that the proposal appears to be considered to be schedule 2. Comment will therefore be given in respect of the Schedule 3 criteria applicable to Schedule 2 developments. The main headings of these criteria set out at Schedule 3 are:

1. Characteristics of works – Criteria (a) to (g)
2. Location of works – Criteria (a) to (c)
3. Characteristics of the potential impact – Criteria (a) to (h)

The detailed criteria in respect of these headings, and to which the Council has had regard in framing this response, are set out at Appendix A.

1. Characteristics of works - Criteria (a) to (g)

Given that the Council considers that only the formation of the sea defences is likely to be the only matter for Marine Scotland to consideration under The Marine EIA regulations 2017, the Council can identify no matters set out in (a) to (g) which, given the nature of the proposals, would give rise to the requirement for an EIA. It is noted that a detailed operational statement in respect of construction methodology has been provided by the applicants as part of the screening submission.

The flood/sea defence works have been designed to ensure the safety of those parties using the facilities proposed and the Councils flooding and drainage advisor is content with the proposals. In response to consultation on this screening input, he stated by e-mail dated 23.4.18 that;

It is my understanding that the flood risk design level has been adequately addressed via the most recent version of the Kaya Consulting Flood Risk Assessment (FRA). The design level was also discussed at the stakeholder meeting in Helensburgh on 14 February 2018 and appeared to be accepted by all relevant parties.

A Kaya Consulting report Dated 18 April 2018 has been submitted by the applicant.

It is noted that Sections 3.0, 5.0, 7.0 and 8.0 of the screening submissions indicate likely construction methodology

The Council is of the view that the proposals, based on current information, and by virtue of the characteristics of the works, do not appear to give rise to any matters which Planning Officers consider would require an EIA submission and the planning application process and marine licensing regime would appear to be adequate to address matters in this instance.

2. Location of works – Criterion (a) to (c)

The proposed land uses are in accordance with the acceptable and allocated uses identified for the site within the adopted Argyll and Bute Local Development Plan 2015. These plan designations reflect previously approved Masterplan aspirations for the site. The designations support the following policy framework:

CFR2001 – Allocated for swimming pool, community leisure facility, open space, town centre parking and up to 2,700m² Class 1 retail use.

AFA 3/1 – Strategically important regeneration and enhancement allocation.

The site is currently occupied by a leisure centre, car parking, skate-park and an amusement park (on limited temporary planning permission). The mix and scale of uses proposed is



therefore considered to be compatible with the existing and proposed LDP allocated land use for the site.

There are a number of Listed Buildings in the general locality. However none of these are Category A Listed and the sea defence works are considered unlikely to have any material impact upon the setting of these listed buildings. Such matters can in any event be adequately considered through the determination of a future planning application for redevelopment of the site.

3. Characteristics of the potential impact – Criterion (a) to (h)

Given the findings at 1 and 2 above, and having regard to the matters at Part 3, that Officers can identify no reason as to why a formal EIA should be required in respect of the Marine Element of these development proposals.

Summary

Taking the above as a whole, it is not considered by the Council that the location, design or likely scale of Marine based works would require an EIA having regard to Schedule 3 criteria. All matters would appear capable of resolution through the Marine Licensing process together with the consideration of a future planning application.

The Council does however defer to the views of those with greater expertise in respect of construction works in the Marine Environment.

Please do not hesitate to contact me should you wish further clarification in respect of any of the above matters.

Yours faithfully

David Moore
Senior Planning Officer
Major Applications Team
Helensburgh and Lomond

APPENDIX A

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

SCHEDULE 3 SELECTION CRITERIA FOR SCREENING SCHEDULE 2 WORKS

Characteristics of works

1. The characteristics of works must be considered having regard, in particular, to—

(a) the size and design of the works;



- (b) cumulation with other existing works and/or approved works;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

Location of works

2. The environmental sensitivity of geographical areas likely to be affected by works must be considered having regard, in particular, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Characteristics of the potential impact

3. The likely significant effects of the works on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the works on the factors specified in regulation 5(3), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;

(f)the expected onset, duration, frequency and reversibility of the impact;

(g)the cumulation of the impact with the impact of other existing and/or approved works;

(h)the possibility of effectively reducing the impact.



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email: jessica.hay@gov.scot

Ms Jessica Hay
Marine Scotland Licensing Operations Team
Marine Scotland (Aberdeen Office)
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our ref: AMN/16/SA
Our case ID: 300026373

19 March 2018

Dear Ms Hay

[The Marine Works \(Environmental Impact Assessment\) \(Scotland\) Regulations 2017 Request for Screening Opinion for Helensburgh Waterfront Development](#)

Thank you for your consultation which we received on 06 March 2018 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.

Argyll and Bute council's 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

We have no comments to make on the requirement or otherwise for an EIA for this proposed development. However, you may find the information provided below helpful in reaching your decision on the matter.

Our advice

We are content that for our interests as identified above, significant impacts are unlikely.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Ruth Cameron, who can be contacted by phone on 0131 668 8657 or by email on Ruth.Cameron@hes.scot.

Yours sincerely

Historic Environment Scotland

Our ref: PCS/158682
Your ref:

If telephoning ask for:
Brian Fotheringham

03 May 2018

Ms J Hay
Scottish Government
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

By email only to: MS.MarineLicensing@gov.scot

Dear Madam

**The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Helensburgh Waterfront Development - Consultation of Request for Screening
Opinion
Helensburgh, Argyll and Bute**

I refer to the consultation emails which SEPA received on 06 March 2018 and 09 April, in respect of the above proposed development works and to SEPA's previous response (PCS/157844 – 04 April 2018).

We have as requested given further consideration to your request stating SEPA were consulted as a consultation body under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 as amended, and as such under regulation 10(5) and SEPA are required to provide a view as to whether this project is an EIA project.

Given the nature of the proposed development we would reiterate our opinion that as the majority of the development works will be 'land based' our involvement with the development of the site will be under the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009 and would therefore confirm from SEPA's perspective EIA under The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 is not required.

In our engagement with the planning process we will focus on giving advice of the following issues;

Site works

While we recognise that the scheme may require engineering works to take place in transitional (estuaries) and coastal waters, these are not regulated by SEPA under CAR. Such works below the Mean High Water Springs mark or in any tidal river up to the tidal influence will require a marine licence from Marine Scotland Licensing Operations Team, designated a Responsible Authority under The Water Environment (Relevant Enactments and Designation of Responsible Authorities and Functions) (Scotland) Order 2011 made under Section 2(8) of WEWS.

1. Pollution prevention and environmental management

- 1.1 One of SEPA's key interests in relation to major developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration. The construction phase includes construction of access roads, borrow pits, temporary storage areas and any other site infrastructure.
- 1.2 Construction Environmental Management Plan is a key management tool to implement the Schedule of Mitigation. We will recommend that the principles of this document are set out in the forthcoming planning submissions outlining how the draft Schedule of Mitigation will be implemented. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements, may be required by planning condition or, in certain cases, through environmental regulation. Best practice advice developed by The Highland Council (in conjunction with industry and other key agencies) on the Construction Environmental Management Process is available in the guidance note [Construction Environmental Management Process for Large Scale Projects](#).

2. Flood risk

- 2.1 Any coastal development will be assessed for flood risk from all sources in line with Scottish Planning Policy (paragraphs 254-268). Our [Flood Maps for Scotland](#) are available to view online and we will expect the developer to take account of this information prior to submitting their application. The Local Authority should also be contacted for information they may hold.
- 2.2 If a flood risk is identified then a Flood Risk Assessment should be carried out following the guidance set out in the document [Technical flood risk guidance for stakeholders](#).
- 2.3 Climate change is placing increasing pressures on coastal marine environments. SEPA's guidance within this document helps to demonstrate SEPA's commitment to its public body duties under Section 44 of the Climate Change (Scotland) Act 2009, by assisting in ensuring that a consistent and proportionate approach is taken to maintaining the resilience of our coast to changes in our climate.

3. MNNS – Marine Non-Native Species

- 3.1 Given that the accidental introduction of Marine Non-Native Species (MNNS) has been highlighted as a risk for water body degradation, we recommend that controls should be included in development planning and marine licensing for MNNS in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and [EU Biodiversity Strategy](#) targets.
- 3.2 Under the Water Framework Directive the presence of MNNS within a water body can constitute a significant pressure on the biological elements. Good status is usually the maximum a water body can achieve if MNNS are detected and this can fall to moderate status if MNNS are present above certain thresholds. Once well established, efforts to eliminate MNNS species have proven to be extremely expensive and so far, no non-native species have been successfully eradicated from the marine environment. Therefore, in view of these difficulties, we support the [GB Non-Native Species Secretariat](#) recommendation to put into place effective biosecurity measures to prevent introduction and to stop their spread.

3.3 Accidental introduction of MNNS can also occur via attachment to construction plant, specialised equipment and moorings as these are moved from one area to another. Measures to minimise the risks of introducing of MNNS into the adjacent water bodies within the Construction Environmental Management Plan. Guidance that may be drawn upon includes:

- [The alien invasive species and the oil and gas industry guidance](#) produced by the Oil and Gas industry;
- SNH web-based advice on [Marine non-native species](#);
- [Marine non-native guidance](#) from the GreenBlue (recreation advice).

If you have any queries relating to this letter, please contact me by telephone on 01698-839336 or e-mail at planning.sw@sepa.org.uk

Yours faithfully

Brian Fotheringham
Senior Planning Officer
Planning Service

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](#).



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

By e-mail only to: MS.MarineLicensing@gov.scot

Jessica Hay
Marine Licensing Officer
Marine Scotland - Marine Planning & Policy
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Date: 9 April 2018
Our ref: CNS/MSA/A&B

Dear Ms Hay

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

HELENSBURGH WATERFRONT DEVELOPMENT

Thank you for your consultation under part 2, Regulation 10(5) of the EIA Regulations on the above proposal.

Background

We understand that the proposal is to install a rock armour revetment on the south and east side of Helensburgh Waterfront as part of a flood prevention scheme. We have previously provided pre-application comments on this proposal.

Summary

Our main comments are summarised below with more detailed comments provided in Appendix 1.

In our opinion the project is not likely to have significant effects on the environment and therefore, in respect of our interests alone, is unlikely to be an EIA project. However, it is for the competent authority to determine the need for EIA or not. This conclusion is based on the scale of the project and the localised nature of any impacts. We can also confirm that it is unlikely that the proposal will have impacts on any national/international sites for nature conservation (e.g. SAC, SPA & SSSI) or any nationally designated landscapes (e.g. National Scenic Areas).

Irrespective of the need for an EIA, we consider that the following key issues must be addressed in any subsequent marine licence application:

- Impacts on protected species and invasive non-native species

Scottish Natural Heritage, Caspian House, Mariner Court, Clydebank Business Park, G81 2NR
Tel: 0131 3146750 www.nature.scot

Dualchas Nàdair na h-Alba, Taigh Caspian, 2 Cùirt a' Mharaiche, Pàirc Gnothachais Bhruach Chluaidh,
Bruach Chluaidh G81 2NR
Fòn: 0131 3146750 www.nature.scot

- Opportunity to enhance green infrastructure

The information provided in this response is given without prejudice to any views that we may wish to express at a later date and is based upon our understanding of the project at this time.

I hope that you find this advice useful but please let me know if you have any questions.

Yours sincerely

Graeme Heenan
Operations Officer
Strathclyde & Ayrshire

Appendix 1

Appraisal of the impacts of the proposal

Inner Clyde SPA/SSSI/Ramsar site

The proposal lies around 2km northwest of the Inner Clyde Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site. The Inner Clyde SPA and Ramsar site are classified for wintering redshank (*Tringa tetanus*) and the SSSI is notified for wintering cormorant, eider, goldeneye, oystercatcher, red-breasted merganser, red-throated diver, redshank and saltmarsh habitat.

The SPA's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, Argyll and Bute Council/Marine Scotland will be required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal).

The SNH website has a summary of the legislative requirements (<https://www.snh.scot/sites/default/files/2017-06/A423286%20-%20Legislative%20requirements%20for%20European%20Sites.pdf>). For further details of the Inner Clyde SPA, please see the SiteLink page of the SNH website (<http://gateway.snh.gov.uk/sitelink/index.jsp>).

Given the separation distance between the development site and the SPA (around 2km) and the nature of the existing habitats within/adjacent to the development site, we are content that the proposal will not have a likely significant effect on the qualifying interest of the SPA.

The wintering bird interests of the Inner Clyde SSSI and Ramsar site are fully addressed as part of the above consideration of the SPA. We are also content that there will be no impacts on the saltmarsh habitat feature of the Inner Clyde SSSI as the nearest area of saltmarsh habitat lies over 3.5km away from the development site.

Protected Species

Any subsequent marine licence application should be supported by survey work for protected species. In particular, otters are known to be present in the wider area. All survey work should be carried out in accordance with best practice, please see our *Protected species guidance notes for developers* for further information and advice - <https://www.snh.scot/professional-advice/planning-and-development/natural-heritage-advice-planners-and-developers/planning-and-development-protected-animals>.

Consideration will also need to be given to the need to implement mitigation measures for cetaceans and seals. Cetaceans, particularly harbour porpoise, are present in the Clyde Estuary along with harbour seals and grey seals, further details of sightings can be found on the Clyde Porpoise cic website - <http://www.clydeporpoise.org/>. It is therefore possible that some animals may be seen within, or close to, the site of the proposed works.

Cetaceans and seals are sensitive to underwater noise from development activity and vessels including piling, blasting, dredging and seismic survey. Although specific survey work will not be required at this stage, there may be a need to implement mitigation measures depending on the nature of the works. Please see the following links for further information on the legal protection given to cetaceans and seals:

- <https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-dolphins-whales-and>
- <https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-seals>.

We recommend that an assessment is undertaken of the impact of any works below mean high water springs on cetaceans and seals and, if required, appropriate mitigation measures identified to ensure that no offences are committed under protected species legislation. This assessment, and any required mitigation measures, should be included in any future licence application.

Invasive non-native species

Invasive non-native species are known to be present in the wider area (particularly Japanese knotweed) and we recommend that the site is checked for signs of these species and appropriate mitigation measures identified if necessary.

Green infrastructure

We recommend that consideration be given to providing improved green infrastructure as part of the flood prevention works. This would enhance the biodiversity value of the area and help provide a more attractive frontage onto the Firth of Clyde. Please find enclosed a link to the *Greening the Grey: A Framework for Integrated Green Grey Infrastructure (IGGI)* report that outlines a number of case studies for integrating green-grey infrastructure and includes a business case model that compares green grey options with 'business-as-usual' solutions in a range of coastal, urban and historic settings - <http://eprints.gla.ac.uk/150672/>. Appendix 4 outlines case studies for coastal and estuarine environments - <http://eprints.gla.ac.uk/150672/42/150672Appendix4.pdf>.

Given that the John Muir Way starts/ends at the entrance to the Helensburgh Pier, it would be good if the proposals for the redevelopment of the waterfront could incorporate improved green infrastructure.

Appendix II The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Schedule 3 - Selection Criteria for Screening Schedule 2 Works

Characteristics of works

1. The characteristics of works must be considered having regard, in particular, to—

- (a) the size and design of the works;
- (b) cumulation with other existing works and/or approved works;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- (g) the risks to human health (for example due to water contamination or air pollution).

Location of works

2. The environmental sensitivity of geographical areas likely to be affected by works must be considered having regard, in particular, to—

- (a) the existing and approved land use;
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Characteristics of the potential impact

3. The likely significant effects of the works on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the works on the factors specified in regulation 5(3), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved works;
- (h) the possibility of effectively reducing the impact.