



Please quote our reference number on all correspondence

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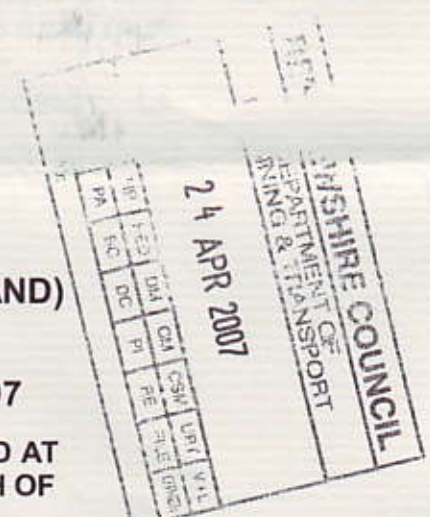
For the attention of David Bryce

Dear Sirs

**THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND)
REGULATIONS 1999**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**PROPOSED CONSTRUCTION OF MOTORWAY JUNCTION ON LAND AT
INTERSECTION OF M8 MOTORWAY/A8 GREENOCK ROAD, SOUTH OF
CRAIGMUIR FARM, EAST OF BISHOPTON**



Thank you for consulting Scottish Natural Heritage (SNH) over the above application and accompanying Environmental Statement (ES).

1. BACKGROUND

This application relates to a motorway junction proposed to provide access to a new housing development proposal at Bishopton, Renfrewshire. This housing development forms part of a wider decontamination and redevelopment proposal covering 923ha of the old Bishopton Royal Ordnance Factory (ROF) site. SNH have already provided advice in relation to the outline application and Environmental Assessment covering this wider, over-arching development proposal, dated 18 December 2006. The advice below relates specifically to the proposed motorway junction and is given without prejudice to our position regarding the wider development.

2. SNH POSITION

SNH raises no objection to the proposed construction of this motorway junction provided any permission for the development is made subject to conditions that address the potential for significant natural heritage impacts.

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This development will only proceed as currently planned if the associated proposal for decontamination and redevelopment of ROF Bishopton is first approved. SNH would therefore strongly advise that the "Ecological Design and Management Plan" proposed as a means of addressing the ecological impacts of that development be extended to cover all associated elements of the project including this new motorway junction. The applicant's ES also contains a number of mitigation proposals and we would advise that all of these be adopted.

3. SNH APPRAISAL OF THE LIKELY IMPACTS OF THE PROPOSAL ON FEATURES OF NATURAL HERITAGE INTEREST

3.1 Ecological

(i) European Protected Species

Annex IV of the EC Habitats Directive (92/43/EEC) lists both bats and otters for special protection as European Protected Species. This means it is illegal to:

- deliberately or recklessly kill, injure, disturb or capture a European Protected Species of animal.
- damage or destroy the breeding sites or resting places of such animals.

SNH is obliged to inform the local authority about European Protected Species which may be affected by any development proposal. Where it is proposed to carry out works which will disturb European Protected Species or their places of shelter - whether or not they are present in these refuges - a licence must first be acquired from the Scottish Executive. The legislative requirements relating to European Protected Species are described in detail in Annex A to this response.

While protected species surveys undertaken by the applicant found no bat roosts in the area directly affected by this proposal a number of trees will have to be removed. The condition of these trees is not made clear in the material submitted to us, however, some of these may be mature and have the potential to support bat roost. Should these proposals be consented there may be a considerable time lag before works commence, and the potential for bats to colonise trees prior to this therefore does exist.

SNH would therefore request that the developers be required to undertake a re-survey specifically of any trees among those to be felled that have the potential to support bat roosts prior to felling taking place. Should any roosts be identified there will be a requirement to obtain licenses from the Scottish Executive before works can proceed. In addition, SNH would also request that any works affecting such trees be carried out in such a way as to minimise the potential impacts on bats even where no roost has been identified. Should any bats be encountered while undertaking these works, operations must cease immediately and advice be sought from SNH.

Surveys did not identify any use of the area by otters and the proposed works would not appear to impact directly on any areas suitable for holts or lying-up places. Otters are highly mobile animals, however, and holt sites are known from the nearby ROF site. SNH would therefore request that the developers also be required to undertake re-survey for otters immediately prior to operations commencing, in any areas where works will encroach to within 50 metres of a water body. Should any otter holts or couches/lying-up places be identified there will be a requirement to obtain licenses from the Scottish Executive before works can proceed.

(ii) National interests

(a) Badgers

Badgers are protected in Britain by the Protection of Badgers Act 1992 as amended by the Nature Conservation (Scotland) Act 2004. This makes it an offence to:

- deliberately kill, injure or capture a badger, or to attempt to do so;
- destroy, damage or obstruct access to a badger sett;
- disturb a badger while it is occupying a sett.

Where it is proposed to carry out development works which will disturb a badger or involve the damage or destruction of a sett within an occupied badger territory - regardless of when it may last have been used - a licence must first be obtained from SNH.

The work undertaken by the applicant identified badger activity in some of the areas affected by this development proposal, however, no setts were found to be present and there would not appear to be any requirement for an SNH license at present. Once again, however, the potential time delay before operations commence means that the development site will need to be rechecked for this species immediately prior to works beginning.

Due to the relatively large population of badgers in the surrounding area, SNH would also support the applicant's suggestion that dry badger passes be incorporated into the new section of road.

(b) Breeding birds

The applicant's surveys identify a number of bird species which may breed in the vicinity of the development site. Protection for all wild bird species was increased by the Nature Conservation (Scotland) Act 2004. It is now an offence to:

- take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built.

- obstruct or prevent any wild bird from using its nest.

Prior to undertaking any works which will result in the removal of, or disturbance to, trees or hedgerows at this site, the applicant will therefore be required to establish whether any birds nests are present. If birds are found to be breeding in vegetation to be removed or otherwise disturbed, steps must be taken to avoid such disturbance. Survey of the vegetation to be cleared may therefore be required immediately prior to works commencing, however, the easiest way to address this issue is to undertake all vegetation clearance outwith the bird breeding season (March to July inclusive).

(iii) Local interests

(a) Sites of Importance for Nature Conservation

The southern tip of the development passes immediately to the east of an area identified for protection from development as a Site of Importance for Nature Conservation (SINC) in the Renfrewshire Local Plan. Habitat surveys of the district describe this area as raised peatland covered by scattered scrub and surrounded by trees. Raised bog habitat – even where degraded, if still capable of restoration - is listed on Annex I of the EC Habitats Directive as a habitat for which sites can potentially be designated for its protection. Around 94% of this habitat type has been lost in the UK to hydrological damage resulting from drainage or scrub encroachment.

Only a small area of the SINC will be directly affected by the development proposal. From the Renfrewshire District habitat surveys, it would appear that this particular area actually consists of mineral soils at the edge of the peatland unit. Though the capture scale of the maps makes it difficult to be certain, this conclusion also appears to be supported by British Geological Survey maps. The applicant's own surveys describe this section of the SINC as currently being covered by a bed of reedmace with scrub (also mentioning a pond) which again suggests that the peatland unit may not be directly disrupted.

It is therefore possible that this development could proceed without further significant disruption to the hydrological integrity of the raised bog SINC. However, SNH would request that the applicant undertakes some further investigation of the means by which the hydrology of this habitat could be managed and protected throughout construction (e.g. through protective plastic dams, etc where excavation is required). This could potentially be incorporated into the applicant's Ecological Design and Management Plan, implementation of which is proposed as a means of addressing the potential ecological impacts of the wider ROF Bishopton development.

(b) Other habitats

The applicant has identified other areas where (relatively minor) habitat disturbance will be required. Where trees are to be removed, best practice working methodologies such as British Standard 5837:2005 *Guide for Trees in relation to construction* should be applied.

SNH supports the applicant's intention to off-set any habitat losses with the planting of trees, scrub and hedges using native species mixes. The mix of species used should, however, be approved by the planning authority in consultation with SNH prior to planting.

3.2 Landscape and Visual

The application site lies close to the junction between the level floodplain of the Black Cart Water and its tributaries and the drumlin hills which lie between the Black Cart and the Clyde. The Glasgow and Clyde Valley LCA identifies the site as lying on the transition from the 'Alluvial Plain' landscape character type to the 'Rugged Upland Farmland' landscape character type. The site, which is currently crossed by the M8 and the A8, comprises a mixture of pastoral farmland and a restored land fill site. Although reflecting the influence of surrounding urban and transport land uses, the site lies in an important 'wedge' of countryside that lies between Erskine, Inchinnan, Bishopton and Glasgow Airport. This development will result in the loss of some existing roadside and field boundary hedges and trees, but includes new hedge and tree planting, together with small wetland areas associated with SUDS.

In terms of the consideration given to Landscape and Visual impacts within the Environmental Statement, the 'zone of visual influence' identified is rather simplistic, highlighting only a limited area around the proposed junction and the north facing slopes of the Gleniffer Braes and Johnstone Hills. Furthermore, the consideration of alternatives appears to have been limited to different junction arrangements at the proposed location, and does not consider the merits of alternatives (for example to the north of Bishopton). However, the assessment of the scale and significance of impacts on the identified viewpoints appears to be satisfactory.

The proposed junction is comparatively minor, comprising south-facing slip roads and new roundabout junctions on the A8 to the north and south of the bridge over the M8. The western (off) slip road is shown 'hugging' the existing A8 and M8, while the eastern (on) slip road crosses open ground. It is anticipated that wider landscape and visual impacts will be limited and that the most significant landscape and visual impacts will be for local residents.

The proposal site does, however, lie within an important 'gap' between Inchinnan (village and industrial estate), Glasgow Airport, Erskine, Bishopton and the ROF site. Even incremental development in this area will serve to further weaken its remaining rural character. However, the scheme does include new hedge and tree planting and this is to be welcomed.

It is understood that the new roundabout junctions and the A8 between the 2 roundabouts will also be lit at night. Although this will be seen in the context of existing lighting along the M8, this will further weaken the area's rural character. It would be beneficial to secure a reduction in the extent of lighting (perhaps to the roundabouts only) and the use of low glare lighting.

It is noted that the ES refers to the possible future upgrade of the junction to provide north as well as south facing slip roads. In relation to this, SNH would point out that we are keen to encourage the protection of the undeveloped Greenbelt areas between settlements in this area from development pressure. This is in keeping with Renfrewshire Council policy as identified in the Renfrewshire Local Plan.

In conclusion, the landscape and visual impacts resulting from the proposed construction of a new junction between the M8 at A8 to the south of Bishopton will be predominantly local and will affect a landscape which has already been impacted by the presence of major transport routes. However, the area comprises part of an important wedge of undeveloped countryside separating other settlements in the area. We would therefore express support for the inclusion and ongoing maintenance of appropriate planting (including hedges, trees, scrub woodland and woodland). We would also suggest that the developer be encouraged to consider the potential to reduce the extent of lighting associated with the scheme and to select lighting infrastructure that will minimise lighting impacts. The remaining undeveloped countryside in this area should be robustly protected, reflecting its role in maintaining the separation of settlements in the area.

3.3 Recreation and Access

Little use is made of the application site at present for recreational access, however, SNH supports the applicant's proposal to include the provision of footways and cycleways in association with the new junction.

4. POLICY CONTEXT

- National Planning Policy Guideline (NPPG) 14 *Natural Heritage* states that the presence of protected species is a material consideration in the assessment of development proposals and that planning authorities should take particular care to avoid harm to species protected under the Wildlife 7 Countryside Act 1981 or European Directives.
- NPPG 14 also states that planning authorities should seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. It is for the purpose of safeguarding areas of local natural heritage importance that non-statutory sites such as SINCS are identified.
- Strategic Policy 9B(iv) of the Glasgow and the Clyde Valley Joint Structure Plan's Twenty Year Development Vision states that other than where there is an exceptional need for a development, or exceptional benefits to be gained from it (as listed in Strategic Policy 10), environmental resources identified in Local Plans (such as SINCS) must be safeguarded for development to accord with the Plan.

- The affected SINC is covered by policy ENV3 of the Renfrewshire Local Plan. This policy states the Council's commitment to protecting such sites from development.
- The area either side of the existing trunk road is designated as Green Belt within the Local Plan and covered by Policy GB1 restricting the types of development permitted.
- The trunk road itself is covered by Policy T5 of the Plan, requiring that developments directly accessing such roads have access arrangements agreed by the Scottish Executive.

5. CONCLUSION

SNH does not object to the principle of this development proposal provided any planning permission is made subject to the following conditions:

1. That all mature trees be checked for bat roosts immediately prior to any works affecting them commence. Even where roosts are not identified works affecting suitable trees should be carried out in such a way as to minimise the potential impacts on bats. Should any bats be encountered while undertaking these works, operations must cease immediately and advice be sought from SNH.
2. That all water bodies be checked for otters immediately prior to any works commencing that will encroach to within 50 metres of such water bodies.
3. That the area of trees/woodland identified as Site B on the applicant's plans be checked for badgers immediately prior to felling operations commence.
4. That all works involving the clearance or felling of vegetation be undertaken outwith the bird breeding season of March to July inclusive. Where this is not operationally possible, a survey for birds breeding should be undertaken prior to the commencement of works. Works will only proceed where this survey has identified that no nesting bird species will be affected.
5. That prior to works commencing the applicant identifies any requirement to protect the hydrological unit of the southern raised bog SINC and, if required, produces plans to ensure its protection, to be agreed by the planning authority in consultation with SNH.

We would also further advise that the following conditions be applied to any permission for this development:

1. That in keeping with the mitigation proposed in the applicant's ES, dry tunnels are incorporated into the new roadworks to allow for the passage of badgers. SNH would be happy to comment further on any detailed designs or proposals that are brought forward in this respect.
2. That the planting proposals indicated in the applicant's ES are introduced to mitigate the visual impact of the development, using only site native species. The particular species mix to be used should be agreed by the planning authority in consultation with SNH.

3. That prior to any works commencing, the applicant's be required to conduct an investigation into the possibility of reducing the extent of lighting that is associated with the scheme and of selecting lighting infrastructure that will minimise the visual impacts of the lighting used. SNH would be happy to comment further on any proposals that are brought forward.

The applicant's have previously proposed the implementation of an agreed Ecological Design and Management Plan to address the potential for biodiversity impacts arising from the decontamination and redevelopment of the Bishopton ROF site – the project for which this motorway junction is required. Many of the above conditions could be ensured by extending this Plan to cover all associated elements of the wider development including this junction.

I would be grateful if the Council could inform us of their decision regarding this planning application in due course. Should the Council be minded to grant permission for this proposal without ensuring the application of the 5 essential conditions listed above, SNH's position should be regarded as an objection.

I hope that the above is sufficient to your requirements, however, please do not hesitate to contact me if there is anything further that you wish to discuss.

Yours faithfully

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DAVE LANG
Area Officer
Strathclyde & Ayrshire

Encs

THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PROPOSED CONSTRUCTION OF MOTORWAY JUNCTION ON LAND AT INTERSECTION OF M8 MOTORWAY/A8 GREENOCK ROAD, SOUTH OF CRAIGMUIR FARM, EAST OF BISHOPTON

European Protected Species: Legal Position

The Wildlife and Countryside Act 1981 (as amended) and The Nature Conservation (Scotland) Act 2004 provide full protection for certain animal and plant species. Some of these species are further protected as 'European Protected Species' under Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 and Regulations 10 and 13 of The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004.

This means it is illegal to:

- Deliberately or recklessly capture or kill a European Protected Species of animal
- Deliberately or recklessly disturb any such animal
- Damage or destroy the breeding sites or resting places of such animals
- Deliberately or recklessly destroy the eggs of such animals
- Deliberately or recklessly pick, collect, cut, uproot or destroy European Protected Species of wild plant

Where it is proposed to carry out works, which will affect European Protected Species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority (in this case likely to be Scottish Executive). It is strongly advised that you refer to the Scottish Executive information on the current interim licensing arrangements, which can be found in the document *European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements*, (October 2001) before applying for a licence.

Copies of this are available at <http://www.scotland.gov.uk/library3/environment/epsq-00.asp> or by writing to the Species Licensing Team, Countryside & Natural Heritage Unit, 1 H South, Victoria Quay, Leith Edinburgh, EH6 6QQ or by telephoning 0131 244 7381.

As highlighted in the Interim Guidance, 3 tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 or Regulation 14 of The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004 to permit otherwise prohibited acts. An application for a licence will fail unless all of the 3 tests are satisfied. The 3 tests involve the following considerations:-

THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND)

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2) or Amendment Regulation 14. For development proposals, the relevant purpose is likely to be Regulation 44(2)(e) for which Scottish Executive is currently the licensing authority. This regulation states that licences may be granted by the Scottish Executive only for the purpose of *"preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."*
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless Scottish Executive is satisfied *"that there is no satisfactory alternative"*.
- Test 3 - Regulation 44(3)(b) states that a licence cannot be issued unless Scottish Executive is satisfied that the action proposed *"will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"* (Scottish Executive will, however, seek the expert advice of Scottish Natural Heritage on this matter).

Consideration of European Protected Species must be included as part of the planning application process, not as an issue to be dealt with at a later stage. Any planning consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.