



Environmental Impact Assessment (Scotland) Regulations 2011

Screening Opinion: Mixed Use Development at Exxon Site, Bowling (Ref. PREAPP15/034)

INTRODUCTION

A request for a screening opinion has been submitted for an infrastructure development at the former Exxon fuel distribution facility at Bowling. The Exxon site along with the land required for access connections is approximately 75 hectares in size and extends for almost 2km along the northern bank of the River Clyde on vacant land between Bowling and Dumbarton. The site extends as far as, and follows the line of, the Glasgow-Dumbarton railway line except where the main A82/A814 junction into Dumbarton cuts into the site at the north-west corner. Directly to the east of the site is the former shipyard known as Scott's Yard with Bowling village beyond. To the north-west is the village of Milton.

The proposal is for the redevelopment of the site, in accordance with a master plan yet to be submitted, to bring the site back into active use. The total developable area is likely to be around 31ha and the final scheme will include some or all of the following elements:

- a mix of business uses such as: commercial offices, light industrial, warehouse/distribution uses, maritime related uses, ancillary retail uses and leisure / tourism uses to be brought forward as development platforms;
- new road junctions on the A82 at Dumbuck Junction and the Dunglass Roundabout;
- an internal road network including a spine road connecting the junctions on the A82 at Dumbuck and Dunglass, and an A814 link road, including an underpass of the live railway at the north-west corner of the site;
- green network enhancements;
- proposals to secure the long term retention and viability of Dunglass Castle and its setting;
- flood risk mitigation works such as raising /remodelling site levels and /or flood defence works;
- landscaping across the site; and
- site development infrastructure including drainage, SUDs measures, water supply, utilities, etc.

Under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, proposals are “screened” to determine whether they fall within the description of development requiring an Environmental Impact Assessment (EIA). In screening an application consideration is firstly given to whether the proposal falls into any of the categories set out in Schedules 1 and 2 of the Regulations.

SCHEDULE 1 AND SCHEDULE 2

The site does not fall into any category under Schedule 1 and therefore does not automatically require an EIA.

Development types listed in Schedule 2 are developments where an EIA may be required under specified circumstances, typically where the development is to be carried out in a sensitive area or meets/exceeds a size threshold listed in the Schedule. The proposal fits the description of being an urban development infrastructure project under 10(b) of the table in Schedule 2 and exceeds the size threshold of 0.5ha. In addition, part of the Inner Clyde Special Protection Area (SPA) coincides with the southern reaches of the site and it is therefore partly within a sensitive area. The proposal is therefore a Schedule 2 development.

Schedule 2 development does not automatically require an EIA to be submitted, rather, that consideration be given of the likelihood that the proposal will have significant effects on the environment by virtue of factors such as nature, size and location. Determination is made using the selection criteria set out in Schedule 3 of the 2011 Regulations and the advice contained in Circular 3/2011 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and the guidance in PAN 1/2013. The consideration of these is set out below.

SCHEDULE 3

1. Characteristics of Development

This considers criteria such as the size of development, cumulation with other development, use of natural resources, production of waste, pollution and nuisances, the risk of accidents (with reference to substances or technologies) and any other characteristics.

Bowling oil terminal was developed in the late 1930s and was decommissioned in 1997. The site is 75ha in size, which significantly exceeds the Schedule 2 size threshold of 0.5ha, and is a very large brownfield regeneration site. Much of the site was built upon reclaimed land which resulted in the formation of a river wall on the eastern half of the site which still exists. Part of the site (known as Eastfield) previously contained around 20 above ground storage tanks, but these, along with other structures on the site have now been cleared and the site is overgrown. As a result of the former use the site is subject to contamination by hydrocarbons, and the site's owner is already carrying out soil remediation measures on part of the site. Although the site is a brownfield site it is outwith the built-up urban areas of Dumbarton and Clydebank and is adjacent to the villages of Milton and Bowling with a rural hinterland and prime waterfront location. The development will therefore be on a greater scale than its surrounding environment with potential impacts on these adjacent settlements, the waterfront and the visual landscape of the Kilpatrick Hills beyond.

The proposal seeks to construct new roads across the length of the site directly linking it with the existing A814 and A82 main roads thus providing the catalyst for the redevelopment of development platforms for industrial and business type uses. Further cumulation of development could take place on the site to the east, known as Scott's Yard, which is identified as a possible housing opportunity site which can be brought forward if access connections and remediation works are in place.

There are no natural resources on the site which will be utilised as a result of this development. However, the re-development of a 75ha brownfield site will use significant natural resources during remediation and construction phases in respect of land, soils, aggregates and energy. Remediation of the easternmost part of the site, a 5.3ha site

known as Eastfield, is already being undertaken and involves the excavation of existing soils to a depth where the water table is exposed and treatment of those soils using bioremediation measures (composting and microbial action) to breakdown and remove hydrocarbons. Soil is then backfilled into the excavations to return the site to similar ground levels. Water showing evidence of free products e.g. oil is removed by pumping or skimming operations. The contamination is not restricted to this part of the site and it is likely that similar remediation actions will be required over a much larger area with the use of significant resources required.

The precise nature of the industrial and commercial uses is not known at this stage but it is possible that such completed development may generate wastes beyond the normal industrial/commercial wastes which arise from any urban development. In addition, the end uses may generate an increase in pollution or nuisance beyond those associated with traffic noise and emissions in the urbanised area. The sensitivity of the site therefore has to be assessed to determine the suitability of the site for such uses and any mitigation measures required, with specific matters being addressed as part of any subsequent planning application for industrial end uses.

During the construction phases, which are anticipated to be in excess of 7-10 years, it is anticipated that there is potential for pollutants to enter the Special Protection Area. This is due to the nature of the site: the site extends for almost 2km along the boundary with the River Clyde and contains a number of water features including the Milton Burn which passes across the mudflats and flows into the Clyde. The site will require extensive remediation and flood risk mitigation measures. During the lengthy construction phases there is potential for sustained noise, dust and vibration from construction and operational traffic on the site and its immediate surrounds which includes the SPA and the villages of Bowling and Milton may be impacted.

The proposed list of possible uses does not indicate any significant risk of accidents with reference to substances or technologies.

Finally, in respect of other characteristics, there are potential physical changes to the topography of the site. The site is at high risk of coastal and river flooding and part of the proposed development will have flood risk mitigation measures such as site raising works and / or flood defence works. These will potentially alter the river's edge structures which have potential to impact on the river network including the River Clyde and Milton Burn.

The proposal may also have impacts on the existing road network. It is proposed to connect to Dumbuck junction and Dunglass roundabout which are part of the busy A82 connection between Glasgow- Dumbarton and the north-west highlands. It is likely that diversions and closures of the existing road network may be necessary with impacts on traffic flow along the A82 and the surrounding local transport network likely. The long-term implications for air quality due to increased traffic along the A82 and A814 road corridors are also a potential impact and will require to be addressed.

2. Location of Development

Whilst the proposed end uses may have less potential for environmental impact than fuel distribution activities, the proposal would nonetheless represent an intensification of use of the site relative to its recent activities and to the surrounding land uses.

The site is adjacent to small settlements (Bowling and Milton) that could be affected by the development in terms of construction noise, dust pollution and vibration or end uses. The north boundary of the site is adjacent to the National Cycle Route 7 (NCR7) with implications for continuous use along this route during works at the Dunglass Roundabout and Dumbuck junction. There are no sensitive land uses such as hospitals, schools, places of worship or community facilities which could be affected.

As a former industrial site the redevelopment would not directly use up any important, high quality or scarce natural resources. However, it does have potential to impact upon natural resources in the adjacent River Clyde. The estuarine plant communities and the mudflats, which are exposed at low tide, are ecologically important and require significant consideration. The site adjoins the Special Protection Area (SPA) which is an internationally designated conservation site, and the application site therefore falls within the description of a sensitive site as defined in the Regulations. The qualifying interest of the SPA is overwintering redshank, which roost and feed close to the development site. Disturbance affecting the river over a period of several years does have the potential for a significant adverse effect upon the important redshank population, which relies upon the natural resources of the river. This disturbance may be in the form of visual disturbance, noise and vibration during constructions phases and potential contaminant flux to the river network (River Clyde and Milton Burn).

The SPA is also designated as a Site of Special Scientific Interest (SSSI) and a RAMSAR site. The RAMSAR designation is for wetlands of international importance and coincides with the SPA boundaries. The SSSI designation is due to the site being the most northerly of Britain's large west coast estuaries used by migrating birds (not just redshank), and is of national importance for its populations of wintering wildfowl and waders and of European importance for its wintering population of redshank. The site also supports a variety of typical estuarine plant communities with good examples of transitions from saltmarshes to brackish swamps and grassland periodically inundated with sea water. It also provides the largest example in west central Scotland of grazed and ungrazed upper saltmarsh with relatively uninterrupted transitions to swamp and grassland vegetation. One of the most extensive areas of saltmarsh, covering approximately 76 hectares, is found on the north shore between Milton Island and Dumbarton, which includes the shore of the Exxon site. The proposal includes flood mitigation measures which may include alterations to the shore area or changes to the natural drainage on the site which has implications for the wetlands.

The site contains two listed buildings: Dunglass Castle, and the Henry Bell obelisk which are both B-listed. Dunglass Castle stands on an irregular rocky cliff by the River Clyde and has a round tower probably dating from the 17th century as well as some more modern additions. It is in a poor condition at present and the proposal seeks to carry out works to ensure the long-term retention of the building. The obelisk memorial to Henry Bell (engineer) stands in the north-east corner of the enclosure of the castle. The setting of these listed structures is an important consideration given the scale of the redevelopment proposed and will be addressed through the masterplan and any future applications.

3. Characteristics of the Potential Impact

The potentially significant impacts which have been identified relate to the extent of the area and people affected, the magnitude and complexity of the impact relative to the

habitat and wildlife interests, the probability of a significant effect occurring and the duration, frequency and irreversibility of the impact.

The development site is a large site with sensitive land uses on all its boundaries including an internationally designated site, two distinct settlements, a busy road junction and roundabout and a rural hinterland. The site is not a heavily populated area and the impacts of construction such as noise, dust, vibration and vehicular movements would be relatively localised in nature. However, any adverse impact upon the river network, particularly the River Clyde has potential to affect a wider area and impact upon the redshank population which has been identified as having international significance, and the natural habitats of the estuary environment which are nationally protected by the SSSI designation. The visual impacts of the changes to the landscape setting of the Kilpatrick Hills and the river also have potential to impact a wider area such as Inverclyde on the other side of the river and from the Erskine Bridge.

Some of the potential impacts do have magnitude and complexity. In respect of the conservation interest many receptors other than people may be affected (e.g. flora and fauna) and there is a risk that a protected site and features along the River Clyde will be affected by the proposal not just in terms of the construction works impacts (visual disturbance, noise, dust and vibrations) but also by the physical alterations to address the flood risk issues. The required changes to ground levels, the contamination on the site and the groundwater, coastal and fluvial water interaction presents other complexities. There is a high probability that the Special Protection Area will be affected given the nature and scale of the works proposed, the likely long-term construction period for the project (given its size) and the length of the common boundary with the River Clyde (almost 2km).

In respect of the probability of the impacts, it is highly likely that there will be impacts but the effects will not be high significant provided design of the site and mitigation measures are employed. The impacts during the construction phase are likely to be temporary and intermittent, but as the construction phase may last for ten years or more this would be sufficient for any negative impact to have a long term effect. Air quality implications for the road network are likely to be permanent. Similarly, the overall scale of the built development and the increase in intensity of land use would have potential impacts on the SPA, the River Clyde and the landscape character/visual amenity which may be permanent, continuous and irreversible.

It should be noted that the proposal being screened is primarily an infrastructure project and the end uses are indicative only of the types of industrial and business uses which may be acceptable on the site. Information is not available at this stage to assess the potential impacts of specific uses on the environment. However, given the sensitivity of the site and the potential for significant impacts on the habitat and wildlife interests of the site, it may be necessary to carry out further screening for specific proposals for each development platform to assess whether the nature of these proposals will necessitate further environmental considerations.

CIRCULAR 3/2011

Paragraph 52 of the circular gives advice as to when EIA is required for Schedule 2 developments. It states that there is not a universal test but that each site should be considered on a case-by-case basis and that “the fundamental test to be applied in each

case is whether that particular type of development and its specific impacts are likely, in that particular location, to result in significant effects on the environment".

The proposal is on an environmentally sensitive site and is such that the scale, intensity and magnitude of the development does raise significant potential impacts on the environment in terms of adjacent land uses, the Special Protection Area, the habitat and wildlife character along the shore and the visual amenity from both Bowling and Milton. perspectives.

CONCLUSION

Under the Regulations the proposal is a Schedule 2 development by reason of exceeding the threshold criteria (size of site) and in being within a "sensitive area". On the basis of the selection criteria and the guidance in Circular 3/2011 it is considered that the environmental impacts of the development are significant and require further assessment. Individually, some of the impacts identified could be addressed by other supporting documents as part of the planning process, but cumulatively the potential impacts are considered to be sufficient to require an EIA in order to allow the full environmental impacts to be properly addressed.

SCREENING OPINION

Having regard to the relevant Regulations and the advice given in Circular 3/2011, West Dunbartonshire Council considers that **the proposed development does require an Environmental Impact Assessment.**

Signed: _____

Dated: _____ 1 April, 2015

Pamela Clifford
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RIGHT TO REQUEST SCREENING DIRECTION

If the applicants are aggrieved by this decision, they are entitled to request a screening direction from Scottish Ministers. The procedures for so doing are set out in Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011.