

Our Ref: BF/DAF/Councils/  
Renfrewshire/2007

Your Ref:

Director of Planning and Transport  
Renfrewshire Council  
South Building  
Cotton Street  
PAISLEY  
PA1 1LL

If telephoning ask for:  
Brian Fotheringham

4 December 2007

Dear Sir

**THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999  
PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT  
CONSTRUCTION OF A MOTORWAY JUNCTION ON LAND AT INTERSECTION OF M8  
MOTORWAY/A8 GREENOCK ROAD, SOUTH OF CRAIGMUIR FARM AND EAST OF  
BISHOPTON  
PLANNING APPLICATION REFERENCE: 06/1065/PP**

Thank you for your consultation letter with regard to the above proposal

The Environmental Statement confirms that the provision of a new motorway junction is fundamental to the redevelopment of the ROF site, as the existing road infrastructure in Bishopton is not capable of servicing the scale of development envisaged by the applicant.

The Environmental Statement (ES) has identified the key issues and constraints associated with the location chosen for the proposed construction of the new motorway junction. The review of the ES highlights that the key environmental issues are the potential impacts on Air Quality, on the Water Environment - including drainage - and the management of excavated waste materials.

SEPA has no objections to the principle of this proposal however does have particular concerns regarding the ES's identification of contaminated soils and management of waste material excavated. Further details are outlined below. These concerns would however be addressed by the provision of further information and SEPA would be satisfied for this to be addressed as conditions of planning permission, should it be granted.

SEPA would confirm that preliminary meetings were held with Dougall Baillie Associates to scope out the environmental issues associated with this specific aspect of the proposed redevelopment of the ROF Bishopton site.

**Detailed Comments**

The Non-Technical Summary of the Environmental Statement lists the main environmental issues/physical constraints associated with the project as follows:

- **The footprint of the former Southbar Landfill Site.**
- **Drainage/surface water runoff from new areas of hardstanding created by the road construction.**
- **Effects on Air and Climate**



Chairman  
Sir Ken Collins

Chief Executive  
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- Effects on Noise and Vibration
- Effects on Cultural Heritage
- Effect on Flora and Fauna
- Effects on Landscape and Visual Impact
- **Effects on Water**
- Effects on Geology and Soils
- Effects on Pedestrians, Cyclists, etc

A number of the above issues fall within the scope of SEPA's regulatory remit and our response will offer comments/options on these specific topics. (Highlighted in **bold**)

SEPA would confirm that the site selection criteria used for the location of the new motorway junction is outwith SEPA's jurisdiction.

#### **Air Quality**

The decision to construct a new motorway junction as part of the development proposals for ROF Bishopton has the potential to detrimentally impact on the existing localised air quality conditions. Renfrewshire Council, as the lead authority in regard to local air quality management may require the developer to ensure that appropriate assessment and mitigation is considered. SEPA would be supportive of the precautionary approach and would expect the developers to consider conducting ambient air quality monitoring due to the proposed developments close proximity to the M8 motorway proposed new junction. The developer should use this data to validate the ADMS model mentioned in the report and assess pollutant concentration levels which are potentially in excess any of the Air Quality Standards. The importance of considering air quality issues is set out in the Scottish Executive Guidance PAN 51: Planning, Environmental Protection and Regulation (2006) and NSCA's Guidance: Development Control: Planning for Air Quality and SPP17: Planning for Transport.

#### **Former Southbar Landfill Site**

To facilitate the preferred design and location of the off ramp of the new motorway junction, it is recognised that the footprint of the new road layout may potentially encroach into land, formerly used as a landfill.

The now closed Southbar Landfill Site (licence in ownership of WH Malcolm) was licensed to deposit 'inert material' and it is estimated over 500,000 tonnes of wastes (mainly rubble and soil) were infilled at the site until its closure in 1999.

It is also possible that additional wastes were deposited at the site, these wastes are most likely to have arisen from previous construction activities associated with the M8 Motorway.

The landfill site is now closed and it has been capped, re-seeded and the land restored to agricultural use.

The ES identifies that the following issues may require to be addressed:

1. Leachate arising from the landfill may be impacting on the surface waters in the vicinity of the site (inclusive of groundwater).
2. Deposited Landfill Wastes could potentially be encountered during the construction of the new motorway junction.
3. The treatment lagoons, drainage ditches and watercourses in the vicinity of the site could also be affected by the works associated with the construction of the new motorway junction.
4. Gas migration, etc while not directly an issue which lies within SEPA's remit will also require to be assessed and addressed, to the satisfaction of the Local Authority.

It is acknowledged that BAE Systems have already undertaken a series of intrusive site investigation works to obtain the required detailed level of information on these matters and they have confirmed the following:

- The capping layer/depth is not uniformly consistent across the closed landfill site.
- The types of landfill wastes encountered within the former landfill site were generally as expected eg. Bricks, concrete, blocks with fragments of metal, plastic and wood. Leachate with hydrocarbon odour was also encountered at a number of the boreholes constructed at the site.
- Other made ground consisted of tarmac, blaes, ash, coal etc and the wastes detected are generally consistent with the types of materials derived from the previous road construction activities

The ES states that the landfill wastes are not considered to have been deposited in the area of ground sloping down to the existing settlement ponds nor are they deemed to be located in the riparian zone of the streams. The results of the analytical data of the water samples taken from the site appear to indicate that the leachate arising from the closed landfill site is having a negligible impact on the adjacent watercourses, with the concentrations of metals in the small streams adjacent to the former landfill site being deemed not to be significant, furthermore the vegetated settlement ponds do appear to assist in causing further reduction of the pollutant loading associated with the leachate arising from the former landfill site.

The assumption made in Appendix 11.1 of the ES, Site Investigation Report (Page 30, 11.7) is that the site (closed landfill) is deemed to be having a negligible effect on the water environment.

SEPA would broadly agree with that statement, however, the source of the elevated levels of ammonia will require to be confirmed. Ammonia is a List 2 substance and as such is recognised as having the potential to have a deleterious effect on the water environment.

SEPA considers further justification should be provided regarding the removal of 'natural soils' which the ES identifies as a potential source of the elevated levels of ammonia. Insufficient information has been presented within the ES to demonstrate that the above approach is suitable and SEPA would recommend that until this matter has been determined, no movement of 'soils' should be considered. This could be resolved by the planning authority requiring the submission of a method statement, approved by the Council in liaison with SEPA, as a condition of any permission granted.

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The report states that any landfill waste encountered/excavated during the construction of the proposed road layout will be removed from the site and transported to a suitable treatment or storage facility.

SEPA would state that this protocol is too simplistic and does not recognise the legislative environmental and land ownership issues associated with this proposed solution.

To allow SEPA to properly assess the acceptability of these proposals, we will require additional details on,

- Methodology to be used for removal of wastes
- The proposed post construction 'drainage' and capping' strategy for the road/landfill corridor, with particular emphasis on the prevention of leachate breakout entering the small watercourses in the area. It is essential that the applicant recognises the need for the continued use of the settlement ponds, to treat any contaminated drainage arising from the closed landfill.

All matters relating to the storage, transportation and disposal, etc of wastes (inclusive of leachate) must be undertaken in accordance with the terms of the Waste Management Licensing (Scotland) Regulations 1994 (as amended). Discussions with SEPA should take place in respect of these issues.

If the applicant cannot guarantee that all construction activities will occur outwith the boundary (or zone of influence) of the former landfill site SEPA would request that additional monitoring is carried out at the site to conclusively establish if the construction of the new road network will encroach into the former landfill site, as the implications for SEPA, WH Malcolm, BAE Systems and all the other relevant authorities if wastes are encountered during these works cannot be determined at this time.

SEPA would recommend that should planning permission be granted, that a further condition is attached requiring information as outlined above and that this requires the approval of the Council in liaison with SEPA.

#### **Construction Activities**

The Water Environment and Water Services (Scotland) Act 2003 (or WEWS) gave the Scottish Government powers to introduce regulatory control over activities in order to protect and improve Scotland's water environment. The water environment includes wetlands, rivers, lochs, transitional water (estuaries), coastal waters and groundwater.

These regulatory controls – The Water Environment (Controlled Activities) (Scotland) Regulations (CAR) – were passed by the Scottish Parliament on 1 June 2005. On 1 April 2007, the list of General Building Rules (Schedule 3) was passed and expanded by The Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2007.

Three types of authorisation under CAR allow for proportionate and risk-based regulation. The three levels of authorisation are:

- General Binding Rules
- Registration
- Licence

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General Building Rules (GBR's) represent the lowest level of control. They form part of the Regulations and cover specific low risk activities. GBR activities taking place in accordance with the rules do not require an application for authorisation from SEPA, compliance with a GBR is considered as authorisation.

The individual GBR's are described in more detail in the appropriate regime-specific sections of this guide, see Schedule 3 of CAR ([www.opsi.gov.uk/regulation/scotland/ssi2007/200070219.htm](http://www.opsi.gov.uk/regulation/scotland/ssi2007/200070219.htm))

SEPA would highlight that all drainage issues arising at the site are required to adhere to the relevant GBR guidance, specifically GBR's 10, 11 and 16.

It is therefore the responsibility of the developer and all contractors at the site to ensure that all relevant activities are carried out in compliance with the relevant GBR. If in doubt, contact should be made with SEPA to clarify where an alternative level of authorisation is required.

#### **Post Construction Drainage Strategy**

The DBA Report (August 2006) 'Flood Risk and Surface Water Drainage Impact Assessment Report acknowledges that SUDS will be required for the collection, treatment, (storage, if required) and disposal of surface water runoff from the new motorway junction.

As previously stated this is to ensure compliance with the requirements of CAR. Issues relating to water quality fall within SEPA's remit and attenuation/storage is primarily the responsibility of Renfrewshire Council.

The design of the SUDS arrangements for the site are essentially matters for the applicant to resolve. SEPA would encourage the management train approach to be adopted which promotes the concept of maximising the biodiversity opportunities that exist from the creation of above ground SUDS arrangements.

SEPA recognises that a potential conflict of interest exists, particularly from the construction with this approach of areas of 'standing water', in the vicinity of Glasgow Airport.

SEPA acknowledges that an integrated and flexible approach will be necessary for the surface water drainage layout at the site which takes cognisance of the requirements and responsibilities (e.g. maintenance) of the SUDS arrangements to be installed at the new junction.

The use of a number of different types of SUDS techniques is likely to be required due to the constraints associated with the development site, the use of filter strips, ponds will be in principle acceptable to SEPA provided they are designed in accordance with the SUDS Design Manual C697, published by CIRIA in March 2007.

SEPA would request that further details on these matters are forwarded to SEPA in due course and that our interests are protected in this regard by the use of an appropriately worded planning condition.

#### **Engineering Activities**

The Water Environment (Controlled Activity )(Scotland) Regulations apply to:

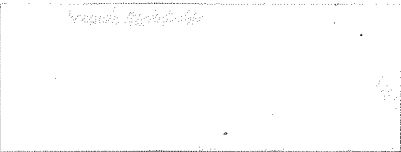
- All engineering, building or other works on inland surface waters (including wetlands);
- Works in the vicinity of inland surface waters and wetlands where those works pose a risk of significant adverse impact.

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The applicant will therefore require to assess whether the engineering activities proposed in and around the existing watercourses at the site of the new road junction require to be authorised to ensure compliance with CAR. The applicant should consult Schedule 3 of CAR ([www.opsi.gov.uk/legislation/scotland/ssssi2007/20070219.htm](http://www.opsi.gov.uk/legislation/scotland/ssssi2007/20070219.htm)) to confirm whether the proposed engineering activities at the site can be carried out under a General Binding Rule (GBR) or whether discussions with SEPA will be necessary to obtain a formal authorisation for these works.



Brian Fotheringham  
Senior Planning Officer