

RENFREWSHIRE COUNCIL

Application No: 09/0456/PP

DEPARTMENT OF PLANNING AND TRANSPORT
RECOMMENDATION ON PLANNING APPLICATION

Regd: 06/07/2009

Applicant

Agent

BAE Systems (Property Investments) Ltd/, Cass Associates, Studio 104,
Warwick House

Nature of proposals:
Construction of a landfill facility.

Site:
Land at Western Edge (east of Turningshaw Road) of the Royal Ordnance Site, Station Road,
Bishopton

Application for:
Planning Permission-Full

Description

Planning permission is sought for the construction of a landfill facility on land to the western edge (east of Turningshaw Road) of the former Royal Ordnance Factory site lying to the south and west of Bishopton. The site comprises a generally rectangular area of ground extending to approximately 20 hectares on the westernmost extremity of the former ROF site, adjacent to Turningshaw Road, approximately opposite the entrance to Reilly Quarry and landfill. The site comprises a generally flat area of land which has previously been used for the breakdown of munitions which lies immediately to the south of the burning grounds. It is characterised by open ground within the central portion with dense trees and shrub planting to the west, north and south. The site is occupied by a number of dispersed, dis-used buildings previously associated with the former use of the site. The site is bounded to the north and east by the remainder of the ROF site, to the south by woodland and Barochan Moss and to the west by agricultural land.

The proposed works comprise the formation of a landfill raised above the existing ground levels together with ancillary infrastructure. The facility would receive waste from the decontamination activities associated with the redevelopment of the ROF site. A permit would be sought from SEPA for the operation of a non-hazardous landfill with provision for acceptance of stable non-reactive hazardous waste. The facility would be primarily for asbestos wastes with a capacity for special or hazardous wastes to be accommodated only after pre-treatment (with pre-treatment taking the form of bio-remediation or cement stabilisation). The site would be remediated prior to the formation of the landfill facility. The landfill would comprise of a formation surface, a lining system of engineered clay and an artificial sealing liner with the fill material topped by a drainage blanket and a capping system incorporating a further artificial liner surmounted by subsoil and topsoil. Associated facilities would comprise of a reed bed leachate treatment system, waste pre-treatment area, waste acceptance area and other operational infrastructure (weigh bridge, wheel wash, quarantine area, portacabin accommodation, plant storage and maintenance sheds, and monitoring infrastructure). The gross void space of the landfill facility would be approximately 100,000m³ to achieve a usable void space of approximately 90,000m³.

The landfill would be constructed in three lined phases with each phase being progressively restored as infilling progresses. The finished landfill would comprise of an irregularly-shaped mounded escarpment feature with steeply and gently sloping sides extending to 28 metres at its highest point. To supplement the retained trees to the north, south and west of the site, the proposal site would be landscaped and grass seeded and planted with a woodland mix of native species. Following completion of the landfill operations, the site would become part of the Community Woodland Park and would include for public access through the provision of a footpath system linking into the wider network. The footpaths would provide access to the top of the new landform and through the woodlands and open spaces to the Community Woodland Park which would be the subject of a Management Strategy.

History

The application currently under consideration comprises one of a suite of applications concerned with the proposed redevelopment of the former Royal Ordnance Factory site at Bishopton. The relevant applications comprise the following:-

06/0602/PP - Outline planning application for the redevelopment of the site to form a mixed use community growth area. Disposal to grant subject to conditions and a Section 75 Agreement at the Planning and Economic Development Board on 15 December, 2008. The application was referred to the Scottish Ministers and subsequently cleared to the Council to issue a decision. Permission was granted on 10 August, 2009 following the conclusion of a Section 75 Agreement.

06/1065/PP - Formation of a motorway junction. Granted subject to conditions on 6 February, 2009.

09/0527/PP - Application for full planning permission for engineering operations comprising remediation and bulk earthworks. Currently under consideration.

06/1119/PP - Application for full planning permission for engineering operations comprising remediation and earthworks. Withdrawn.

06/1154/PP - Construction of landfill. Withdrawn.

(The latter two applications were withdrawn pending the undertaking of more detailed site investigations, analysis of data and assessment and which are now represented in the current submissions 09/0456/PP and 09/0527/PP).

Policy and Material Considerations

Glasgow and Clyde Valley Structure Plan 2006

Strategic Policy 1 'Strategic Development Locations'

Strategic Policy 9 'Assessment of Development Proposals'

Strategic Policy 10 'Departures from the Structure Plan'

Renfrewshire Local Plan

Strategic Policy 2 'Sustainable Development and Settlement Strategy'

Strategic Policy 4 'Protection and Enhancement of the Environment'

Strategic Policy 5 'Integration of Planning and Transport'

Policy SS2 'Royal Ordnance Bishopton'

Policy T1 'Policy on the Assessment of New Developments'

Policy ENV3 'Local Designation: Sites of Importance for Nature Conservation (SINCs)'

Policy W1 'Criteria for Assessing Proposals for Waste Disposal Facilities'

Policy F3 'Fulfilment of Flood Prevention and Sustainable Urban Drainage Requirements'

Policy C1 'Consideration of Development Proposals involving Land which may be Contaminated'

Policy N1 'Noise Protection'

Scottish Planning Policy

Planning Advice Note 33 'Development of Contaminated Land'

Planning Advice Note 71 'Planning, Environmental Protection and Regulation'

Planning Advice Note 61 'Planning and Sustainable Urban Drainage Systems'

Planning Advice Note 63 'Waste Management Planning'

Planning legislation requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the proposals require to be assessed in terms of the policies and advice set out above, the comments of the consultees, those of any representees and any other material planning considerations.

Publicity

The applicants agents have confirmed that all the required notification procedures have been observed. The proposals were also subject to press advertisement in accordance with the neighbour notification procedures, potential 'bad neighbour' developments, and developments contrary, or potentially contrary, to the development plan regulations.

As the application is supported by an Environmental Statement, the proposals were also subject to press advertisement in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999.

Objections/Representations

Six letters of objection from individuals and one from the Bishopton Action Group (BAG) have been received, the substance of which is as follows:-

- The potential adverse impact on local communities and in particular the disturbance and movement of dangerous substances and the potential harm to workers, residents and unborn children and that the site could also be used to deposit hazardous waste from all over Scotland;
- The remediation process and burning of buildings may have long term implications with dangerous airborne particles falling on local communities;
- The exposure of the local community in Corby to contaminated waste and airborne pollution and the consequences of it should not be repeated and the excavation and transportation of contaminated waste to landfill will expose the community to unnecessary risk;
- The seepage of chemicals into the ground over the site's long history must be really deep and the remediation works will not be more than a few feet deep and there is also uncertainty over the effect that the remediation work will have on the atmosphere and the surrounding community and the location and resolution of contamination testing is inadequate;
- The land on which the landfill is to be placed is seriously contaminated and the environmental statement does not make clear how the contaminated material will be handled during the site preparation work or the quantities of waste involved;
- The operation of the landfill over a 15 year period poses the risk of creating airborne pollution which could have a detrimental effect on the local population and to contaminate agricultural land in the vicinity;
- The landfill's protective membrane may be damaged and become ineffective;
- The supporting information is contradictory in referring to a non hazardous facility receiving hazardous waste;
- The exhaust gases from construction vehicles will be a significant source of airborne pollution;
- The supporting information does not adequately address the potential impacts of air quality, dust arising and monitoring controls;
- Contamination records and assessments are incomplete and in particular the presence of asbestos;
- The landfill would be in operation for decades and to allow this to happen without a mechanism to enforce new legislation would be naive and new standards should be fully implemented as they are brought in;
- The leachate has the potential to contaminate the Dargavel Burn and surrounding areas further afield;
- Eventual public access to the completed landfill may cause inadvertent damage to the protective membrane

- The approach to remediation is unacceptable as people were originally led to believe all toxic and poisonous materials would be taken off site rather than moved and re-covered and that £30 million is an inadequate amount to be spent on piecemeal remediation of selected areas;
- There is to be no independent health monitoring to be carried out during the period of remediation works and therefore any abnormalities or birth defects can be identified;
- All lorries should be sheeted to prevent dust and not just those travelling more than 200 metres;
- BAG expert witnesses at the Examination in Public gave evidence of the dangers of the developers approach to the health of local communities;
- There is no planning policy justification for the landfill;
- There is inadequate flood risk assessment.

(The detailed letter of objection from the Bishopton Action Group was copied in full to the Director of Environmental Services, and in turn to SEPA and to the consultants engaged by the Director of Environmental Services so that the matters raised could be taken into consideration when formulating the consultation response on the planning application and in regard to matters regulated by the respective authorities.)

Consultations

Scottish Ministers : Historic Scotland - No comments.

: Climate Change and Water Industry Directorate - No

comments.

Scottish Environmental Protection Agency - No objection. It was commented that SEPA has been involved with this project for a number of years and have received a Pollution Prevention and Control application relating to the landfill. SEPA comments that the landfill application seeks only to accept waste from the ROF Bishopton site, with no waste being accepted from outwith the planning application boundary; that the landfill is justified due to the large volume of waste material which will have to be removed from the areas delineated for future use; and the creation of an on-site landfill facility will ensure that any adverse effects of transporting material through the surrounding locale will be dramatically reduced. SEPA also notes that details of the material to form the landraise requires to be forwarded to SEPA as part of the Construction Quality Assurance Plan for the construction of landfill cells; that noise will be controlled via the permit conditions relating to the boundary of the proposed landfill site; dust will be controlled by permit conditions; and that in terms of the water environment, the works will be regulated through the Water Environment (Controlled Activities) Regulations 2005.

SEPA advise that it is a matter for the Council to decide whether the site is suitable for the proposed use under the contaminated land regime with their (SEPA's) interest being pollution of the water environment. Similarly, although the site appears to lie outwith the Indicative River and Coastal Flood Map (Scotland), the site is adjacent to a small watercourse. As there may be a risk of flooding SEPA recommends contact with the Flood Prevention Authority. (Refer to the comments below from Head Of Roads, Design Services.)

Scottish Natural Heritage - No objection. SNH recommended that conditions be attached to address matters including minimising impacts on bats, minimising impacts on the bird breeding season, agreeing grass seeding mixes and approval of the detailed landform design. SNH also advised that the 'Ecological Design and Management Plan' proposed as a means of addressing ecological impacts as part of the wider ROF redevelopment proposals be extended to cover all associated elements of this project including the landfill facility.

SNH also sought clarification on the reasons behind the rejection of the existing waste disposal site at Reilly Quarry as a potential receptor for waste material generated by the Bishopton redevelopment. The applicants have responded that the possibility of using Reilly Quarry was investigated but at the time the Waste Management Licence (WML) was being withdrawn for operational use and the operators were proposing to close and restore the site. The WML was authorised for the tipping of inert waste only. Subsequently the operators have lodged an application for a Pollution Prevention and Control (PPC) permit to continue use of the new void space being created by current quarrying operations. This new PPC application by the

operators of Reilly Quarry for a Phase 3 extension, to accept up to 500,000 tonnes per annum of inert waste over a 3-5 year period has still to be determined by SEPA. The applicants for the current application before the Board are of the opinion that the geology and topography of the Reilly Quarry site precludes the use of essential isolating membranes for the wastes contemplated in the current proposals. The applicants are of the view that Reilly Quarry has always been an inert site (subject to acceptance of small amounts of biodegradable waste) and in the light of the above will remain so in the future. As such, and in accordance with the requirements of the Landfill (Scotland) Regulations 2003, Reilly Quarry cannot accept the type of waste that will be generated from the remediation works at Bishopton.

Scottish Water - No objection.

Health and Safety Executive - No comments.

Forestry Commission - No objection. It was noted that no trees or woodland cover would be lost as a result of this proposal. The Forestry Commission referred to earlier responses on the wider Bishopton redevelopment proposals and noted an issue of concern would be the effect of the wider development proposal on woodlands, and the consequences of tree felling/deforestation on ecology and landscape. It was strongly recommended that the landscape proposals post landfill, relating to the establishment of woodland meet the sustainable woodland management standards stated in the UK Forestry Commission Standard (2004) and that the design and creation of these woodlands should refer to the guidance provided in Forestry Research Best Practice Guidance for Land Regeneration and Forestry Commission Bulletin 110: Reclaiming Disturbed Land for Forestry. It was further recommended that management and establishment of woodland and other habitats should contribute towards the protection, enhancement and expansion of the Glasgow and the Clyde Valley Green Network, outlined in the Glasgow and Clyde Valley Structure Plan (2006).

Bishopton Community Council - It was commented that within Bishopton there is a heightened awareness of the issues involved in this and the remediation/bulk earthworks applications and that there are significant concerns in some sections of the community regarding possible contamination of the existing community during any remediation work. Reassurance was sought that the processes used and the materials being handled at Bishopton will not expose the community to any undue risk both during the remediation and landfill work and subsequent to that work being completed. Reassurance was also sought that, if permission is granted, every measure is taken to reduce any risk to both the workers carrying out this work and to the wider community.

Houston Community Council - Objection on the grounds of the proximity of the proposals to Houston village and adjacent farming communities and the adverse impact of the disturbance and movement of materials containing toxins. Arguments against disturbance and movement of such materials have previously been made by the Community Council. The withdrawal of the previous landfill application is asserted to have been a tactical ruse to ensure the safe passage of planning permission for other aspects of the proposals and in particular the motorway link. It was commented that issues which have recently come to the attention of the Bishopton Action Group and the public via the media have added to these concerns. These relate to two matters of:-

(1) "the Bishopton Action Group has been advised by Renfrewshire Council that certain objections which they raised have been rejected because of fears for national security".

(2) "the recent High Court decision in England in relation to genetic defects affecting children which are considered to have been caused by the removal of toxic materials during the redevelopment of a former steelworks in Corby."

These examples are cited as being of primary concern as being of risk to human, animal and plant life within and outwith the immediate vicinity of the proposed development. The Community Council conclude that Renfrewshire Council must reject the application if their intention is to ensure that the health and safety of Houston and surrounding communities are to be protected from any environmental risks associated with any projects in the ROF site.

Linwood Community Council - No response.

Inchinnan Community Council - No response.

Transport Scotland - No objection.

Amey Highways - No response.

British Airports Authority - No objection subject to a condition in respect of bird hazard management.

West of Scotland Archaeology Service - No objection subject to a condition in respect of a written scheme of investigation relating to archaeological recording.

Director of Environmental Services - No objection subject to conditions in respect of remediation of the footprint of the application site; the works being carried out in accordance with the submitted details and supporting information; assessment criteria taking account of changes in legislation and/or authoritative guidance; validation of the completed works prior to public access being permitted; and, landfill materials being restricted to those derived from the remediation and bulk earthworks activities. It was commented that this proposed landfill facility is also subject to control under the Pollution Prevention and Control (Scotland) Regulations 2000 which are enforced by the Scottish Environmental Protection Agency. In accordance with Planning Advice Note 51; Planning, Environmental Protection and Regulation, discussions have been ongoing with SEPA to avoid duplication of controls and ensure that controls which are put in place are complementary. The purpose of these discussions was to clarify the role of each control regime with discussion focussed on air, dust and noise. Additionally, given the extent of soil being moved both within the geographical boundary of this application and the associated earthworks and remediation application boundary there was a need to ensure that any controls which applied to the landfill application and the earthworks and remediation application were consistent. Each of the issues were considered as follows:-

Noise - SEPA have confirmed that the Pollution Prevention and Control (PPC) Permit conditions will cover noise and there is no requirement for this to be controlled through the planning system.

Dust and Air - Dust can be considered as solids suspended in air with a particle size between 1 and 76 microns. Consequently dust can in theory come within the controls set out in the Environment Act 1995 Part V where there is a statutory air quality objective covering PM10. Advice was sought from SEPA and the Council's consultants who both commented to the effect that although PM10 is present in dust from landfill sites, it makes up a tiny fraction of the emissions and is more associated with combustion and secondary sources. Most of the particulates from the site will be around the greater than 30 micron level and would largely deposit from atmosphere within 100 metres from source, and will therefore be dealt with under PPC controls. SEPA would therefore not expect that emissions of PM10 would be a major issue or be likely to result in any exceedences of current Air Quality Objectives. The Council's consultants concurred with SEPA's opinion. SEPA have confirmed that the PPC Permit will contain conditions to regulate dust therefore the planning consent need not duplicate this aspect. Given SEPA's and the Council's consultants comments, it seems unlikely that smaller dust particles should be an issue. However, a condition recommended for the remediation and bulk earthworks application will allow for the control of any smaller particles which could have the potential to result in the exceedences of statutory health based Air Quality Objectives.

Head of Roads (Traffic and Transport) - No objection subject to conditions in respect of safeguarding matters including the duration of the permission; the detailed design of the access and the requirement for Roads Construction Consent; the provision of wheel washing facilities; the entering into of a Vehicle Routing Agreement; the carrying out of dilapidation surveys of the surrounding road network connecting to the site; and, the provision of on-site parking for employees and contractors vehicles. The Head of Roads also commented that it may be necessary to enter into an agreement in terms of Section 96 of The Roads (Scotland) Act 1984 if it is considered likely that extraordinary expenses may be incurred as a result of heavy vehicles travelling on local roads to and from the site.

Head of Roads (Design Services) - No objection. It was noted that the landfill is outwith the 1 in 200 year flood footprint, inclusive of global warming allowance of 20% additional to peak flows. It was further commented that the rate of surface water discharge should be demonstrated as not resulting in increased flood risk and that this may be addressed within the proposed surface water management plan to be approved prior to commencement of the works.

Assessment

Environmental Assessment

The Environmental Statement was submitted in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999 and has identified the key issues associated with these proposals as socio-economic impacts; effects on major land uses; effects from traffic; effects on air and climate; effects on noise and vibration; effects on geology and soils; effects on water; effects on landscape and visual impact; effects on fauna and flora; and, effects on material assets and architectural/archaeological heritage.

With regard to each of the key issues, the applicants assessment concluded that:-

- in terms of socio-economic impacts, the effects of the scheme will be limited and the employment impacts on the local economy will be negligible. The majority of the new employment associated with the landfill will be temporary, have a negligible impact on the population of Bishopston, and will not give rise to any discernible implications for the local economy.
- in terms of effects on major land uses, the proposals will have no direct impact on agricultural activity, there is no active forestry within the application site, and the site as currently contained within a security fence has no recreational value. The restoration proposals have an overall positive benefit for recreation and leisure including footpath routes.
- in terms of effects from traffic, the magnitude and significance of impacts arising from the traffic associated with the formation and construction of the landfill and moving to and from the site are predicted to be low. This traffic will use the haul road (or at later stages the southern and northern link roads) and will not be routed through the village. The marginal increase of traffic on the local road network will not be significant and any impacts will be negligible.
- in terms of effects on air and climate, the construction and operational activities associated with the landfill operation are unlikely to have a significant impact with regards to dust emissions. This is due to the distance between the landfill site and the closest sensitive locations, and to good working practice measures being specified and used to ensure that dust generation is minimised. Additionally, monitoring will be carried out to confirm that dust control measures have been effective. The air quality effects of traffic associated with the landfill facility are unlikely to have any significant impact with regard to air quality.
- in terms of effects of noise and vibration, construction noise levels for the landfill site are unlikely to be significant at most of the identified noise sensitive receptors for the potentially temporary nature of this phase of activities. The creation and maintenance of buffer zones between new development and ongoing works will minimise the impact of ongoing construction noise for new residents of the early residential phases.
- in terms of effects on geology and soils, the site investigations have shown that there is a substantial thickness of superficial deposits beneath the site and that these overlie deposits of mudstone, sandstone and basalt. As it is proposed to develop the landfill as a containment land-raise facility, it is considered that the potential impacts on geology and soils are neutral.
- in terms of effects on water, it is evident that the site is underlain by a significant thickness of low permeability sediments which contain little or no groundwater. Potential impacts have been assessed and mitigation measures have been identified to be included within the development proposal.
- in terms of effects on landscape and visual resource, the visual impact of the development is low due to the screening provided by tree belts. The new landform will not be visible from any existing properties within 1 km of the site. Limited views of the landform will be obtained from within the ROF site which will become a community woodland park. There will be some negative impacts including the loss of coniferous trees, the temporary loss of grassland, and the introduction of a new landform. These should be balanced against new native woodland planting, provision of public access and improved landscape management.

- in terms of effects on fauna and flora, the impact will be no net change during the construction period (with the exception of the temporary loss of grassland created following remediation) and with significant positive impact in the creation of a range of habitats, in enhancing biodiversity and habitat for protected species on site, for badgers, bats and barn owls.
- in terms of effects on material assets and architectural/archaeological heritage, the setting of one listed building and one scheduled ancient monument will be slightly impacted upon visually albeit that the visual setting of these sites has already been compromised by the construction of the R.O. factory. Visual impacts on a further 87 listed buildings and 11 scheduled ancient monuments were assessed and judged as negligible. Known archaeological remains are judged to be of a low cultural heritage value and largely fragmentary in nature and already disturbed by the activities associated with the R.O. factory. Nevertheless an archaeological evaluation is to be carried out prior to any ground breaking works.

In general the Environmental Statement concluded that the proposed landfill will not present a significant risk to the environment provided that construction and working methods are robust and that mitigation measures to counteract potentially negative impacts on the environment are adopted and adhered to. At the formation stage, dust generation from the handling of material and the potential for the release of leachate to the water environment are risks that require mitigation. The phased construction and operation of the landfill facility will require mitigation against the risk of wind blown dust and the release of leachate to the water environment. The completion of the restoration will provide ecological and habitat benefits and deliver public recreational enhancements.

The Environmental Statement has been reviewed in terms of the Environmental Impact Assessment (Scotland) Regulations 1999 and the advice contained in PAN 58 and Circular 8/2007 and the consultation responses received. The outcome can be summarised as follows:-
Elements of the project - The EA is considered to have properly described the physical characteristics of the development.

Policy Framework - The EA is considered to have properly identified and considered the relevant planning designations and policies.

Environmental Effects - The EA is considered to have referred to all the salient and relevant potential effects including socio-economic, flora, fauna, geology, effects on land, water, air and archaeology/heritage.

Mitigating Measures - The EA is considered to have identified the necessary mitigatory measures where required to address the environmental effects of the proposed development.

Risks and Hazardous Development - The EA is considered to have appropriately addressed the risks of accident and requisite preventative measures.

I am satisfied that having reviewed and evaluated the Environmental Statement and taken into consideration the consultees responses, the characteristics of the development, the location of the development and the character of the identified impacts, that the proposals would not result in a significant or unacceptable effect on the environment.

Planning Assessment

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006) require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The principal planning issues to be addressed in this instance are considered to be whether the proposals accord with the development plan; whether the proposals are appropriate in land use planning terms having regard to any other material planning considerations including national planning policy, guidance and advice, the views of the consultees and any representations received.

National Planning Policy, Guidance and Advice

The National Waste Plan outlines the proximity principle which refers principally to dealing with waste as close as possible to where it is produced. The proximity principle applies to avoiding the adverse environmental impacts of unnecessary transport. The proximity principle also allows for the consideration of opportunities to create accessible jobs and recycle brownfield land.

Scottish Planning Policy (SPP) promotes a sustainable approach to waste management including waste prevention, reusing where possible, and recovering value through recycling. SPP recognises that the Scottish Government has adopted Zero Waste as a goal and this means eliminating the unnecessary use of raw materials, sustainable design, resource efficiency and waste prevention, reusing products wherever possible, and recovering value from products when they reach the end of their lives. SPP notes that the Zero Waste Plan will be published in 2010 and until then, the National Waste Plan and Area Waste Plans provide information on need for a required capacity for facilities. SPP confirms that a development strategy should guide development to the most sustainable locations and for the purposes of the SPP, 'sustainable locations' means locations close to the source of waste arising i.e. the proximity principle. SPP acknowledges that landfill will continue to be required for residual waste. It further promotes that once landfill has ceased, restoration should take place at the earliest opportunity. With particular regard to land raising, the SPP acknowledges that it may be more suited to derelict or otherwise degraded sites as a means of rehabilitation.

Annex E of the Zero Waste Plan Consultation reiterates the requirements of the Landfill (Scotland) Regulations 2003 in respect of the matters to be considered in the assessment of planning applications for such facilities. These locational criteria include the distance from residential areas; the existence of ground water; the risk of flooding; and, the protection of natural heritage. These matters have been addressed in the supporting documentation.

Planning Advice Note (PAN) 63 'Waste Management Planning' complements SPP and provides advice on identifying sites and assessing suitability. It reiterates the distinction between the matters which are the responsibility of the planning authority and that of SEPA as the licensing authority. PAN 63 notes that in broad terms SEPA, in assessing a proposal for a waste management facility, takes account of the types and quantities of waste, technical requirements, security precautions to be taken, nature of the disposal site, and treatment methods. It also comments that SEPA will have regard to wider environmental factors that may be relevant to the facility, including drainage, pollution control, flooding, control of surface waters and impact on biodiversity. Whilst recognising the dividing line between planning and pollution control can sometimes be unclear, it also cautions against duplication between planning and licensing regimes. In terms of site assessment, PAN 63 refers to degraded, contaminated or derelict land and comments that well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use.

PAN 33 'Contaminated Land' advances the "suitable for use" approach which in the context of this application involves ensuring that land is made suitable for any new use as planning permission is given for that new use and limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment.

The proposals are considered to generally accord with national planning policy, guidance and advice.

Glasgow and the Clyde Valley Joint Structure Plan

The Structure Plan's Guiding Principles for Sustainable Development set out the approach to safeguard and enhance the resources of Glasgow and the Clyde Valley and generally seek to ensure that the most beneficial location has been selected for developments in terms of economic, social, environmental and transport implications, to give priority to the decontamination of derelict land, and to reduce energy consumption including in relation to vehicle trip generation and the length of journeys. The site is part of a larger brownfield, former factory site and so accords with the structure plan's Guiding Principles of Sustainable Development of steering development to derelict and degraded land in preference to greenfield

locations. The landfill facility is exclusively to accommodate materials associated with the development of the community growth area and so also accords with the guiding principles of optimising the use of existing facilities and infrastructure.

Structure Plan Policy Strategic Policy 1 'Strategic Development Locations' confirms that priority will be given to investment in the specified locations, including the Community Growth Areas of which Bishopton is included, to maximise the scale of urban renewal and in so doing safeguarding the Glasgow and the Clyde Valley Green Belt within which there is a presumption against the spread of built up areas and the encroachment of development into the countryside. The redevelopment of the site as a community growth area accords with the structure plan and these works comprise an enabling element of that process.

The application supporting information contends that the concept of a dedicated landfill capacity for remediation wastes arising from the Royal Ordnance site complies with the principles of proximity, regional self-sufficiency, polluter pays and the Best Practical Environmental Option. These principles are set out in the National Waste Plan (and emerging Zero Waste Plan) and are endorsed in the Structure Plan. The Structure Plan requires that strategic waste management proposals will need to be justified in terms of Strategic Development assessment Policies 9 and 10 (the structure plan threshold of significance for waste management facilities is 10ha). Inasmuch as development of the scale proposed exceeds the strategic threshold and has not been established in the Glasgow and Clyde Valley Area Waste Plan, it would fail to satisfy the development assessment criteria of Strategic Policy 9A and would therefore require to be assessed as a departure from the Structure Plan requiring justification under Strategic Policy 10. I am satisfied that the proposal is capable of being justified as a departure against the following criteria of Strategic Policy 10:-

- Criteria A(v): a specific locational need for the facility can be justified in relation to the proximity principle and waste management hierarchy;
- Criteria B(i)(b): economic benefit - the proposal will provide essential infrastructure to facilitate implementation of the industrial and business elements of the master plan and the creation of a significant number of net additional permanent jobs to the Structure Plan area;
- Criteria B(ii): social benefit - the proposal will provide essential infrastructure to facilitate implementation of the community, education and recreational elements of the master plan and thereby enhance community facilities;
- Criteria B(iii): environmental benefit - the proposal will achieve significant restoration of vacant and derelict land.

Renfrewshire Local Plan

Strategic Policy 2 'Sustainable Development and Settlement Strategy' seeks to promote development through a sustainable development strategy of guiding development to existing towns and villages, recognising major areas of change including Bishopton, recycling brownfield land and protecting the green belt. Strategic Policy 4 'Protection and Enhancement of the Environment' reinforces these sustainable development principles. Strategic Policy 5 'Integration of Planning and Transport' requires that transportation issues are considered in the location of new development and the assessment of development proposals. Policy SS2 'Royal Ordnance Bishopton' acknowledges and identifies the former ROF site as a major area of change and provides the context for assessing development proposals. Policy T1 'Policy on the Assessment of New Developments' requires that new development is assessed in terms of location and transport impacts. I am satisfied that having regard to the proposals representing an enabling element of the wider development of the community growth area, the observance of the proximity principle, the opportunity to internalise all landfill activities to within the site and so reduce the need for transportation off-site, the proposals are generally in accord with the stated local plan policies.

A small portion of the southern part of the site is covered by Policy ENV3 'Local Designation: Sites of Importance for Nature Conservation (SINCs)'. This policy recognises that some of the identified SINCs coincide with sites which are regarded as being suitable for development through local plan policies and where there is a presumption in favour of development. Development proposals for sites covered by SINC designation require to be assessed against social and economic benefits of the proposed development; any adverse impact on the nature conservation interest; and, the provision of satisfactory compensatory nature conservation benefits. The proposed landfill will generate social and economic benefits both indirectly associated with the community growth area and directly by minimising the need to take material off-site; and the proposals will result in nature conservation and ecological enhancement through the associated treatment of contaminated land and the landscaping restoration proposals and mitigatory planting and wider community woodland park.

Policy W1 'Waste Disposal Facilities' sets out the criteria against which proposals for waste disposal facilities should be assessed. In this regard I am satisfied that although the site is not established through the Area Waste Plan, (and whilst the Zero Waste Plan is still emerging), it embodies the principles of waste reduction, recycling and disposal as close as possible to the source of waste arisings; that there will no unacceptable impact on amenity with matters such as air quality, noise, dust, leachate etc being regulated through the PPC Permit procedures; that traffic arrangements can be addressed to the satisfaction of the Head of Roads; that there will be no unacceptable effect on the water environment; and, appropriate arrangements have been demonstrated for restoration and beneficial after-use of the site. The proposals also comply with the terms of Policy N1 'Noise Protection' in terms of noise issues being addressed through the PPC Permit.

Policy F3 'Fulfilment of Flood Prevention and Sustainable Urban Drainage Requirements' has been addressed and the proposals are not assessed as being at risk of flooding and that surface water discharge can be safeguarded through the attachment of an appropriate condition.

Policy C1 'Consideration of Development Proposals involving Land which may be Contaminated' requires that in assessing development proposals, particularly involving brownfield land, the protection of the population and the general environment from the possible effects of contamination is given due consideration. The Local Plan confirms that the Council's approach in dealing with contaminated land is in line with national planning guidance which advises that planning authorities are expected to encourage and promote the re-use of brownfield land, including contaminated sites, and that possible remediation costs should not be a deterrent to allocating contaminated land for development.

Regard must also be had to any other material considerations including the views of any representees where relevant planning matters are raised which are relevant to the planning application under consideration. The concerns relating to the potential impacts from the remediation activities will be addressed within the context of that application. Insofar as the matters relevant to the landfill are concerned it may be commented that the facility will not receive wastes from any source outwith the ROF site itself; that the proposal will be strictly regulated under the PPC Permit licensing regime in terms of air, dust, noise and effects of the water environment; that the integrity of the engineered and construction elements of the landfill will be regulated by SEPA; a safeguarding condition is recommended by the Director of Environmental Services to address the updating of assessment criteria in line with changes in legislation and/or authoritative guidance; the detail of the final restoration of the landform will take into account the intended public access and the integrity of the protective membrane would be shielded by a capping layer.

Recommendation and Reasons for Decision

The proposals are considered to be consistent with planning policy, guidance and advice and with the provisions of the development plan. There are no over-riding material planning considerations which would justify setting aside the presumption in favour of development which accords with the development plan. Having considered the views of the consultees and the comments made in representations there are not considered to be any compelling reasons for withholding planning permission and it is therefore recommended that planning permission be granted subject to the conditions listed.

Index of Photographs

1. General view of site.

RECOMMENDATION

GRANT subject to conditions

Other Action

Conditions and Reasons

- 1 That planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

- 2 No material other than that sourced from within the former Bishopton Royal Ordnance Factory site (and arising from or as a result of the remediation and bulk earthworks necessary to make the site suitable for the redevelopment proposals approved in planning permission 06/0602/PP for the formation of a Community Growth Area) shall be deposited within the landfill facility.

Reason: To define the permission, to ensure that the operation of the landfill facility remains consistent with the proximity principle and the supporting Environmental Impact Assessment; in the interests of general amenity; and, to prevent the importation of waste.

- 3 The gross void space of the landfill facility hereby approved shall not exceed 100,000 m³.

Reason: To define the permission, to ensure that the facility remains consistent with the supporting Environmental Impact Assessment and in the interests of general amenity.

- 4 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To ensure that any sensitive archaeological remains or artefacts, affected

by the proposed works, may be adequately recorded.

- 5 That should any mature broadleaved trees require to be removed they shall be felled by hand in such a manner as to minimise impacts to bats should they be present.

Reason: To ensure that the works do not unacceptably impact on any protected species.

- 6 That any vegetation clearance works required on site be undertaken outwith the main bird breeding season of March to July inclusive. Where this is not operationally possible, such works should be preceded by a nesting bird survey with steps taken to protect any nest sites identified.

Reason: To ensure that the works do not unacceptably impact on the ecological interests on the site.

- 7 That all grass mixes to be seeded on the site's disturbed ground post-works be approved in writing by the Planning Authority in consultation with Scottish Natural Heritage.

Reason: To ensure that the seed mixes are appropriate and to safeguard the ecological interests of the site.

- 8 That detailed design plans for the final landform of the landfill site shall be submitted for the written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interests of visual and landscape amenity.

- 9 Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the site temporary or permanent
- Monitoring of the reed beds to ensure that starling roosts do not form
- Monitoring of the water bodies until the reeds have become fully established to ensure that hazardous birds do not utilise them
- Details of a goose proof fence around reed beds until they become fully established.

The Bird Hazard Management Plan shall be implemented as approved and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Glasgow Airport.

- 10 Prior to the commencement of works on site, a surface water management plan shall be submitted for the written approval of the Planning Authority. The plan thereafter agreed shall be implemented on site and maintained in the approved manner.

Reason: In the interests of amenity and to demonstrate that the rate of surface water discharge does not result in increased flood risk.

- 11 That prior to any works commencing on site, detailed drawings of the vehicular access onto the B790 Houston Road demonstrating its design and construction complying with the Scottish Executive Design Manual for Roads and Bridges and the Council's Guidelines for Development Roads shall be submitted for the written approval of the Planning Authority. The details thereafter agreed shall be implemented on site in the approved manner prior to the commencement of the construction of the landfill hereby approved and the access shall thereafter be maintained as such subject to the limitation imposed by Condition 16 below.

Reason: In the interests of amenity and traffic safety.

- 12 That prior to the vehicular access onto the B790 Houston Road being brought into use, the applicant shall provide details of and make provision for wheel washing facilities and any other required associated facilities to ensure that vehicles travelling to and from the site do not discharge deleterious materials onto the public road. The details thereafter agreed shall be implemented on site and maintained in the approved manner for the duration of the activities hereby approved.

Reason: In the interests of amenity and traffic safety.

- 13 That prior to the vehicular access onto the B790 Houston Road being brought into use, the applicant shall enter into a Vehicle Routing Agreement with the Council to ensure that all vehicles associated with the works travel on routes that are considered most suitable for the purpose of gaining access to and from the nearest trunk and principal roads. The Vehicle Routing Agreement once concluded shall be adhered to for the duration of the development hereby approved unless altered or revised with the permission of the Planning Authority.

Reason: In the interests of amenity and traffic safety.

- 14 That prior to the commencement of the works hereby approved, the applicant, in conjunction with the Planning Authority, shall agree a methodology and programme for undertaking dilapidation surveys of the roads connecting to the site before, during and after the landfill works. The dilapidation surveys shall monitor the effects of site traffic and shall identify any abnormal site vehicles load that may lead to extraordinary expenses in repairing local roads damaged by these heavy vehicles. The methodology, programme and surveys agreed shall thereafter be carried out in the approved manner for the duration of the works hereby approved.

Reason: In the interests of amenity and traffic safety.

- 15 All employees and contractors vehicles shall be accommodated within designated off-road/on-site parking areas and all vehicles associated with the works hereby approved shall be parked within the confines of the site.

Reason: In the interests of amenity and traffic safety.

- 16 That the vehicular access onto the B790 Houston Road as may be agreed in terms of Condition 11 above, shall be used only for the duration of the works hereby approved and it shall thereafter be removed and the site restored to a clean and tidy condition unless alternative permanent access arrangements for the community woodland park have been submitted to and approved in writing by the Planning Authority.

Reason: In the interests of amenity and traffic safety.

- 17 Prior to the commencement of construction of the landfill facility, any required remediation works within the boundary of the planning application site must be

completed, verified and approved in writing by the Planning Authority.

Reason: To ensure that the land is suitable for its proposed use as a landfill facility.

- 18 Unless otherwise agreed in writing by the Planning Authority in consultation with SEPA, construction of the landfill facility shall be carried out in accordance with the approved detailed strategies, method statements and any other plans, drawings, documents, details, schemes or strategies which have been approved in writing by the Planning Authority pursuant to these conditions.

Reason: To ensure that all construction activities are conducted as agreed and that any deviations are brought to the attention of the Planning Authority and agreed as appropriate.

- 19 All assessment criteria utilised for interpretation of data or for the screening of imported or site won materials for re-use should be protective of all relevant receptors and agreed in writing with the Planning Authority in consultation with SEPA. Assessment criteria shall be updated following any changes in legislation and/or authoritative guidance during the period of landfill construction. Where new assessment criteria are developed, full justification for the changes to criteria should be provided in writing and subsequently approved in writing by the Planning Authority in consultation with SEPA.

Reason: To ensure that best practice and guidance current at the time of the construction of the landfill are used in the assessment and development of the site. To ensure that no new pollutant linkages are created through the movement and/or importation of materials to the site.

- 20 Following closure of the landfill, and prior to any public access to the landfill area, a validation report confirming suitability for final end use shall be submitted to the Planning Authority for written approval.

Reason: To ensure that the site is suitable for intended final end use as recreational open space.

Director of Planning and Transport

Local Government (Access to Information) Act 1985 - Background Papers
For further information or to inspect any letters of objection and other background papers, please contact John Smart at extension 5252.

**App.No.: 09/0456/PP Address: Land at Western edge
(east of Turningshaw Road) of Royal Ordnance Site, Station Road, Bishopton**



Renfrewshire Council

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