



Scottish Natural Heritage

All of nature for all of Scotland

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RENFREWSHIRE COUNCIL									
DEPARTMENT OF PLANNING & TRANSPORT									
31 JUL 2009									
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For the attention of Mr David Bryce

29 July 2009
Your Ref: 09/0456/PP
Our Ref: CNS/EI/R 55965

Dear Sir

THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999

CONSTRUCTION OF A LANDFILL FACILITY AT THE WESTERN EDGE OF THE FORMER ROYAL ORDNANCE FACTORY SITE, STATION ROAD, BISHOPTON

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

1. Background to the current proposal

This application relates to the provision of a landfill site to take material arising from the decontamination and redevelopment of a 923ha area of the old Bishopton Royal Ordnance Factory (ROF) site. Our consultation response dated 18 December 2006 gave a full appraisal of the likely natural heritage impacts of this over-arching proposal as then detailed, as well as listing a number of conditions and recommendations that we believed would be required in order to ensure that these impacts were made acceptable. The advice given below therefore relates specifically to the proposed landfill facility and is given without prejudice to our position regarding the wider development.

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2. SNH Position

SNH raises no objection to the proposed landfill site. However, we wish to make a number of recommendations intended to ensure that the natural heritage impacts of this proposal are minimised.

SNH would therefore advise that any permission for this development proposal should be made subject to the following conditions:

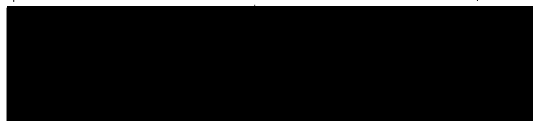
1. That should any mature broadleaved trees require to be removed they be felled by hand in such a manner as to minimise impacts to bats should they be present.
2. That any vegetation clearance works required on-site be undertaken outwith the main bird breeding season of March to July inclusive. Where this is not operationally possible, such works should be preceded by a nesting bird survey with steps taken to protect any nest sites identified.
3. That all grass mixes to be seeded on the site's disturbed ground post-works be approved by the planning authority in consultation with SNH.
4. That detailed design plans for the final landform of the landfill site be approved by the planning authority in consultation with SNH.

SNH would also strongly advise that the "Ecological Design and Management Plan" proposed as a means of addressing the ecological impacts of the wider ROF Bishopton development proposals be extended to cover all associated elements of the project including this new landfill facility. The applicant's ES contains also contains a number of specific mitigation proposals and we would advise that all of these be adopted

Furthermore, though not a point of objection to the development proposal in principle, SNH still wishes to seek additional clarification of the reasons behind the rejection of the existing waste disposal site north of Barochan Hill (Reilly Quarry) as a potential receptor for the waste material generated from the wider ROF Bishopton development proposals. We would therefore recommend that prior to any decision being reached in terms of this application as a whole, the applicants be required to provide further details of the reasoning that led to the rejection of this site in terms of capacity and transportation issues. The conclusions of this study should be agreed by the Planning Authority in consultation with SNH.

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. I would be grateful if you could inform us of your Council's decision regarding this application in due course.

Yours faithfully



DAVE LANG
Area Officer
Strathclyde & Ayrshire

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THE ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999

CONSTRUCTION OF A LANDFILL FACILITY AT THE WESTERN EDGE OF THE FORMER ROYAL ORDNANCE FACTORY SITE, STATION ROAD, BISHOPTON

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

The application to construct the landfill facility is directly linked to BAE Systems' proposals for a mixed used development occupying some 923ha of land on the former Royal Ordnance site at Bishopton in Renfrewshire. The landfill site will be used to treat and dispose of a range of material generated by restoration of the remainder of the Bishopton site.

The decision to develop an on-site landfill facility is justified in terms of the volume and type of material (including the requirement for disposal of asbestos waste). Five locations within the Bishopton site were considered for the landfill site (as shown in Figure 3.9 of the applicant's Environmental Statement) – the other four potential locations were towards the north of the Bishopton site. The preferred location was selected due to its proximity to sources of waste and its remoteness from residential and other sensitive receptors.

The application site totals 10.7 hectares. The site will accommodate a number of components:

- Site entrance and contractors compound (with parking, site offices, weighbridge etc.) – present during the landfill operation;
- Waste treatment facility, where waste will be treated prior to landfilling – present during the landfill operation;
- New landform created by landfilled waste material and containing structures – progressively formed during the landfill operation and permanent thereafter. The site currently lies at around 10m AOD. The new landform will rise to 24m AOD. The landform has an irregular albeit smoothly engineered shape, with an elongated 'finger' extending to the east;
- Reedbed leachate treatment system and surface water management area – present during landfilling with reedbed permanent thereafter;
- Woodland belt along the site's western edge which is proposed to be retained.

Ultimately, the site will be 'restored' to a combination of grassland, woodland and wetland, forming part of the applicant's proposed Community Woodland Park, with public access provided for by a series of footpaths.

1. Ecological Impacts

(i) European Protected Species

Annex IV of the EC Habitats Directive (92/43/EEC) lists a number of species for special protection as European Protected Species (EPS). 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 regulatory bodies about EPS which may be affected by any development proposal. Where it is proposed to carry out works which will disturb EPS or their places of shelter - whether or not they are present in these refuges - a licence must first be acquired from the Scottish Government. The likely impacts on EPS and the requirement or otherwise for any associated licensing must be established prior to the granting of any planning permission.

The only EPS known from the Bishopton area are otters and bats. However, surveys to inform this ES have shown that neither species currently utilises the application site.

Though it is stated that most on-site woodland will be retained, it is not clear from the information provided whether any trees will in fact require to be felled to facilitate the landfill development. Small numbers of bats may roost in mature broadleaved trees and SNH would therefore request that should any such trees require to be removed they be felled by hand in such a manner as to minimise impacts to bats should they be present.

(ii) Other protected species

(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. In general, development works of any kind within 50m of a sett will require prior licensing. However, some types of operation using heavy machinery can cause disturbance from even greater distances.

Surveys to inform the ES identified four badger setts in the vicinity of the application site. However, all of these would appear to be at least 100m from any built elements of this proposal including the access roads. It can therefore be determined that while there may be some loss of badger foraging habitat as a result of these proposals, no setts will be significantly disturbed and no badger development licensing will be required.

(b) Water voles

Water voles are afforded some protection by the Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004. This makes it an offence to:

- damage or destroy or obstruct access to any structure or place which Water Voles use for shelter or protection;
- disturb Water Voles while they are using such a place.

Though water voles are known from the wider ROF site, SNH notes that surveys to inform the ES identified no water vole activity within the current application site. It can therefore be assumed that there will be no significant impacts on this species as a result of these proposals.

(c) Breeding birds

Protection for all wild bird species was increased by the Nature Conservation (Scotland) Act 2004, now making it 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.

Surveys to inform the ES identified a number of bird species breeding on site including crossbill (*Loxia curvirostra*) – a species protected from disturbance while breeding by special penalties under the Wildlife & Countryside Act 1981.

The main way in which disturbance to nesting birds can be avoided is to undertake all site clearance works outwith the main bird breeding season of March to July inclusive – although it should be pointed out that crossbills can begin breeding as early as January. Where this is not operationally possible, all vegetation clearance works should be preceded by a nesting bird survey with steps taken to protect any nest sites identified.

SNH also notes that though not a species recorded as breeding on-site, a barn owl roost has previously been recorded within the application site (2006). We therefore welcome the proposal to address mitigation for this species in relation to the forthcoming application for the remediation and reclamation earthworks associated with the wider ROF Bishopton development.

(iii) Habitats

Habitat surveys to inform the ES for this proposal identified small areas of natural habitat such as relict woodland and species-rich grassland. However, SNH is satisfied that the proposals will not result in any significant habitat disruption and are happy that the mitigation and management measures proposed will improve the quality of the habitats remaining post-development.

Key to this will be ensuring that locally native species are utilised in planting proposals wherever possible. SNH are happy to approve the woodland species mixes that have been proposed for planting, however, we would also request that the grass mixes to be seeded on the site's disturbed ground post-works be approved by the planning authority in consultation with SNH.

2. Landscape and Visual

Landscape and visual impacts appear to have been considered in assessing the relative merits of the different options investigated. SNH has also provided the applicant's with advice on the landscape and visual impacts of a landfill facility development at this location based on the content of the previous ES produced for the earlier, withdrawn application for a similar development.

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 alluvial plain is occupied by extensive areas of mossland, some of which have been 'improved' to accommodate agriculture and woodland.

The application site is located to the west of the larger Bishopton site, and slopes gently to the north and east. It lies between Dargavel Hill in the east (within the larger Bishopton site) and higher ground immediately to the west (including the elongated summit of Barochan Hill). These drumlin like hills are outliers of a more extensive area of hills (the 'rugged upland farmland landscape type') that form a transition to the 'Rugged Moorland Hills' of the Clyde Muirshiel hills.

In contrast to much of the wider floodplain, which tends to be open and expansive in nature, the application site is contained by a band of woodland along its western edge with extensive areas of scrub woodland which have developed in redundant or derelict parts of the site. This woodland provides a high degree of screening, with the result that few of the factory structures are visible. While agricultural land has been retained to the west and south west of the site, the presence of a chainlink security fence and perimeter road means that the landscape is not entirely rural in character. A sand and gravel pit north of Barochan Hill reinforces this urban influence. Existing public access is limited to Turningshaw Road / Reilly Road to the west of the application site.

Landscape and visual issues have been covered in within the Environmental Statement, with the identification of the zone of visual influence (ZVI) of the proposed landform based on a computer generated ZVI as requested by SNH.

The ES includes a number of baseline photographs, taken from the public road network near to the application site. However, the ZVI generated for this proposal has already shown that the development will not be visible from these points. It would have therefore been useful to have included photographs from within the (admittedly limited) ZVI - for example from the eastern slopes of Barochan Hill, below the Roman fort.

The ES includes only one photomontage, showing the proposed landform once landfilling has been completed and the site landscaped. The applicants have

asserted that this view is sufficient to demonstrate the minimal visual impacts of this

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proposal, however, Table 13.1 of the ES continues to identify negative landscape impacts at various stages of the development. Additional photomontages covering different stages of development and additional viewpoints may therefore have been helpful.

As noted above, the ES includes discussion of alternatives. This considers on and off-site options and concludes in favour of an on-site option given the volume and type of waste material. It is noted, however, that there is an existing landfill site in a former quarry to the north of Barochan Hill (immediately to the north west of the application site). SNH had pointed out in discussions with the applicant that it would have been helpful if the ES could have considered the reasons for not using this site more specifically. In response, the applicants refer to ES sections 3.14 to 3.23 on Alternatives. However, in considering off-site alternatives it is only stated that quantities are too large and the adverse effects of transportation too great to consider an off-site option. It is not demonstrated that this would be the case in relation to the immediately adjacent but technically off-site existing facility. SNH would therefore continue to seek a more detailed justification for the creation of a new landfill facility when an existing alternative may be available.

SNH's principal observation in terms of landscape and visual impacts is that although the overall shape and orientation of the new landform has been designed to reflect the pattern of hills in the immediate vicinity, the smoothly engineered landform is likely to appear as an unnatural and 'manmade' feature in the landscape. Reference to contour maps of the wider area (such as shown in Figures 3.4(i) and 3.4(ii) of the ES) show that the area is characterised by irregular and uneven shaped hills. The proposed new landform appears to be a compromise between a feature which aims to blend into the pattern of surrounding hills, and a feature which reflects its engineering origins. This is illustrated by the one photomontage included in the ES (ES Figure 13.14) which shows the smooth dome of the landform visible between the tops of trees to the west of the site. A less compromised approach could involve:

- Creating a landform which more accurately reflects the detailed topographic variation of surrounding hills; or
- Creating a landform which is clearly engineered; or
- Creating a landform which has a larger footprint and which is less elevated and therefore (even) less visible.

However, the applicants point out that further detailed design of the landform will take place at a later stage and this may be an opportunity to further mitigate impacts arising from the appearance of the final landform. SNH would therefore welcome the opportunity to be consulted over the detailed design for the final landform.

Finally, it should be recognised that the proposal includes retention of the existing woodland along the western side of the site. Provided that retention of this woodland is practical, this will provide an effective screen for much of the development. The final landscaping of the site will include new areas of publicly accessible woodland and grassland with an area of wetland and a network of paths. This represents a significant positive effect over the site's current condition.

3. Recreation and Access

The site is little used for recreation and access at present. However, as stated above, it is the applicant's intention to open the site up to public access as part of their proposed Community Woodland Park following final landscaping. SNH welcomes this approach and looks forward to working with the applicant in developing the woodland park.