

# Agenda



## Planning Committee

**Date:** Wednesday, 8 June 2022

---

**Time:** 10.00 a.m.

---

**Format:** Hybrid Meeting

---

**Contact:** Gabriella Gonda, Committee Officer  
Email: [Gabriella.Gonda@west-dunbarton.gov.uk](mailto:Gabriella.Gonda@west-dunbarton.gov.uk)

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, Church Street, Dumbarton.

The business is shown on the attached agenda.

Yours faithfully

**JOYCE WHITE**

Chief Executive

Distribution:-

Councillor Lawrence O'Neill (Chair)  
Councillor Gurpeet Johal (Vice Chair)  
Councillor Karen Conaghan  
Councillor Diane Docherty  
Councillor Ian Dickson  
Councillor Daniel Lennie  
Provost Douglas McAllister  
Councillor June McKay  
Councillor Chris Pollock  
Councillor Hazel Sorrell

All other Councillors for information

Date of Issue: 25 May 2022

**PLANNING COMMITTEE**  
**WEDNESDAY, 8 JUNE 2022**

**AGENDA**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in the item of business on this agenda and the reasons for such declarations.

**3 RECORDING OF VOTES**

The Committee is asked to agree that all votes taken during the meeting will be done by roll call vote to ensure an accurate record.

**4 OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**5 PLANNING APPLICATIONS**

Submit report by the Chief Officer – Regulatory and Regeneration in respect of the following planning applications:-

- (a) DC21/178/ADV** – Range of advertisements include fascia signs and freestanding 8m high double sided pole sign (associated with proposed coffee shop and drive-thru facility subject to application DC21/176/FUL) at Morrison's Supermarket 36 Glasgow Road, Dumbarton, G82 1QZ by Trilogy (Leamington Spa) Ltd. **5 – 11**
- (b) DC21/217/FUL** – Development of a Plastics to Hydrogen Facility, Hydrogen Vehicle Refuelling Station and Associated Infrastructure and Landscaping at Vacant Land At Rothesay Dock, Cart Street, Clydebank by AXIS PED. **13 – 30**
- (c) DC22/052/FUL** – Installation of decking (retrospective) at No. 144 Mirren Drive, Duntocher, Clydebank. **31 – 37**
- (d)/**

- (d) **DC21/138/FUL** – Residential development of 88 dwellings comprising of cottage flats, bungalows and flats with vehicular access, associated car parking and landscape works at land at the corner of Glasgow Road and Mill Road, Clydebank by West Dunbartonshire Council.

**39 – 67**

**6 FELLING OF TREES WITHIN BRUCEHILL CLIFFS TREE PRESERVATION AREA To Follow**

Submit report by the Chief Officer – Regulatory and Regeneration on the above.

**7 APPEAL NOTICE OF INTENTION – DC02/447: EXTENSION TO QUARRY, SHEEPHILL QUARRY, MILTON, DUMBARTON 69 – 97**

Submit report by the Chief Officer – Regulatory and Regeneration, providing an update regarding the appeal decision for the above application, further information relevant to the Review of Minerals Permission application (ROMP) and the Scheduled Monuments Permission.

**8 STREET NAME FOR NEW HOUSING DEVELOPMENT SITE AT FORMER BOWLING GREEN JOHN KNOX STREET CLYDEBANK 99 – 101**

Submit report by the Chief Officer – Regulatory and Regeneration, allocating one street name within the new housing development at former Bowling Green, John Knox Street, Whitecrook, Clydebank.

**9 DEVELOPER CONTRIBUTIONS 103 – 128**

Submit report by the Chief Officer – Regulatory and Regeneration, seeking the agreement of the Committee for a process to report and allocate developer contributions received through the planning system.

**10 FRONTIERS OF THE ROMAN EMPIRE (ANTONINE WALL) WORLD HERITAGE SITE SUPPLEMENTARY GUIDANCE 129 – 158**

Submit report by the Chief Officer – Regulatory and Regeneration, seeking approval to consult on the draft Supplementary Guidance (SG) relating to the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer – Regulatory and Regeneration**

**Planning Committee: 8 June 2022**

---

**DC21/178/ADV: Range of advertisements including fascia signs and freestanding 8m high double sided pole sign (associated with proposed coffee shop and drive-thru facility subject to application DC21/176/FUL) at Morrisons Supermarket, 36 Glasgow Road, Dumbarton, G82 1QZ by Trilogy (Leamington Spa) Ltd**

**1. REASON FOR REPORT**

- 1.1** The application has been subject of an objection from a Community Council. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1** Grant advertisement consent subject to the condition set out in Section 9 below.

**3. DEVELOPMENT DETAILS**

- 3.1** The application site is located within the northern part of the existing Morrisons supermarket car park and is bounded by the A814 Glasgow Road to the north and the access road leading into the supermarket main car park and the associated petrol station from the west. From the east, the plot neighbours the C-listed United Reform Church in Leven Street; to the south, there is the remainder of the existing supermarket car park. The immediate vicinity of this part of Dumbarton is characterised by St James Retail Park with retail units and a number food outlets and further east is Dumbarton East local centre.
- 3.2** The application proposes the installation of a mix of internally illuminated fascia signage and non-illuminated signage at a proposed site of a drive-through coffee shop, whose intended location is within the car park of the supermarket.

The drive-thru coffee shop was refused by the Council in December 2021 (application ref: DC21/176/FUL) and is currently subject of an appeal to the Planning and Environmental Appeals Division. Under planning legislation, the Council cannot withhold determination of this advertisement application pending the outcome of the appeal, even though the planning application for the drive-thru coffee shop was refused by the Council. Equally by the grant of advertisement approval it does not imply that the drive-thru coffee ship is now acceptable.

**3.3** The advertisement signage proposed reflects the corporate identity of the operator and includes the following elements:

Principal signage:

- “Costa Coffee Drive-thru” sign to be located on the northern and western elevations of the proposed café, to measure 2.62m in maximum width and 1.57m in height.
- Internally illuminated “Costa Coffee” sign to be located on the southern elevation of the building, fixed to box section rails finished to match building colour. 2.62m in width and 1m in total height.
- Internally illuminated “Great coffee starts here” built up letters, to measure 5.32m in width by 0.9m in height, to be placed on a new slatted timber wall of the same width and 2m of height to be placed at the entrance to the drive-through lane.
- “Costa Coffee Drive-thru” pole sign to be placed opposite on the corner of Glasgow Road and entrance to Morrisons car park; sign to be 6 m in total height including the pole from the ground.
- Non-illuminated banner frame to be placed next to the aforementioned pole sign. Frame to measure 3.10m in width and 1.8m in height, to be made of perforated metal sheet finished in black colour, fitted to posts finished in the same colour.

Ancillary Signage

- “Hearts & Darts” cut out logo, A0 advertising and menu poster internally illuminated signs, built-up letters to mark different service points of the drive through, as well as pole-mounted waiting bay, parking restriction and directional non-illuminated signs and a height barrier with the associated warning signage.

The signs will be finished in a select variety of colours aligned with the branding of Costa Coffee, specifically and predominantly dark red, black and white.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Roads Service have no objections to the proposed advertisements.

#### **5. REPRESENTATIONS**

- 5.1** Two objections, including one from Dumbarton East & Central Community Council, were received in connection with the application. The concerns raised can be summarised as follows:
- Noise caused by the operation of the drive through.
  - Road safety in relation to traffic levels and incidents of speeding.
  - Number of fast food outlets in the area.
  - Proposed signage excessive for the location.
- 5.2** The points raised in the objections received will be considered in the Section 7 below.

#### **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

- West Dunbartonshire Adopted Local Plan 2010
- 6.1** Policy DC1 advises that the Council will have regard to visual amenity and the safety of pedestrian and vehicular traffic, and in particular to:
- the appropriateness of the location;
  - in the case of remote signing, advertisements must not be located where they will create a visual intrusion unless there are exceptional circumstances which justify the need for display in a specific location;
  - the size and design of any advertisement shall be sympathetic in scale to its surroundings;
  - in the case of illuminated advertisements, special regard shall be had to avoidance of visual intrusion, distraction to motorists or confusion with traffic signals.
- 6.2** The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

#### **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

- West Dunbartonshire Local Development Plan (LDP2) Proposed Plan
- 7.1** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18 December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of this application are effected by that Direction. Therefore, Local

Development Plan 2 is the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

**7.2** Policy ENV12 states that advertisements which are sited on the business premises to which they relate will be supported subject to compliance with the criteria listed below. In all cases advertisements shall:

- Not detract from the amenity of the area or character of buildings in terms of positioning, scale, design or materials;
- Not result in any road safety or other hazard to the public;
- Not result in an accumulation of signage clutter; and
- Within Conservation Areas and on Listed Buildings, serve to improve or enhance the appearance of the area/building.

#### Policy Context

**7.3** Regulation 4(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety, and these matters are elaborated in regulation 4(2). The adopted and proposed Local Development Plan policies provide standards and a general approach to the protection of amenity and road safety.

#### Principle of Advertisements

**7.4** With regards to the context of the wider retail environment of this part of Dumbarton, the signs as proposed are considered to be ones which are both ordinarily and commonly associated with these type of uses, and especially those featuring drive through style food and drink establishments which cater to customers travelling by car. Therefore the signage is considered acceptable in principle.

#### Visual Amenity

**7.5** In assessing the impact on visual amenity, generally, the signs are considered to be appropriate to their location and the building to which they relate. The proposed banner advertisements fronting Glasgow Road and the cumulative effect with the existing banner advertisements for the supermarket which may result in unnecessary visual clutter at this location have been considered. Following discussion with the applicant, it is advised that the banner signs could be removed after a 6 month period to balance the promotion of the new business and the longer term visual amenity at this location. This can be addressed by condition and it is considered that the volume of signs proposed is sufficient to advertise the business without constituting accumulation or visual clutter. In respect of visual amenity, it is not considered that there is any impact resulting from the proposed advertisements on the nearby listed building.



Further consideration has been made in relation to the pole sign, also referred to as the totem sign, to overlook the Glasgow Road roundabout at the entrance to the site. While the original design of the totem sign was a height of 8m, following discussions between the Planning Authority and the applicant, a reduction in height to 6m has been agreed. This is considered to be appropriate height in order to retain suitable visibility for the business while reducing any excessive potential visual impact.

#### Public Safety

- 7.6** Whilst several of the signs are to be illuminated, given their location and position, it is not considered that they will have the capacity to impede vehicular safety and in particular distract drivers. Several of the signs are to be fixed to the elevation of the building while others are to be freestanding. Although some of these signs are in close proximity to pavements, their fair scale and respective locations mean that there would be no concern for the safety of the users of the pavement. Equally, it is not expected that any of the proposed signage would obstruct or pose danger to vehicles accessing the car park and the drive-through facility. One sign overhangs the drive-through lane entrance, however its purpose is to delineate the maximum height of vehicles permitted to use the drive-through to prevent building strikes. The Council's Roads Service offers no objections nor any requirement for any conditions to be attached to the consent. The proposal is considered to be acceptable in respect of the impact on road safety.

#### Objections Received

- 7.7** Whilst a variety of concerns are raised in respect of the drive-thru coffee shop at this location, many of these are not matters to be considered as part of an application for advertisement consent. Concerns were raised over the proposed signage being excessive for the location. The proposed signage layout consists of a mix of signs of varying sizes, some of which would be attached to the proposed drive thru coffee shop building, while others would be freestanding and located in the near vicinity of the building. It is noted some of the signs would be in place to aid the circulation of traffic within the site of the proposed drive through facility. While overall the number of advertising elements might appear excessive, when considered in the context of its function and spread over the application site, each element of the advertisement proposal is justifiable. The accumulation of signage and its visual impact is considered to be on par with that of the nearby businesses, such as other drive through restaurants.

## **8. CONCLUSION**

- 8.1** The proposed signage raises no issues in terms of visual amenity or road/pedestrian safety and adheres to the relevant policies of the adopted Local Plan and proposed Local Development Plan 2. The signage is appropriate for the location, does not result in an accumulation of signage, and is of reasonable quality and design for the planned premises.

## **9. CONDITIONS**

1. The proposed banners framed advertisements – Item M, as presented in drawing “Costa Coffee Drive Thru Dumbarton, Glasgow Road – Pack Revision 3”, shall be removed from site within 6 months of the date of opening of the associated drive-thru coffee shop premises.

**Peter Hessett**

**Chief Officer – Regulatory and Regeneration**

**Date: 8<sup>th</sup> June 2022**

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** Appendix 1 – Location Plan

**Background Papers:**

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 2 Proposed Plan.
4. Representations

**Wards affected:** Ward 3 – Dumbarton

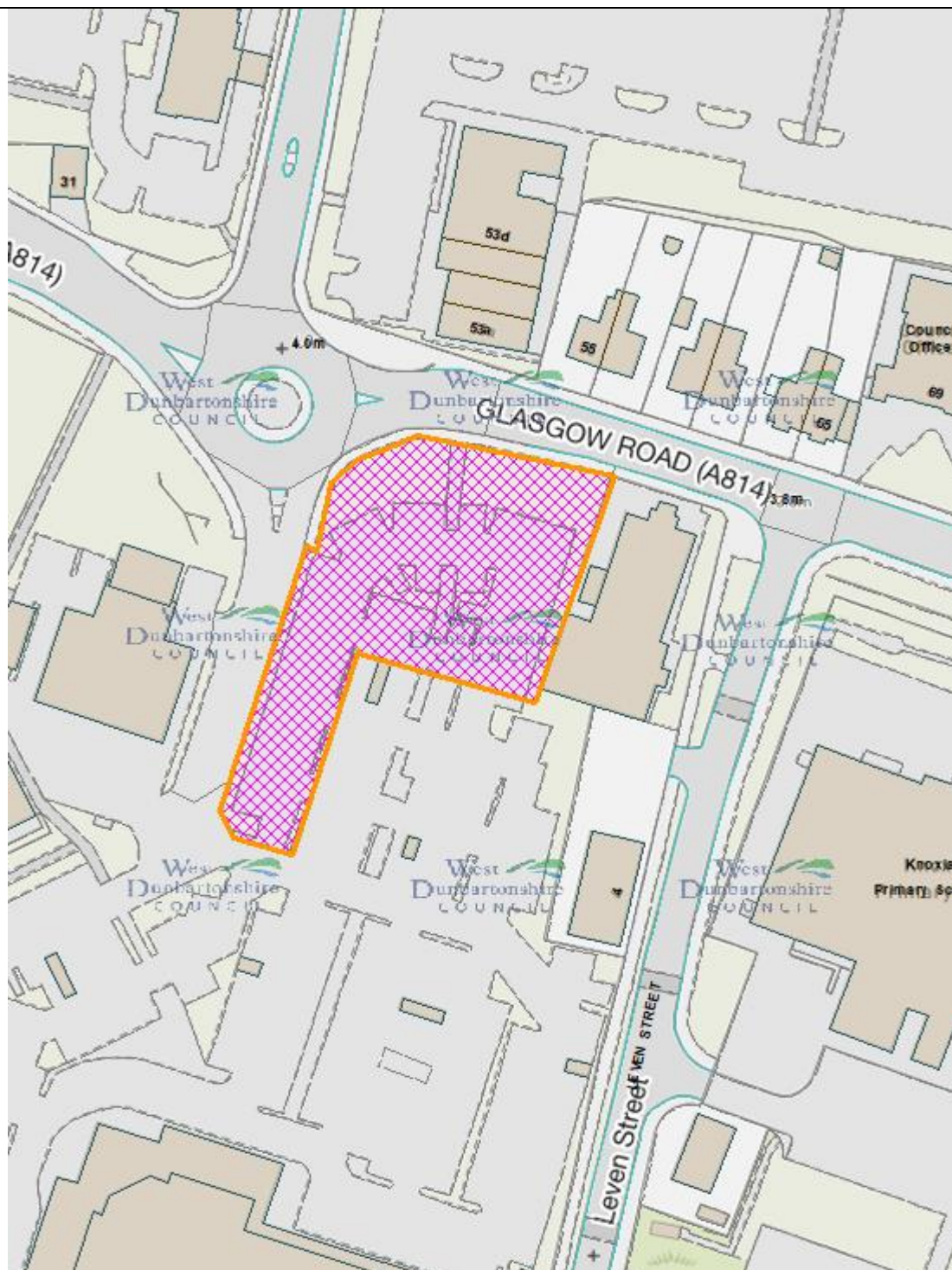
Map Register No: HQ667

Date: 20 May 2022

**DC21/178/ADV**

Range of advertisements  
include fascia signs and  
freestanding 8m high  
double sided pole sign  
(associated with proposed  
coffee shop and drive-thru  
facility subject to  
application DC21/176/FUL)

Supermarket  
36 Glasgow Road  
Dumbarton  
G82 1QZ





**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 8<sup>th</sup> June 2022**

---

**DC21/217/FUL:      Development of a Plastics to Hydrogen Facility,  
Hydrogen Vehicle Refuelling Station and Associated  
Infrastructure and Landscaping at Vacant Land at  
Rothesay Dock, Dock Street/Cart Street, Clydebank by  
AXIS PED**

**1.      REASON FOR REPORT**

- 1.1**      This application, raises new or significant issues meriting determination at Planning Committee. Under the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

**2.      RECOMMENDATION**

- 2.1**      **Grant** planning permission subject to conditions set out in Section 9 below.

**3.      DEVELOPMENT DETAILS**

- 3.1**      The application site covers an area of approximately 1.54 hectares and is located at Rothesay Dock, Dock Street/Cart Street in Clydebank. The site is bounded to the north by Cart Street and to the east by vacant land and Dock Street. To the west of a fuel storage depot which includes some vacant land immediately to the west of the site. The southern boundary of the development site is the quayside of Rothesay Dock and then the River Clyde. Immediately surrounding the site to the north is primarily industrial/commercial land situated between the River Clyde and A814 Glasgow Road, together with Holm Park the football ground for Clydebank Football Club, and areas of formal green open space and vacant land. The A814 corridor is predominately commercial with some residential uses. To the south of the southern spur of Rothesay Dock is used as a boatyard with associate storage and repair workshops. On the opposite bank of the River Clyde is the Renfrew Golf Club, green space (woodland) and further industrial land uses. The proposed application takes access from two

separate points from Cart Street and then onto Dock Street with a further junction used to exit the site, also on Cart Street via Dock Street.

- 3.2** The nearest residential property is the former Hamilton Memorial Church on Glasgow Road, approximately 110m north from the site. This property is separated from the site by an embankment and the National Cycle Network 7 path, and two large industrial units and their yards/compounds. After this the nearest residential properties are located on North Elgin Street, approximately 240mm to the north of the site.
- 3.3** The site is accessed from Cart Street via Dock Street, which in turn provides access to the A814 Glasgow Road. At present Dock Street only serves the site, the fuel storage depot to the west and the boatyard located on the southern side of Rothesay Dock. Plans for a new road link and bridge across the River Clyde were approved in 2019. The new bridge crossing will link Renfrewshire with Yoker and Clydebank, with the northern access route to the bridge via Dock Street to Meadowside Street on the southern bank of the Clyde.
- 3.4** Planning permission is sought for the construction and operation of a Plastics to Hydrogen Facility and a hydrogen vehicle refuelling facility, which would also be capable of generating and exporting electricity. The development is proposed to include a thermal conversion plant that would utilise an advanced thermal treatment process involving gasification to convert waste plastic into hydrogen electricity and potentially heat. The facility could generate approximately 3.9MW of electricity gross or up to approximately 2 tonnes per day of 99.999% pure water free hydrogen. The hydrogen produced would be used as vehicle fuel and either be dispersed at the proposed refuelling station or would be exported to another refuelling station in the local area to be dispersed there. The electricity generated by the facility would be exported to the local electricity distribution network and used to power the proposed development. The Plastics to Hydrogen facility also provides the opportunity to generate heat in the future which could be used within a district heat network to supply heat to local users.
- 3.5** The proposed development would use innovative technology to transform non-recyclable waste plastic into an energy rich syngas from which hydrogen could be extracted in an environmentally sustainable manner. The hydrogen produced would be vehicle grade and is most likely to be used as a fuel for HGVs but could also be used in buses. The tail gas remaining following hydrogen extraction would still be energy rich and would be utilised for the generation of electricity. This electricity would be used for parasitic energy requirements or would be exported to the national grid or local electricity distribution network.

- 3.6** The proposed development consists of the following:
- A feedstock building measuring 63m long, 21m wide and 10.7m high;
  - A thermal conversion chamber building 27.5m long, 13.5m wide and 10.7m high;
  - Two stacks, one measuring 11m and one measuring 17m. The 11m stack is used to safely disperse cleaned exhaust gasses from the gas engines and the 17m one is used for the exhaust emissions arising from the combustion of gasses used to heat the gasification chamber;
  - A flare package of 11m in height used to dispose of syngas during start-up and shutdown conditions (2-3 times a year);
  - Three feedstock silos, each 14m in height which store shredded plastic;
  - Hydrogen production plant, gas engines and ancillary plant;
  - Containment walls 8m in height and 44m long at the hydrogen refuelling station to prevent spillages;
  - Refuelling station plant and dispensing equipment, pipe racking and boundary fencing, associated hard surfaces and landscaping.

It is proposed that the feedstock building and thermal conversion changer building would be clad in predominantly Corten steel. The containments walls at the Hydrogen Refuelling Station would be finished in boardmarked concrete.

- 3.7** The process involves residual end of life plastic. The plastic is delivered in bales by HGV vehicles and stored in silos. The plastic is put into the Thermal Conversion Chamber where it undergoes a gasification process. Gasification is a process where the waste plastic is heated in reduced oxygen conditions to generate a gas that can be used as a fuel or to produce hydrogen. The gas produced is known as a synthesis gas or syngas. After further processing this syngas is compressed. It can then be used for power generation or can be piped for further processing for extraction of hydrogen.

- 3.8** The Planning Statement notes that the proposed development would have the potential to provide direct permanent employment for approximately 23 full time workers. In addition there would also be construction employment during the development of the site, with the entire fabrication and construction period supporting over 100 temporary jobs. The facility would operate 24 hours a day, 365 days a year. There would be staff rotation on a shift basis. The delivery of the waste plastic feedstock and exports of hydrogen are proposed to be undertaken between 0700 hours and 1900 hours (replicating the approved hours of deliveries of planning permission DC12/143). The Hydrogen Refuelling Station is proposed to operate between 0700hours and 2300 hours.

- 3.9** The site has previously been granted planning permission for waste management and energy generation. Planning permission was granted in 2012 (DC12/143) for a recycling centre. This included a sorting facility, an aerobic digestion facility and external plant including 2 gas engines. The conditions of this application were amended under application DC15/251. Conditions 3, 6 and 8 of permission DC15/251 which relate to details of hard surfacing, pedestrian/cycle crossing facility on Cart Street and the approved remediation scheme were discharged and the site access was created but no further works were completed. The proposed hydrogen development is smaller in scale in terms of height and footprint and would process less waste than the previous planning permission for a recycling centre. The proposed tonnage of end of life plastics being processed by the facility is 13,500 tonnes compared to the 95,000 tonnes of the previously approved facility.
- 3.10** Supporting technical information has been provided as part of the application and this includes a Planning Statement, Air Quality Assessment, Design Evolution Document, Drainage Impact Assessment, Ecological Assessment Report, Flood Risk Assessment, Human Health Risk Assessment, Landscape and Visual Impact Assessment, Local Consultation Report, Noise Impact Assessment, Preliminary Site Investigation Report and Transport Statement.

#### **4. CONSULTATIONS**

- 4.1** Scottish Environment Protection Agency (SEPA) have no objection and is satisfied that the proposal should have at least a neutral effect on flooding.
- 4.2** West Dunbartonshire Council Environmental Health have no objection subject to conditions relating to contaminated land, noise impact assessment, noise control, dust control, air quality, lighting and odour.
- 4.3** Health and Safety Executive (HSE), Scottish Water, Transport Scotland, Renfrewshire Council and Historic Environment Scotland have no objection to the proposed development.
- 4.4** West of Scotland Archaeology Service have no objections subject to a programme of archaeological works in accordance with a written scheme of investigation.
- 4.5** Glasgow Airport have no objections subject to a condition in relation to the requirement for a Bird Hazard Management Plan. Advice also provided in relation to cranes.
- 4.6** West Dunbartonshire Council Roads Service has no objections subject to conditions in regard to directional signage and a cycle crossing point.



- 4.7 Glasgow City Council and West Dunbartonshire Councils Waste Management and Greenspace Services have not responded at the time of writing the report.

## 5. REPRESENTATIONS

- 5.1 None

## 6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

### West Dunbartonshire Adopted Local Plan 2010

- 6.1 The development site is located within a Potential Marketable Industry and Business Class Opportunity Site (Category 2). Policy LE1 states that within the existing and proposed industrial and business class designated site there shall be a presumption in favour of uses which positively extend the permanent employment of the site. The site is listed as being safeguarded for industrial and business uses.
- 6.2 Policy SUS1 pursues a sustainable approach to development by seeking to maintain and enhance the quality of the environment. The Council seeks to encourage provisions for waste minimisation and recycling. Policy PS4 states that proposals for new or extended waste management infrastructure and facilities, including landfill sites, will be permitted within general industrial areas.
- 6.3 Policy UR1 promotes the re-use of land and buildings that become vacant, derelict or underused in order to stimulate the process of urban renewal. Policy T4 requires developers to ensure that sites are well integrated into walking cycling and public routes and Policy GD1 requires all new development to be of a high quality of design and to respect the character and amenity of the area in which it is located. The proposed development complies with the policies of the adopted local plan as discussed below.

## 7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1 The modified LDP 2 was approved by the Council in August 2020. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy

position and has significant weight in the assessment and determination of planning applications at this time.

- 7.2** The site is identified as a Business and Industrial Opportunity in Schedule 4 of the LDP2 and Policy E1 supports economic development by directing proposals for business, industrial, or storage and distribution uses to the sites.
- 7.3** Policy ZW1 states that all development will require to meet with the aims of the Zero Waste Plan and follow the principles of the Waste Hierarchy, that is, give highest priority to the prevention of waste followed by reuse, recycling, then recovery of other value (e.g. energy) with disposal as the last option. The site has been identified as suitable for the management of waste.
- 7.4** Policies ENV6 does not support development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. ENV8 requires developments to address air quality, lighting and noise as part of the planning process. ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use.
- 7.5** Policy CON1 states that developments which maximise the extent to which travel demands are met first through walking, then cycling, then public transport and final through the use of private cars will be particularly supported, and that all new developments will be required to link to existing footpaths, cycle routes and public transport routes.
- 7.6** Policy BE1 states all archaeological site should be preserved in situ where possible. Where not possible, provision should be made by the developer to undertake the excavation, recording analysis, publication and archiving of the archaeological remains.

#### Principle of Development

- 7.7** The relevant policies of the adopted local plan and LDP2 Proposed Plan direct proposals for business, industrial and distribution uses to this site as an appropriate site for industry. As such it is considered that this is an appropriate location for such a facility in principle. As the proposal takes end of life plastics to create hydrogen this proposal is in line with the designation. On the basis of the above, it is considered that this is an appropriate location for the proposed development and the proposal is in accordance with policy LE1 of the adopted local plan, and ED1 and ZW1 of the LDP2 Proposed Plan.

- 7.8** The use of pure hydrogen as a fuel within electric fuel cell powered vehicles significantly reduces the impacts of local air pollution. Hydrogen vehicles do not produce any harmful NOx or particulate emission to the atmosphere and hence provide significant benefit to the local air quality and environmental health. Scotland has ambition targets to achieve net-zero greenhouse gas emission by 2045. At local level, initiatives such as Climate Ready Clyde and Clyde Rebuilt recognise the increasing effects of climate change on the 1.8 million people who live, work and play in the Glasgow City Region and aim to gather resource and expertise in order to bring about joined up actions to tackle the issue of climate change in the region. Alongside the objectives to decarbonise and adapt to climate change there is a real drive to rapidly transform the energy system to meet the changing needs of consumer and society, and to grow a strong hydrogen economy to deliver economic benefits for Scotland. Clyde Mission aims to transform the riverside corridor running from Glasgow city centre to the sea by bringing initiative for green transport and renewably energy and freeing up large tracts of land in key locations for development. The proposed development would contribute towards the hydrogen economy whilst redeveloping a piece of brownfield land on the river corridor and managing end of life plastic waste in a sustainable manner. The proposed development is considered acceptable and will bring wide ranging benefits to the local and wider area.

#### Site Layout, Design and Appearance

- 7.9** The site is currently vacant land. The proposal includes one entrance to the site, one exit and one entrance/exit, associated access and parking, a hydrogen refuelling station, feedstock building which would incorporate a site office/control block as well as the hydrogen production facility. The hydrogen production facility consists of the following main process items, feed system, thermal conversion chamber, residue collection system, gas clean-up equipment, hydrogen separation equipment, hydrogen storage, gas engine generators and gas clean up equipment. The largest building on the site is the feedstock building. This will be 63m in length, 21m wide and 10.7m high. This creates a floor space of 1323m<sup>2</sup>. The design of the building is simple, rectangular in shape with a gable ended roof and typically industrial. The largest structure on the site will be a stack which sits at 11m in height. Materials proposed are mixes of steel and concrete all in grey and the designs are industrial in their style
- 7.10** Landscaping is proposed to be provided along the frontage of the proposed development with Cart Street. This includes retaining the existing trees, proposed new trees and a landscape bund of approximately 1.3m in height with planting on top which runs along the frontage of the site. The Planning Statement notes that the landscaping will enhance the experience of the area for users of the National Cycle Route (Route 7)

which runs parallel to Cart Street. The landscaping is also stated to improve the visual appearance of the area for users of the new bridge crossing linking Dock Street and Meadowside Street on the southern bank of the Clyde. The proposal includes maximising the retention of existing tree cover along the northern perimeter of the site and the reinforcement of this with new native tree and shrub planting. If existing tree cover cannot be retained further new native tree and shrub planting would be provided. Some ground modelling is proposed to be carried out between the retained vegetation and the proposed buildings in order to raise the height of the intervening land by approximately 1-1.5m, with new planting on top of this modified landform. Any granting of permission should be conditioned to include full landscaping details to be provided.

#### Environmental considerations

- 7.11** Initial concerns were raised by SEPA in regard to flooding. An initial Flood Risk Assessment (FRA) was submitted in support of the application however the FRA was not based on the most up to date information available. This area is indicated in the SEPA Flood Maps as being at potential medium-high flood risk. An updated FRA has since been submitted which used the most up to date data. SEPA have now removed their objection to the development as management measures are now proposed and the development will have a neutral effect on flooding. As such it is considered that the development will not have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere in accordance with policy ENV6.
- 7.12** Development brings with it the possibility of air quality, lighting and noise issues. An Air Quality Assessment has been submitted in support of the application. The assessment concludes that the construction and operation of the proposed development would not have a significant impact on local air quality, the general population or the local community. Environmental Health are satisfied with the Air Quality Assessment, however the developer must ensure that there is adequate water supply is available for works commencing on site to ensure that dust suppression can be undertaken. The use of hydrogen will have significant benefits to will improve local air quality.
- 7.13** The submitted Noise Impact Assessment notes that there is the potential for the development to be constructed in phases and so the calculations are based on operation and construction. Noise levels predicted are below the sleep disturbance criteria and within internal room noise allowances. Whilst the predictions are within acceptable levels it is still recommended that conditions be applied to ensure that no noise disturbance is created. The same applies for lighting in that conditions should be applied to any granting of permission to ensure that the lighting levels are appropriate. Subject to conditions the development proposals comply with policy ENV8

which requires developments to address lighting and noise as part of the planning process.

- 7.14** As the site has previously been used as a ship yard and industrial/commercial use, there is the potential for the land to be contaminated. All potentially contaminated sites are required to be remediated where necessary to ensure that the site is suitable for the intended use. The Council's Environmental Health Service have recommended conditions to ensure that contaminated land is remediated, the public health is protected and that the site is suitable for its intended use. The addition of these conditions ensure compliance with policy ENV9.

#### Transportation issues

- 7.15** A Transport Statement examines the existing highway network and has found them to be of a suitable nature to support the development. A total of ten staff car parking spaces are proposed as well as ten secure, covered cycle parking spaces. The statement predicts a total of 126 two way vehicle trips during a typical day, 100 of which would be HGV movements. This equates to less than one vehicles every nine minutes. The extant recycling centre planning permission has an associated daily total two way trip number of 331 movements, meaning this development would create less traffic. It is not expected that the construction phase will create any more traffic than the operational phase.
- 7.16** The facility will be served by an existing industrial access. There have been no objections from the Council's Roads Service to the development using Dock Street. Both vehicle and cycle parking has been provided for both staff and visitors. Recommendations for directional signage and a cycle crossing have been given from the Council's Roads Service. The inclusion of cycle parking and cycle crossing are in accordance with policy CON1 which requires developments to maximise the extent to which travel demands are met first through walking, cycling and public transport.

#### Community Engagement

- 7.17** As the development is not a national or major development there was no statutory requirement for pre-application consultation. The applicant however commissioned a public consultation on the proposed development. The community engagement included identifying and notifying stakeholders (including local councillor, parliamentary representative, Yoker Community Council and the Grascadden/Scotstounhill Area Partnership). A website was created which included a feedback form and meetings were offered. A press release on the proposals was covered by the Clydebank Post and The Herald and also in the trade and environmental press. One meeting was held with

Clyde Mission and Scottish Enterprise during the consultation period. Overall the applicant notes that the consultation process received very little feedback despite the range of stakeholders notified.

#### Proximity to Petrol Storage site

- 7.18** The site is located within close proximity to Inter Terminals UK Ltd which is a large scale petrol storage site. Due to the way the proposed hydrogen facility has been laid out, the part of the site in which people will be in regular use, is outwith the Health and Safety Executive consultation zone. As such the Health and Safety Executive had no objections to the proposal.

#### Archaeology

- 7.19** The plot of ground that is proposed for development falls within an archaeological consultation trigger. This is due to the dock, however it is unlikely to be substantially affected by the construction. It has however been highlighted that there is possibility that deeper excavations could encounter surviving archaeological deposits, features or artefacts of a farm named “East Barns of Clyde”. It has been recommended a condition is applied requiring a written scheme of investigation. This would in accordance with policy BE1.

### **8. CONCLUSION**

- 8.1** The proposed development is considered to be in accordance with Policy LE1 of the adopted Local Plan and Policy E1 of the LDP2 Proposed Plan as this is a proposal for an industrial use which has been located on a site which has been identified under both plans as being suitable for the proposed use. Further as the proposal is identified as a suitable site for waste disposal and the proposal is for a facility to turn end of life plastics to hydrogen the proposal is in accordance with policy ZW1 of the LDP2 Proposed Plan. It is considered that the proposed use is to be supported as it will transform non-recyclable waste plastic into a form that hydrogen can be extracted in an environmentally sustainable manner which can be used in heavy vehicles and electricity generation which reduces the impacts of local air pollution but also contributes to sustainability targets and the climate emergency.

### **9. CONDITIONS**

1. Unless otherwise agreed in writing, no development shall commence on site until such time as full details of the design and location of all walls and fences to be erected on site have been submitted to and approved in

writing by the Planning Authority, and these shall thereafter be implemented as approved.

2. Unless otherwise agreed in writing, no development shall commence on site until such time as exact details and specifications of all proposed external materials have been submitted to and approved in writing by the Planning Authority, and these materials shall thereafter be implemented as approved.
3. Unless otherwise agreed in writing, no development shall commence on site until such time as full details of all hard surfaces have been submitted to and approved in writing by the Planning Authority, and these shall thereafter be implemented as approved.
4. Unless otherwise agreed in writing, no development shall commence on site until such time as a landscaping scheme for the boundaries of the site has been submitted to and approved by the Planning Authority. Such scheme shall take account of BAA Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design', and shall include details of the maintenance arrangements. The approved landscaping shall thereafter be implemented not later than the next appropriate planting season after the opening of the facility (or, in the case of landscaping which serves a noise attenuation function, not later than the opening of the facility), and the landscaping shall thereafter be maintained in accordance with the approved arrangements.
5. Unless otherwise agreed in writing, no development shall commence on site until such time as details of a pedestrian/cycle crossing facility on Dock Street for use by persons using the cycle track along the former railway line have been submitted to and approved in writing by the Planning Authority. Such crossing shall be completed prior to the opening of the facility.
6. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) A detailed site investigation identifying the extent, scale and nature of contamination of the site (irrespective of whether this contamination originates on the site);
  - b) An assessment of the potential risks to :
    - Human health;
    - Property (existing and proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - Groundwater and surface waters;

- Ecological systems;
  - Archaeological sites and ancient monuments.
- c) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.
7. No development (other than investigative works) shall commence on site until a detailed remediation scheme for the site has been submitted to, and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development and its management procedures. The scheme shall ensure that upon completion of the remediation works of the site will not qualify as contaminated land under Environmental Health Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
  8. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that requiring to carry out the remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Local Planning Authority.
  9. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease. At this stage, if requested by the Planning Authority, an investigation and risk assessment shall be undertaken and an amended remediation scheme shall be submitted to, and approved in writing by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
  10. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to, and approved in writing by the Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority. Following completion of the actions/measures identified in the approved



remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

11. If there is a requirement to either re-use site won material on to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used, in addition to this and in accordance with bs3882:2015 and BS8601:2013, materials to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.

On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details on the source of the material and appropriate test results to demonstrate its suitability for use.

12. Prior to the commencement of development on site, details of the Sustainable Drainage System (SuDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SuDS shall be designed to ensure the contaminants present on the site are not mobilised and that pollution pathways are not created. The SuDS shall thereafter be formed and maintained on site in accordance with the approved details prior to development
13. Unless otherwise agreed in writing, deliveries shall take place between 0700 hours and 1900hours and HGV vehicles shall visit the site hydrogen refuelling station only between 0700hours and 2300hours.
14. Unless otherwise agreed in writing, no development shall commence on site until a noise mitigation strategy as noted in Section 7.10 of the Noise Impact Assessment (25<sup>th</sup> June 2021) has been submitted to, and approved in writing by the Planning Authority and any measures arising from the approved strategy shall be implemented as approved.
15. Upon completion of the development hereby approved an independently sourced Verification Report shall be submitted for the written approval of the Planning Authority which shall demonstrate compliance with noise conditions of this planning permission. The report shall demonstrate that the projections as detailed within the approved Noise Impact Assessment are reliable and mitigate the noise sources.
16. Unless otherwise agreed in writing, no development shall commence on site until such time as a noise control method statement for the construction period has been submitted to, and approved in writing by the Planning Authority. This statement shall identify likely sources of noise

(including specific noisy operations and items of plant/machinery), the anticipated duration of any particular noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise sources upon nearby residential properties and other noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.

17. During the period of construction, all works and ancillary operations which are audible, at the site boundary (or at such other places(s) as may first be agreed in writing within the Planning Authority), shall be carried out between the following hours unless otherwise agreed in writing by the Planning Authority:

Monday to Fridays:	0800-1800
Saturdays:	0800-1300
Sundays and public holidays:	No working

18. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning authority. This statement shall include an assessment of the impact on the piling on surrounding properties, taking into account the guidance contained in BS6472:1992 "Evaluation of Human Response to Vibration in Buildings". It shall detail any procedures, which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.

19. Unless otherwise agreed in writing no development shall commence on site, until an external lighting scheme shall be submitted to and approved in writing by the Planning Authority. The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task, it shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle of distract drivers on nearby road.

The scheme shall include:

- A statement setting out and justifying why the lighting scheme is required
- A report, prepared by a lighting engineer setting out the technical details of the luminaries and columns, including their location, type, shape, dimensions and expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance shall be appropriate to

the character of the surrounding area as a whole. Four environmental zones are internationally recognised, and the design will require to show that control of overspill light is limited to the level required by the particular environmental setting.

- A plan illustrating illuminance levels beyond the boundary or the site, together with the downward light output ratio of the lights.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- An operational statement, the purpose of which is to ensure that the developer and the lighting designer have considered operational regimes that can provide energy savings.
- Details of the proposed house of operation (unless explicitly agreed in writing, all external lighting luminaires shall be turned off during daylight hours and when not actively required).

Applicants should have regard to the guidance document “Controlling light pollution and energy consumption” produced by the Scottish Executive (March 2007).

20. Unless otherwise agreed in writing, no development shall commence on site until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8: Potential Bird Hazards from Building Design. The Bird Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the lifetime 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 in consultation with Glasgow Airport.

Peter Hessett

Chief Officer – Regulatory and Regeneration

**Date: 8<sup>th</sup> June 2022**

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

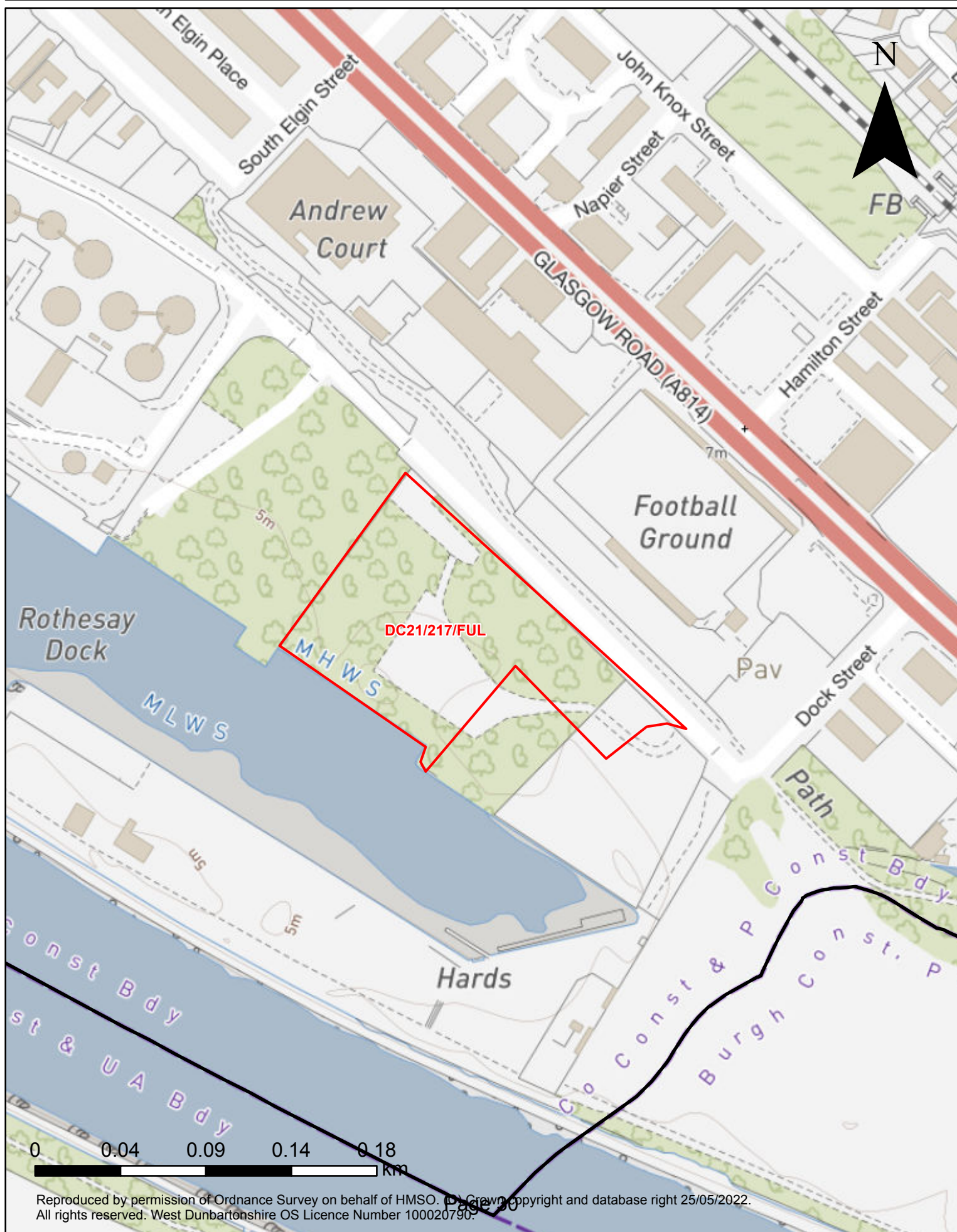
**Appendix:** Appendix 1 - Location Plan

**Background Papers:**

1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan 2 Proposed Plan.

**Wards affected:** 6 – Clydebank Waterfront





**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer – Regulatory and Regeneration****Planning Committee: 8<sup>th</sup> June 2022**

---

**DC22/052/FUL:        Installation of decking (retrospective) at No. 144 Mirren Drive,  
Duntocher, Clydebank by Mrs C Shields**

**1.        REASON FOR REPORT**

- 1.1**        An elected member has requested the application to be determined by the Planning Committee and this has been agreed in conjunction with the Convenor of the Committee and the appointed officer. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

**2.        RECOMMENDATION**

- 2.1**        Grant full planning permission.

**3.        DEVELOPMENT DETAILS**

- 3.1**        The application site comprises a two storey semi-detached dwelling house situated on the eastern side of Mirren Drive, Duntocher. Externally, the building is finished in brown facing brick, grey / brown dry cast render and a dark, weathered concrete tile roof. The property benefits from front and rear garden areas together with driveway and a detached single garage. The dwelling house is situated within an established residential area with a variety of dwelling houses of a similar design theme on Mirren Drive and Farm Road.
- 3.2**        An area of timber decking has been erected to the rear of the dwelling house, accessed via a new set of French doors from the dining room. The decking projects around 2.5 metres from the rear wall of the house and extends to a floor area of around 6.5 square metres. The floor of the decking is around 1 metre high and is enclosed by a timber balustrade. A set of stairs to the rear of the decking gives access to the rest of the rear garden. As the works have already been undertaken, the application is considered in retrospect.

**4.        CONSULTATIONS**

- 4.1**        None required.

## **5. REPRESENTATIONS**

**5.1** One objection was received in connection with the application. The concerns raised can be summarised as follows:

- The height of the decking is twice the permitted level and gives clear views to neighbouring gardens, to the detriment of the privacy of residents.
- Privacy issues have been exacerbated by the removal of an existing boundary hedge which has been replaced by a fence that has been poorly constructed.
- The decking provides an elevated area from which items may be thrown into neighbouring gardens.
- The decking may have been attached to the side wall of a neighbouring extension.
- The proximity of the decking to the neighbouring extension combined with a lack of a damp proof membrane may result in damage to this extension.

**5.2** A further representation in support has been received. This notes that there are no privacy concerns resulting from the proposal and highlights concerns regarding the height and maintainability of adjacent boundary hedges.

**5.3** The points raised in the representations received will be considered in Section 7 below.

## **6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

### West Dunbartonshire Adopted Local Plan 2010

**6.1** Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area. The requirement for proposals to be appropriate to the local area inclusive of design and the effect on privacy is highlighted. Considering residential amenity, Policy H5 seeks to protect, preserve and enhance the residential character and amenity of existing residential areas at all times.

**6.2** The proposal complies with the policies of the adopted Local Plan and is assessed fully in Section 7 below.

## **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

### West Dunbartonshire Local Plan (LDP2) Proposed Plan

**7.1** The modified LDP2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.

**7.2** Policy CP1 of LDP2 seeks to ensure that all development takes a design lead approach and seeks to protect and enhance the amenity of existing communities. Policy H4 sets out that that the Council will protect, preserve and enhance the



residential character and amenity of existing residential areas at all time. It is consider that the proposal presents no conflict with the relevant policies of LDP2.

#### Principle of Development

- 7.3** The erection of a small area of timber decking within the rear curtilage of a dwellinghouse situated within an established residential area is acceptable in principle subject to all material considerations being addressed. This type of development is commonly found within residential areas and the development in principle complies with the adopted and proposed Plans.

#### Design and Appearance

- 7.4** The decking is of a compact appearance and is located within a rear curtilage. In this instance, the decking is immediately to the rear of the existing house and positioned adjacent to the blank gable of a neighbouring rear extension. Accordingly it is not visible from any public vantage points. The structure is typical of that often found within a domestic setting and no concerns in respect of the design and appearance arise.

#### Impact on Residential Amenity

- 7.5** In assessing areas of raised decking, particularly where they are accessed directly from a room of the existing house, a balance must be sought between the creation of an outside area of residents to relax and enjoy good weather, and ensuring that neighbouring residents are not unacceptably disturbed by any activity associated with the decking and the transference of activity directly from the house to the decking. It must be ensured that the decking is not of a size that affords residents the opportunity to undertake a wide range of functions throughout extensive periods of the day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens. The decking which has been erected extends to a floor area of around 6.5 metres and it is not considered that an area of decking of this size would result in a level of activity that could unacceptably disturb neighbouring residents.
- 7.6** The second amenity consideration in this case is that of overlooking and loss of privacy. It must be considered whether the decking constructed leads to additional and unacceptable overlooking and loss of privacy beyond the established position. Neighbouring residential properties lie to both the side of rear of the application site and a degree of overlooking and intervisibility between properties already occurs from both upper windows and also over lower sections of boundary fencing. The decking erected must be considered in this context. The decking is around 5.5 metres from the southern side boundary of the garden with the neighbouring house beyond being at 90 degrees to the application site. The distance to the boundary together with the boundary treatment ensures that no additional and unacceptable overlooking occurs to the properties to the south.
- 7.7** To the north, the decking adjoins the blank gable of a neighbouring extension. More distant views towards the rear portion of the neighbouring garden to the north are possible if standing on the very edge of the decking. From the centre of the decking which will be where the bulk of the activity would be expected to occur, the height of the decking together with the boundary fence ensures that no significant or unacceptable overlooking occurs which would be to the detriment to the privacy of neighbouring residents. The adjoining rear gardens of houses on

Farm Road are some 20 metres distant from the decking and no privacy implications arise.

- 7.8** Overall, it is considered that the decking constructed would not result in any additional overlooking and loss of privacy beyond the established position and accordingly no unacceptable impact on the privacy and amenity of neighbouring residents occurs.

Representations Received

- 7.9** Turning to the objection received, concerns are raised that the height of the decking is twice the permitted level. Whilst it is true that the floor level of the decking is in excess of the height which could be constructed as permitted development, it does not follow that this renders the decking constructed to be unacceptable. It does, however, require the submission of a planning application and an assessment of all material planning considerations in the determination of the planning application. As is assessed above, it is concluded that that no additional and unacceptable overlooking and loss of privacy arises as a result of the decking constructed. Whilst the concerns regarding the removal of a boundary hedge are noted, this has no bearing on the assessment of the planning application. Whether or not the decking is attached to the wall of the neighbouring extension together with the provision of a damp proof membrane between the decking and the neighbouring extension are civil matters which are not material to the consideration of this application. Whilst nothing has been advanced to substantiate the suggestion that items are thrown over garden fences at this location this, in any case, this can also have no bearing on the assessment of the planning application.

- 7.10** The representation in support is noted inclusive of the view that there are no privacy implications resulting from the proposal.

**8. CONCLUSION**

- 8.1** The decking erected is acceptable both visually and in respect of the amenity of neighbouring residents. The development also presents no conflict with both the adopted West Dunbartonshire Local Plan together with the proposed West Dunbartonshire Local Development Plan 2. Whilst an objection has been received, there are no material considerations which suggest that the application should be refused.

**9. CONDITIONS**

None.

**Peter Hessett**

**Chief Officer – Regulatory and Regeneration**

**Date: 8<sup>th</sup> June 2022**

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** Appendix 1 – Location Plan

**Background Papers:**

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010;
3. West Dunbartonshire Local Development Plan 2  
Proposed Plan.
4. Representations

**Wards affected:** Ward 4 - Kilpatrick



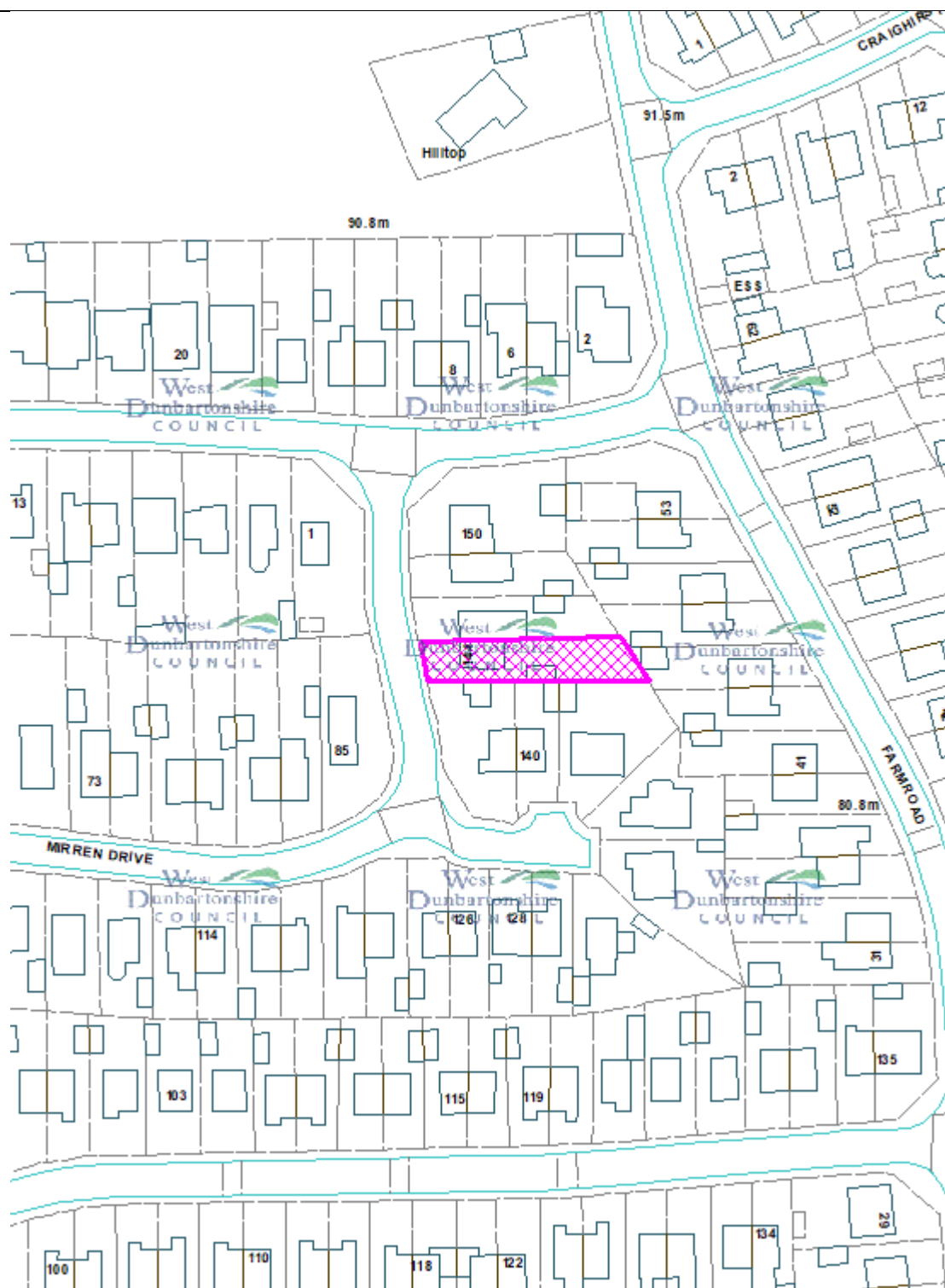
Map Register No: HQ668

Date: 20 May 2022

DC22/052/FUL

Installation of decking  
(Retrospective)

144 Mirren Drive  
Duntocher  
Clydebank  
G81 6LD





**WEST DUNBARTONSHIRE COUNCIL****Report by the Chief Officer - Regulatory and Regeneration****Planning Committee: 8<sup>th</sup> June 2022**

---

**Subject: DC21/138/FUL: Proposed residential redevelopment of 88 dwellings comprising of cottage flats, bungalows and flats with vehicular access, associated car parking and landscape works at land at the corner of Glasgow Road and Mill Road, Clydebank by West Dunbartonshire Council**

**1. Purpose**

- 1.1** To provide the Committee with additional information following continuation of the above planning application and to seek the Committee's decision on the application.

**2. Recommendations**

- 2.1 Grant planning permission** subject to the revised conditions set out in Section 9 of Appendix 2 of the report.

**3. Background**

- 3.1** The above planning application was presented to Planning Committee on 6<sup>th</sup> October 2021. Appendix 1 contains a copy of the report presented to October Planning Committee. It agreed to continue the above application to allow officers to give further consideration to parking provision.

**4. Main Issues**

- 4.1** Following the continuation of the above application a Transport Statement was prepared to consider transport and traffic implications for the development of 88 affordable housing units focusing on pedestrian movements, cycling, and public transport together with an indication of possible amounts of traffic generated by such a development. Glasgow Road is a major route between west of Glasgow and Clydebank. Both Glasgow Road and Mill Road have footways on each side, are street lit and subject to 30 mile per hour speed limit. There is a new cycle path incorporated within the proposed development from the railway station car park south to Glasgow Road. The site is close to National Cycle Route NCR7 which is some 350 metres from the site at the south end of Dock Street. There are also a number of bus stops conveniently located on Glasgow Road and Mill Road being less than 100 metres from the site access. The railway station of Yoker operate a basic weekday and Saturday service of 4 trains per hour in each direction (every 15 minutes) westbound to Dalmuir via Clydebank and eastbound to Partick. Therefore

there are regular bus and train services in close proximity to the site and is in walking distance to Clydebank town centre and the Queens Quay waterfront area. The site also will be in close proximity to the new Renfrew/Clyde bridge which will connect Clydebank and Glasgow with Renfrew. The new bridge will have good walking and cycling provision.

- 4.2** There are some 30 traffic movements an hour during weekday peak traffic periods associated with 88 affordable homes. A total of 79 car parking spaces were originally proposed which is slightly below the standard required for this type of development. Since the continuation of the application the parking provision has been reviewed and 99 car parking spaces (112.5%) now are proposed together with a proposal that parking provision will be reviewed after occupation where the provision could be increased to 110 spaces (125%) if required. Nine marked and signed disabled spaces will be provided, with each one close to each of the nine wheelchair accessible houses in the development. Two electric vehicle charging points are to be provided with ducting provided for all parking spaces (including the possible future provision). Cycle parking is one space per flat and there is scope in the garden of the houses to erect a shed or storage unit. This is all considered acceptable by the Council's Roads Service.
- 4.3** As part of the submitted Transport Statement a snapshot survey was made of overnight parking at nearby developments. The survey was carried out after 11.00 pm on Wednesday 10<sup>th</sup> November 2021. The snapshot survey showed that the percentage demand for parking to be well below the 112.5% provided for this development and ranged from 25% to 57% demand of allocated parking spaces. Other measures proposed include Travel Plan to encourage walking, cycling and use of public transport facilities for future residents and this information available for first occupants. The car parking provided will also be managed given the proximity of Yorker railway station. Given the highly sustainable location of the site and the submission of supporting information the number of car parking spaces is considered acceptable. If the needs of the residents change as the development is occupied then functioning additional spaces can be provided. This can be achieved via a planning condition.
- 4.4** During the continuation of the application further site investigations and assessments have been undertaken. A revised site investigation report was submitted and on the basis of the information provided the associated risks at the site are now recognised. The report now acknowledges that contamination, both chemical and physical, is present across the site and that both remediation and mitigation will be necessary to enable this site to be developed. The proposal is for areas of gross contamination to be excavated and for further mitigation measures to be implemented to ensure that any remaining contamination is properly and robustly managed. Remediation and mitigation measures will require further discussion and this would be conditioned as part of the planning consent. A reduced capping depth in landscaped areas or the mound has not been accepted. As a result of the



recent report, condition 12 regarding a site investigation report has now been met and can be removed from the set of conditions. Two additional conditions are proposed Conditions 13 and 15 in terms of the completion of remediation scheme and the monitoring and maintenance scheme of the long term effectiveness of the proposed remediation. The SUDS condition (Condition 18) has been amended to remove reference to contaminants and pollution pathways as this will be confirmed in the remediation strategy.

## **5. People Implications**

**5.1** None.

## **6. Financial and Procurement Implications**

**6.1** There are no financial or procurement implications in terms of this report.

## **7. Risk Analysis**

**7.1** No risks have been identified.

## **8. Equalities Impact Assessment (EIA)**

**8.1** Not required.

## **9. Consultation**

**9.1** Consultation was undertaken as part of planning processes associated with the planning application.

## **10. Strategic Assessment**

**10.1** There are no strategic issues.

### **Peter Hessett**

Chief Officer - Regulatory and Regeneration

Date: 8<sup>th</sup> June 2022

---

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager,  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk).

**Appendices:** Appendix 1 - Planning Committee Report: Ref: DC21/138/FUL (06/10/2021)  
Appendix 2 – Revised Conditions  
Appendix 3 – Location Plan

**Background Papers:** Transport Statement - 17<sup>th</sup> November 2021  
Site Investigation Report - Version 5 (May 2022)

**Wards Affected:** Ward 6 – Clydebank Waterfront

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer - Regulatory and Regeneration**

**Planning Committee: 8<sup>th</sup> October 2021**

---

**DC21/138/FUL: Proposed residential redevelopment of 88 dwellings comprising of cottage flats, bungalows and flats with vehicular access, associated car parking and landscape works at land at the corner of Glasgow Road and Mill Road, Clydebank by West Dunbartonshire Council**

**1. REASON FOR REPORT**

- 1.1** This application relates to a major development and under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

**2. RECOMMENDATION**

- 2.1** Grant full planning permission subject to the conditions set out in Section 9.

**3. DEVELOPMENT DETAILS**

- 3.1** The site is located at the corner of the junction of Glasgow Road and Mill Road, Clydebank. Glasgow Road forms the site's southern boundary and Mill Road runs along the site's eastern boundary. Mill Road marks West Dunbartonshire's boundary with Glasgow City Council. To the site's northern boundary is the railway line and Yoker train station which has a small car parking area accessed off Mill Road. There is a bus stop directly adjacent to the site's access on Mill Road and to the south there is a bus stop on Glasgow Road. On the eastern side of Mill Road, opposite the application site is a supermarket. To the site's western boundary there are a number of light industrial units that accommodate car workshops/garages and printers and are accessed off Hamilton Street. There is also a parade of shops to the site's western boundary and there is direct access to these amenities from the application site through Hamilton Terrace. The site is broadly rectangular and flat. There are mature trees located on the south-eastern corner of the site. Within the site itself there is an existing Scottish Water trunk sewer that runs north to south through the site to the western side of the site. There is also a

Scottish Water below ground storage facility along part of the boundary with Glasgow Road.

- 3.2** Planning permission is sought for 88 dwellings in total comprising of 38 houses and 50 flats. The dwelling sizes range from two to five bedrooms and the proposed flats are one and two bedrooms. Nine wheelchair accessible properties are proposed across the site. Access to the site makes use of the existing vehicle access from Mill Road. The proposed internal road layout takes the form of circulatory road that follows the broadly rectangular form of the site. Within the circulatory road there are blocks of terrace houses that are sited close to the road edge to form a strong building line. Private garden grounds and car parking is proposed to the rear of these houses with a secondary mews type road running between these spaces. To the north of the circulatory road there are a mix of houses and cottage flats. The cottage flats face in to a semi public landscaped area. The gables of these properties face the railway line in order partly to address railway noise and provide opportunity for views in to the site.
- 3.3** At the site's north-western corner the proposal includes a large area of open space with tree planting and wildflower planting. There are 3 bungalows proposed that have views to the open space and there are two blocks of terrace houses proposed that face on to Glasgow Road. These properties have private gardens and car parking to the rear and are accessed off the main circulatory road. Landscaping is proposed in front of these houses to provide a visual buffer to Glasgow Road and setting to the development. In between these two housing blocks a significant landscaped area is also proposed. The layout partly responds to the underground constraints but will provide high quality landscaped areas that provides opportunities for movement through the site from Glasgow Road and beyond and provides a high quality natural residential environment.
- 3.4** On the corner adjacent to Glasgow Road and Mill Road the scale of the development increases to four storey blocks of flats that then further increases to a six storey block. These taller buildings represent a distinctive landmark building and incorporate a 'saw tooth' roof form that accentuates the height and verticality further. The proposed layout includes urban street planting to this corner facing the public elevations and private space with car parking, cycle and refuse storage to the rear. Within the site the house designs are simple in form making use of active gable ends to add visual interest and passive surveillance of surrounding streets. The saw tooth roof feature is also incorporated in to the house type designs. Finishes proposed include dark grey windows and a mix of dark grey and buff bricks. Recessed entrances to feature a black glazed brick and soldier brick courses also add some visual interest and texture to the dwellings. A similar materials palette is proposed for the taller flatted

part of the development and their design will include the use of a darker brick for the ground level and metal 'zig zag' shape to be included on the window railings, again large window openings are also proposed. A simple window design which repeats across the taller blocks of flats also unifies the flatted development and similar, generous window opening feature on the houses around the rest of the site.

- 3.5 Supporting technical information has been provided as part of the application and this includes a Design and Access Statement, a Pre-application Consultation Report, Phase 2 Site Investigation, and Transport Statement.

#### 4. CONSULTATIONS

- 4.1 West Dunbartonshire Council Roads Service have raised no objections provided that a further review of car parking provision can be undertaken upon full occupation and that further car parking spaces can be formed if necessary.
- 4.2 West Dunbartonshire Council Environmental Health has raised no objections in principle but requested conditions with respect to contaminated land, SUDS and maintenance, Noise Impact Assessment and required mitigation measures, construction noise, piling method statement, dust control and storage of waste.
- 4.3 West Dunbartonshire Council Biodiversity Officer, Waste Services and Scottish Water have raised no objections to the proposed development.
- 4.4 Network Rail advise of no issues in principle but would wish to see the provision of a suitable trespass fence of at least 1.8m in height along the sites northern boundary.
- 4.5 Glasgow Airport Safeguarding has raised no objection, having now considered the submitted Glint and Glare Assessment. A condition is however recommended with respect to landscape species.
- 4.6 Glasgow City Council have not responded at the time of writing this report.

#### 5. REPRESENTATIONS

- 5.1 One representation has been received with the focus of the comments concerning the new bridge construction and the impact this could have on the road infrastructure when combined with the construction of 88 dwellings within close proximity.

#### 6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

#### West Dunbartonshire Adopted Local Plan 2010

- 6.1** Policy UR1 encourages the redevelopment and re-use of underused, vacant and/or derelict land and buildings for appropriate uses such as housing. Policy H4 sets out standards expected of residential development, requiring high quality design in the range of house types and sizes and in terms of form, layout and materials. Policy GD1 seeks to ensure that all new development is of a high quality of design and respects the character and amenity of the area.
- 6.2** Policy R2 specifies the open space provision required for all developments. Assessment of open space requirements has been undertaken against the more updated “Our Green Network” Planning Guidance (2015) in Section 7 below.
- 6.3** Policy T1 and T4 requires sites to integrated with sustainable travel and Policy E5 relates to trees and requires new development proposals to consider impacts on trees and incorporate suitable tree planting. Policies F1 and F2 aims to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SUDS drainage infrastructure. The proposal complies with the policies of the adopted local plan and is assessed fully in Section 7 below.

### **7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

#### West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglennan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers’ Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** The consideration of policies DS1, GN2, SD1, DS6 and GN3 and GN5 with regards to new residential development, green network, transport, flooding and drainage are similar to that of the Adopted Plan. DS7 requires any potential site contamination issues to be addressed and DS3 requires significant travel generating uses to be located within 400 metres of a public transport network. DS1 seeks to ensure a high design quality in housing and being suitable for a mix of occupants.
- 7.3** The Residential Development: Principles of Good Design Guidance applies to all developments of more than 3 units and has been taken account of in the proposed design and site layout. The proposed development is assessed against the Proposed Plan and the Residential Development Guidance in Section 7 below.

#### West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** The modified LDP2 was approved by the Council in August 2020 and the Council then advised the Scottish Ministers of its intention to adopt the Plan. The Scottish Government issued a direction to the Council on 18<sup>th</sup> December 2020 requiring modifications to the housing parts of LDP2. None of the policies considered in the determination of these applications is affected by the Direction. LDP2 is therefore the Council's most up to date policy position and has significant weight in the assessment and determination of planning applications at this time.
- 7.5** Similarly to Policy DS1 of LDP 1, Policy CP1 seeks to ensure that housing is of a high quality, adaptable and is designed to be suitable for a mix of occupants. It indicates that all new development will be expected to contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming).
- 7.6** Policy GI2, BE1, FCC1, ENV1, ENV4, ENV5 and ENV6 are similar to the green network, built heritage, tree, water environment and flooding policies of the Adopted and LDP 1 policies, albeit that Policy GI2 sets a higher open space standard to that of the adopted Local Plan and LDP 1. Policies CP2 requires the integration and consideration of green infrastructure from the outset of the design process through to its maintenance and stewardship of the resource.
- 7.7** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transport and Policy CON4 sets out a need for all developments to install sufficient broadband provisions. Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process, whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use. It is considered that the proposals comply with the above policies as discussed below.
- 7.8** Principle of Development  
The site had previously accommodated three multi-storey blocks of flats with some lower level maisonettes. There were circa. 330 dwellings across the site but these had historically suffered with maintenance and repair issues. It was agreed in November 2015 by the Council to proceed with the demolition of these blocks and work was completed last year on the demolition and site clearance. The construction of new dwellings on a site previously used for residential purposes is therefore acceptable in principal and does not conflict with the land use policies of the adopted and Proposed Plans.

**7.9** Compatibility with surrounding land uses

The site is surrounded by a range of existing land uses. To the north of the site is the main Glasgow to Balloch railway line and Yoker train station. Mill Road and Glasgow Road form the site's more public boundaries with a supermarket store being on the opposite side of Mill Road. To the site's southern and western sites there are mix of commercial properties. The site is also under the flight path to Glasgow airport and therefore has the potential to be impacted by a number of noise sources. It is acknowledged that the site had accommodated residential properties in the past but these were much denser and with an entirely different layout.

- 7.10** A Noise Impact Assessment and supplementary reports have been submitted as part of the proposals and it makes recommendations with respect to mitigation measures that should be incorporated in to the building construction. These mitigation measures include the use of a higher performing type of glazing, specific glazing combinations, use of attenuated trickle ventilation and the use of tiles or other weatherproof outer sheeting for the proposed roofs. A combination of these measures will help to address rail, road and aircraft noise, as well as commercial noise sources. Having regard to the well established use of the site for residential in the past and current construction methods to include the aforementioned mitigation measures it is considered that the site remains suitable for residential development. The measures necessary to mitigate the noise sources can be secured by condition and are necessary for a site of such urban character.

Site Layout, Design and Appearance

- 7.11** The layout has been the subject to extensive pre-application discussion with suggested layout changes having been incorporated in to the final submission. The development has been designed to reflect and complement its surroundings but to also act as a landmark feature to announce the arrival in West Dunbartonshire as it is on the Council boundary between West Dunbartonshire and Glasgow City Council.
- 7.12** The nature of the proposal is broadly described at paragraphs 3.2-3.4 above. The proposed layout uses a circulatory road within the centre of the site with an internal 'mews' style road sitting in the centre that allows easy movement through for pedestrians and cyclists. A range of house types are orientated and sited around the edge of the site to make the most of their location and to add interest and variation to the streets. At the north western corner of the site is an existing mound of contaminated land that would be cost prohibitive to remove from the site. It is intended to securely cap this area and cover with a 450mm deep layer of clean soil and introduce wildflower planting which is considered an appropriate response to the constraint on site.
- 7.13** Design of the houses and flats take advantage of its prominent location whilst reflecting the constraints within and alongside the site. The corner flatted development features a 'saw tooth' roof and taller window form to



create a degree of dominance to the corner. The repeated window arrangement is also a strong design element when read alongside the proposed recessed entrance features. Soldier brick courses, deep window reveals and zig zag metal railings also add interest to the flats and are features that are repeated on the houses and cottage flats within the site. A mix of materials is proposed across the site with bricks that have a buff and dark grey tone that will complement each other and provide an attractive contrast within the site together with a high quality black glazed brick which will be used in recessed entrances. Concrete dark grey roof tiles are also proposed and will blend with the brick choices. The fenestration will have matt dark grey frames and the Juliet balconies that feature on the taller flats will be matt dark grey too with a 'zig zag' shape too add more visual interest.

- 7.14** It is considered that the proposed layout responds well to the site constraints and will create a landmark building to mark the arrival in to West Dunbartonshire. The layout is imaginative and will provide a range of housing options using high quality materials and represents a well considered design solution and placemaking approach.

Open Space and Landscaping

- 7.15** The presence of the main Scottish Water sewer and the underground storage facility along Glasgow Road has resulted in generous areas of landscaping and open space. The proposed amenity space equates to over 7800 sqm which exceeds the requirements of 'Our Green Network Planning Guidance.' The amenity areas take a number of different forms. There are spaces provided to the rear of the flats for communal amenity purposes, there are more open landscaped areas that will face Glasgow Road and the land in the northern corner will also provide a valuable green space and setting for the development. Individual houses and the bungalows will also have their own private and defined garden space which are considered to be commensurate with the amenity needs of each dwelling type. High quality landscaping suited to the setting of the development will also be provided and includes a range of treatments across the site including the use of wildflower meadow grass planting to the earth mound to the north-western corner. Other areas will be formally planted with amenity shrubs, hedges and tree planting and species will be selected to add to the sites biodiversity value. Native trees will also be selected and bulb and wildflowers will also feature to add seasonal interest. The landscaping will also include swales and rainwater gardens to help to manage rainwater runoff. It is envisaged that the required play space can be located at various locations within the site along with public art and these requirements can be addressed via conditions.

**7.16** The proposed layout does result in the loss of existing trees at the corner of Glasgow Road and Mill Road. In total 18 trees across the whole site will be removed as part of the development. The loss of the existing trees at the site's southwestern corner is unfortunate but necessary to create the landmark building and the siting it requires to maximise its visual impact. The proposed landscape plans illustrate that heavy standard trees will be planted along the street edge with Mill Road and Glasgow Road to create a strong green edge to the site. The landscape plans indicate that over 80 trees will be planted on the site along with shrubs. Quality landscape spaces are also proposed within other parts of the site which will mitigate against the loss of the aforementioned trees on the corner. It is felt that the levels of new planting across the site as part of a well considered landscape approach with trees having been selected that are better suited to a new urban layout will provide a quality landscape setting to the development that can not only be enjoyed by residents but people passing through the development too. The development will therefore have an attractive green setting which is welcomed given the site's urban surroundings

Roads, Parking, Access and Permeability

**7.17** The site is well connected with bus routes along Mill Road and Glasgow Road. Yoker train station adjoins the site and established cycle routes run parallel to Glasgow Road. It should also be noted that the new Renfrew/Clyde Bridge will also be built within close proximity to the application site. A total of 79 car parking spaces are proposed which is slightly below the standard required for this type of development. The submitted Transport Statement provides justification for the reduced level based on the profile and habits of future residents and the sustainable location. Given the highly sustainable location of the site and the submission of supporting information the number of car parking spaces is considered acceptable by the Roads Service. If the needs of the residents change as the development is occupied then functioning additional spaces can be provided. This can be achieved via a planning condition.

**7.18** The development will also be providing electric vehicle charging points and cycle storage for the flats. Accessible spaces are also included in the layout for the residents of the wheelchair accessible dwellings. In terms of the layout it is anticipated that the layout would create a 'shared zone' where the road network is shared by vehicles, cyclists and pedestrians with the aim being to prioritise people over car users. The layout provides links through the site to Yoker train station and the location of the new Renfrew Bridge which will increase the permeability through the site and create new pedestrian movements through the site.

### Technical Matters

- 7.19** The Council's Environmental Health Service have requested a site investigation report including remediation and mitigation measures for treatment of the ground conditions. These matters alongside other matters including dust mitigation and construction activity can be addressed as planning conditions. It should be noted that the contaminated land to the site's north-western corner is to be capped and soil to a depth of 450mm shall be added. Thereafter the mound will be treated with wildflower planting mix to enhance the visual impact. This approach is considered to be acceptable.
- 7.20** In support of the application a Flood Risk Assessment, Energies Strategy, Invasive Weed Strategy, Ecological Survey Report, Drainage strategy to include SUDS and Reflectivity Analysis Report have been submitted. The Council's Road Service have advised that the findings of the Flood Risk Assessment is acceptable and will not present a flood risk to residents and the surroundings. The SUDS design includes swales and rainwater gardens to manage rainwater runoff from hard surfaces. This approach to SUDS being integrated in to the landscaping proposal is a welcome response given the urban nature of the site.

### Pre-application Consultation

- 7.21** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to the submission of the application. A Proposal of Application Notice was received in February 2019 regarding the redevelopment of the site. Given that two years had lapsed since the original Proposal of Application Notice process started and the scheme has evolved, further engagement with the local community on the revised proposals took place recently. The applicant has subsequently submitted a Public Consultation Report which identifies that an online consultation/information event was held on 17<sup>th</sup> February 2021. This event comprised of a presentation and participants had the opportunity to ask questions. The event was publicised on the Council's website, Facebook page and tenant participation Facebook pages. In addition to the statutory requirements

As a response of these public discussion forums lifts were introduced to all closes of the flatted blocks which includes the four storey blocks, they had previously only been in the six storey blocks.

### Place and Design Panel and Pre application Elected Member Briefing

- 7.22** The development has evolved over the last three years. Earlier versions of layouts and early capacity studies were presented to the Place and Design Panel in September 2018. The Panel were of the view that the urban setting would not lend itself to supporting detached suburban type development that might lose its scale on the site but would perhaps be suited to town houses and flatted development which would allow the

volume to change across the site. The concepts discussed at the Panel session are evident in the current layout.

- 7.23** The application was also presented to a pre application Elected Member Briefing on 30<sup>th</sup> March 2021. The Elected Member Briefing raised matters concerning accessibility and lift access, sustainability aspects, zero carbon approach as renewable energy sources and the use of triple glazing. These issues have been addressed in the final submission.

## **8. CONCLUSION**

- 8.1** The redevelopment of this vacant and brownfield site for residential purposes complies with local planning policies which seeks to support urban renewal and regeneration. The proposals have been subject to extensive discussions with officers at the pre-application stage and the design of the site has clearly evolved through and been informed by the feedback provided through this pre-application process, the Place and Design Panel and the separate Elected Member Briefing. The development will provide high quality housing with excellent open space provision and connections to the surrounding area. The design and prominence of the flatted development at the corner between Mill Street and Glasgow Road will be a bold landmark building and will enhance and contribute positively to the further regeneration of the area.

## **9. CONDITIONS**

- 1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the dwellings/flats and associated hard landscaping, to include boundary treatments and waste storage facilities within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the brick to be used shall comprise of i) Ibstock Arden Weathered Grey, ii) Ibstock Himley Ebony Black and iii) a glazed black brick. Full details the proposed glazed black brick and its exact location for use on the buildings shall be submitted to and agreed by the Planning Authority prior to works commencing on site. The development shall be completed in accordance with the approved material details and palette unless otherwise agreed by the Planning Authority.**
- 2. Prior to the first occupation of the flats hereby approved details of the proposed cycle storage and refuse/recycling stores shall be submitted for the written approval of the Planning Authority. The approved details shall be installed prior to the first occupation of the flats hereby approved on an agreed phased basis. The constructed cycle stores and refuse/recycling stores shall be maintained for the**

lifetime of the development unless otherwise agreed by the Planning Authority.

3. Prior to works commencing on site a proposed planting schedule to include heavy standard tree planting shall be submitted for the written approval of the Planning Authority to be read in conjunction with the soft landscape arrangements approved under drawings XX – DR-L-90-002 Rev A and XX-DR-L-90-001. The planting schedule include native species and planting to increase the biodiversity value of the site. The approved landscape plans shall be implemented no later than the next available planting season or a phased scheme to be agreed with the Planning Authority. Any trees, shrubs or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed by the Planning Authority.

It should be noted that the submitted landscape details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

No subsequent alterations to the approved landscaping scheme shall take place unless submitted to and approved in writing by the Planning Authority.

4. Prior to works commencing on site details of a children's play area to be incorporated in to the site's landscaping areas shall be submitted for the written approval of the Planning Authority. The children's play shall be installed upon occupation of the 30<sup>th</sup> dwelling unless otherwise agreed by the Planning Authority and shall be maintained for the lifetime of the development unless otherwise agreed.
5. Prior to works commencing on site details of public art to be incorporated in the site's landscaping scheme shall be submitted for the written approval of the Planning Authority. The agreed public art shall be installed upon completion of the development and shall be maintained for the lifetime of the development unless otherwise agreed.

6. No house/bungalow shall be occupied within the site until the vehicle parking spaces associated with that house unit have been constructed and provided within the site in accordance with approved site layout (drawing no. ABC-XX-XX-DR-A-0010-Rev J – Proposed site plan). The aforementioned parking shall thereafter be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
7. Twelve months after the full occupation of the dwellings hereby approved a Transport Statement and survey findings shall be submitted for the approval of the Planning Authority. The required submissions shall detail the use of the approved car parking provision and if necessary shall provide details of additional spaces to include location and a timescale for their implementation. Thereafter the additional parking, if constructed, shall be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
8. Prior to the commencement of development with the site, details of the location and design of an electric charging point(s)/unit(s) to serve the development shall be submitted to and approved in writing by the Planning Authority. The approved car charging point(s)/unit(s) and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained as such thereafter.
9. Prior to the occupation of the first unit within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
10. Notwithstanding the plans hereby approved details of additional horizontal traffic calming measures throughout the development site shall be submitted for the written approval of the Planning Authority. The approved works shall be installed as agreed prior to the first occupation of the unit hereby approved or an alternative timeframe to be agreed by the Planning Authority. The constructed traffic calming measures shall be maintained thereafter for the lifetime of the development.
11. Notwithstanding the plans hereby approved full details of the junction between Mill Road, the development access and Yoker Train Station shall be submitted for the written approval of the Planning Authority. The works shall thereafter be carried out in accordance

with the approved plans and maintained as such for the lifetime of the development unless otherwise agreed.

12. No development (other than investigative works) shall commence on site until such time as a detailed report on the nature and extent of any contamination of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:
  - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site)
  - b) An assessment of the potential risks (where applicable) to:
    - a. Human health
    - b. Property (existing and proposed) including buildings, crops and livestock, pets, woodland and service lines and pipes
    - c. Groundwater and surface waters
    - d. Ecological systems
    - e. Archaeological sites and ancient monuments
  - c) An appraisal of remedial options, including a detailed remediation strategy based on the preferred option.
13. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under the Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.
14. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to

and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.

15. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed by the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.
16. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority the developer shall submit a verification report containing details of the source of the material and associated test results to demonstrate its suitability for use.
17. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The SUDS shall be designed to ensure that contaminants present on the site are not mobilised and that pollution pathways are not created. The Sustainable Urban Drainage System (SUDS) shall thereafter be formed and maintained on site in accordance with the approved details.
18. No development shall take place on site until such time as a suitably updated noise impact assessment has been submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from nearby sources including commercial premises, plant noise. Where a potential for noise disturbance is identified,



proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. The noise impact assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.

As this area is subject to noise from aircraft, assessment of this source must be detailed within the Noise Impact Assessment including detailed mitigation measures for this noise source. The development will require high specification acoustic roof insulation as a minimum and double/triple glazing.

19. No development shall commence on site until such time that a noise assessment has been submitted and approved by the Planning Authority in writing, The noise assessment shall determine the impact of road traffic noise on the development using the principles set out in 'Calculation of Road Traffic Noise' (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: "Technical Advice Note Assessment of Noise". Where the submitted report identifies potential noise disturbance, it shall include a scheme for protecting residents of the proposed dwellings from road traffic noise. The scheme shall ensure that the internal levels do not exceed 40dB daytime and 35 dB night time and the external levels do not exceed 55dB daytime in any rear garden areas, when measured as LAeq.T. The approved mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained and maintained for the lifetime of the development.
20. No development shall commence until such time that details of noise attenuation/soundproofing works have been submitted to and approved in writing by the Planning Authority. The approved noise attenuation/soundproofing measures shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.
21. Upon completion of the development hereby approved an independently Verification Report shall be submitted for the written approval of the Planning Authority which shall demonstrate compliance with noise conditions of this planning permission. The report shall demonstrate that the projections as detailed within the approved Noise Impact Assessment are reliable and mitigate the noise sources.

- 22** No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.
- 23** During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing by the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
- **Mondays to Fridays: 0800-1800**
  - **Saturdays: 0800-1300**
  - **Sundays and public holidays: No working**
- 24.** No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of and take into account the following:
- **The impact of the piling on surrounding properties.**
  - **Detail any procedures which are required to minimise the impact of noise and vibrations on the occupants of surrounding properties.**
- This statement as submitted shall be prepared by a suitably qualified person and shall take into account the guidance contained in BS6472:1984 'Evaluation of Human Response to Vibration of Buildings'. The piling works shall thereafter be carried out in accordance with the approved method statement until they are completed on site.**
- 25.** Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its

- construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.
26. Prior to the commencement of development on site, an Air Quality Impact Assessment shall be submitted for the written approval of the Planning Authority. The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication 'Local Air Quality Management Technical Guidance LAQM.TG (09) and 'Delivering Cleaner Air for Scotland – Guidance from Environmental Protection Scotland and the RTPi Scotland – January 2017'. The recommendations within the approved Air Quality Report shall be implemented prior to the first occupation of the dwellings or an alternative timescale agreed by the Planning Authority.
27. Prior to work commencing details of the sites proposed lighting scheme shall be submitted for the written approval of the Planning Authority and should include details of lamp type and luminaire. The lighting installation shall thereafter be carried out in accordance with the approved details unless otherwise agreed by the Planning Authority.
28. No development shall commence on site until details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first housing unit/property within the site and thereafter maintained for the lifetime of the development.
29. Should works commence on the development hereby approved after the start of the next bat breeding season (April 2022) then a further Bat Survey shall be undertaken and submitted for the written approval of the Planning Authority. In the event that bats are encountered during other works, all works should cease and Nature Scot or a licenced ecologist contacted.

**Peter Hessett**

**Chief Officer – Regulatory and Regeneration**

**Date:** 6<sup>th</sup> October 2021

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendix:** Location Plan

**Background Papers:**

1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan Proposed Plan;
5. West Dunbartonshire Local Development Plan 2 Proposed Plan.
6. 'Our Green Network' Guidance
7. Residential Development Design Guidance

**Wards affected:** Ward 6 - Clydebank Waterfront

## Appendix 2

### 9. CONDITIONS

1. Prior to the commencement of development on site, exact details, specifications and samples of all proposed external materials to be used for the dwellings/flats and associated hard landscaping, to include boundary treatments and waste storage facilities within the development site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the brick to be used shall comprise of i) Ibstock Arden Weathered Grey, ii) Ibstock Himley Ebony Black and iii) a glazed black brick. Full details the proposed glazed black brick and its exact location for use on the buildings shall be submitted to and agreed by the Planning Authority prior to works commencing on site. The development shall be completed in accordance with the approved material details and palette unless otherwise agreed by the Planning Authority.
2. Prior to the first occupation of the flats hereby approved details of the proposed cycle storage and refuse/recycling stores shall be submitted for the written approval of the Planning Authority. The approved details shall be installed prior to the first occupation of the flats hereby approved on an agreed phased basis. The constructed cycle stores and refuse/recycling stores shall be maintained for the lifetime of the development unless otherwise agreed by the Planning Authority.
3. Prior to works commencing on site a proposed planting schedule to include heavy standard tree planting shall be submitted for the written approval of the Planning Authority to be read in conjunction with the soft landscape arrangements approved under drawings XX –DR-L-90-002 Rev A and XX-DR-L-90-001. The planting schedule include native species and planting to increase the biodiversity value of the site. The approved landscape plans shall be implemented no later than the next available planting season or a phased scheme to be agreed with the Planning Authority. Any trees, shrubs or plants forming part of the approved landscape scheme which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of their planting, shall be replaced in the next planting season with others of similar sizes and species unless the Planning Authority gives written approval to any variation. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details for the lifetime of the development unless otherwise agreed by the Planning Authority.

It should be noted that the submitted landscape details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp)).

No subsequent alterations to the approved landscaping scheme shall take place unless submitted to and approved in writing by the Planning Authority.

4. Prior to works commencing on site details of a children's play area to be incorporated in to the site's landscaping areas shall be submitted for the written approval of the Planning Authority. The children's play shall be installed upon occupation of the 30<sup>th</sup> dwelling unless otherwise agreed by the Planning Authority and shall be maintained for the lifetime of the development unless otherwise agreed.

5. Prior to works commencing on site details of public art to be incorporated in the site's landscaping scheme shall be submitted for the written approval of the Planning Authority. The agreed public art shall be installed upon completion of the development and shall be maintained for the lifetime of the development unless otherwise agreed.
6. No house/bungalow shall be occupied within the site until the vehicle parking spaces associated with that house unit have been constructed and provided within the site in accordance with approved site layout (drawing no. ABC-XX-XX-DR-A-0010-Rev N – Proposed site plan). The aforementioned parking shall thereafter be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
7. Twelve months after the full occupation of the dwellings hereby approved a Transport Statement and survey findings shall be submitted for the approval of the Planning Authority. The required submissions shall detail the use of the approved car parking provision and if necessary shall provide details of additional spaces to include location and a timescale for their implementation. Thereafter the additional parking, if constructed, shall be retained and be capable of use at all times and shall not be removed or altered without the prior written approval of the Planning Authority.
8. Prior to the commencement of development with the site, details of the location and design of an electric charging point(s)/unit(s) to serve the development shall be submitted to and approved in writing by the Planning Authority. Ducting shall be provided for all parking spaces including the additional spaces. The approved car charging point(s)/unit(s) and associated infrastructure shall thereafter be installed in accordance with the approved details at a timescale agreed by the Planning Authority and maintained as such thereafter.
9. Prior to the occupation of the first unit within the site, the developer shall install the necessary infrastructure to enable the full development and all associated properties to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.
10. Notwithstanding the plans hereby approved details of additional horizontal traffic calming measures throughout the development site shall be submitted for the written approval of the Planning Authority. The approved works shall be installed as agreed prior to the first occupation of the unit hereby approved or an alternative timeframe to be agreed by the Planning Authority. The constructed traffic calming measures shall be maintained thereafter for the lifetime of the development.
11. Notwithstanding the plans hereby approved full details of the junction between Mill Road, the development access and Yoker Train Station shall be submitted for the written approval of the Planning Authority. The works shall thereafter be carried out in accordance with the approved plans and maintained as such for the lifetime of the development unless otherwise agreed.
12. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment. The scheme shall include details of all works to be undertaken, the remediation objectives and criteria, a timetable of works and/or details of the phasing of works relative to the rest

of the development, and site management procedures. The scheme shall ensure that upon completion of the remediation works the site will not qualify as contaminated land under the Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.

13. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works not less than 14 days before these works commence on site. Upon completion of the remediation works and prior to the site being occupied, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
14. The presence of any previously unexpected contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the site shall cease. At this stage, if requested by the Planning Authority, an appropriate investigation and risk assessment shall be undertaken and a remediation scheme shall be submitted to and approved by the Planning Authority prior to the recommencement of site works. The approved details shall be implemented as approved.
15. If the remediation plan requires it then a monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Any actions ongoing shall be implemented within the timescale agreed by the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.
16. A monitoring and maintenance scheme (including the monitoring of the long-term effectiveness of the proposed remediation) shall be submitted to and approved by the Planning Authority. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved in writing by the Planning Authority.
17. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority the developer shall submit a verification report containing details of the source of the material and associated test results to demonstrate its suitability for use.
18. Prior to the commencement of development on site, details of the Sustainable Urban Drainage System (SUDS) and its maintenance following installation shall be submitted to and approved by the Planning Authority. The Sustainable Urban Drainage System

(SUDS) shall thereafter be formed and maintained on site in accordance with the approved details.

19. No development shall take place on site until such time as a suitably updated noise impact assessment has been submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from nearby sources including commercial premises, plant noise. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. The noise impact assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.

As this area is subject to noise from aircraft, assessment of this source must be detailed within the Noise Impact Assessment including detailed mitigation measures for this noise source. The development will require high specification acoustic roof insulation as a minimum and double/triple glazing.

20. No development shall commence on site until such time that a noise assessment has been submitted and approved by the Planning Authority in writing. The noise assessment shall determine the impact of road traffic noise on the development using the principles set out in 'Calculation of Road Traffic Noise' (DoT/Welsh Office, HMSO, 1988) or by a method to be agreed by the Planning Authority. The survey shall take cognisance of the Scottish Government Document: "Technical Advice Note Assessment of Noise". Where the submitted report identifies potential noise disturbance, it shall include a scheme for protecting residents of the proposed dwellings from road traffic noise. The scheme shall ensure that the internal levels do not exceed 40dB daytime and 35 dB night time and the external levels do not exceed 55dB daytime in any rear garden areas, when measured as LAeq.T. The approved mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved and shall be retained and maintained for the lifetime of the development.
20. No development shall commence until such time that details of noise attenuation/soundproofing works have been submitted to and approved in writing by the Planning Authority. The approved noise attenuation/soundproofing measures shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.
21. Upon completion of the development hereby approved an independent Verification Report shall be submitted for the written approval of the Planning Authority which shall demonstrate compliance with noise conditions of this planning permission. The report shall demonstrate that the projections as detailed within the approved Noise Impact Assessment are reliable and mitigate the noise sources.
22. No development shall commence on site until such time as a noise control method statement for the construction period has been submitted to and approved in writing by the Planning Authority. This statement shall identify likely sources of noise (including specific noisy operations and items of plant/machinery), the anticipated duration of any particularly noisy phases of the construction works, and details of the proposed means of limiting the impact of these noise-sensitive properties. The



construction works shall thereafter be carried out in accordance with the approved method statement unless otherwise approved in writing by the Planning Authority.

23. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other place(s) as may first be agreed in writing by the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:

- Mondays to Fridays: 0800-1800
- Saturdays: 0800-1300
- Sundays and public holidays: No working

24. No piling works shall be carried out until a method statement has been submitted to and approved in writing by the Planning Authority. This statement shall include an assessment of and take into account the following:

- The impact of the piling on surrounding properties.
- Detail any procedures which are required to minimise the impact of noise and vibrations on the occupants of surrounding properties.

This statement as submitted shall be prepared by a suitably qualified person and shall take into account the guidance contained in BS6472:1984 'Evaluation of Human Response to Vibration of Buildings'. The piling works shall thereafter be carried out in accordance with the approved method statement until they are completed on site.

25. Unless otherwise approved in writing by the Planning Authority, no development shall commence on site until such time as a scheme for the control and mitigation of dust has been submitted to and approved in writing by the Planning Authority. The scheme shall identify likely sources of dust arising from the development or its construction, and shall identify measures to prevent or limit the occurrence and impact of such dust. The approved scheme shall thereafter be implemented fully prior to any of the identified dust generating activities commencing on site and shall be maintained thereafter, unless otherwise approved by the Planning Authority.

26. Prior to the commencement of development on site, an Air Quality Impact Assessment shall be submitted for the written approval of the Planning Authority. The report should use a method based on the principles set out in the Environmental Protection UK document Development Control: Planning for Air Quality (2010 Update), Scottish Government publication 'Local Air Quality Management Technical Guidance LAQM.TG (09) and 'Delivering Cleaner Air for Scotland – Guidance from Environmental Protection Scotland and the RTPi Scotland – January 2017'. The recommendations within the approved Air Quality Report shall be implemented prior to the first occupation of the dwellings or an alternative timescale agreed by the Planning Authority.

27. Prior to work commencing details of the sites proposed lighting scheme shall be submitted for the written approval of the Planning Authority and should include details of lamp type and luminaire. The lighting installation shall thereafter be carried out in accordance with the approved details unless otherwise agreed by the Planning Authority.

28. No development shall commence on site until details for the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior the occupation of the first housing unit/property within the site and thereafter maintained for the lifetime of the development.
29. Should works commence on the development hereby approved after the start of the next bat breeding season (April 2022) then a further Bat Survey shall be undertaken and submitted for the written approval of the Planning Authority. In the event that bats are encountered during other works, all works should cease and Nature Scot or a licenced ecologist contacted.

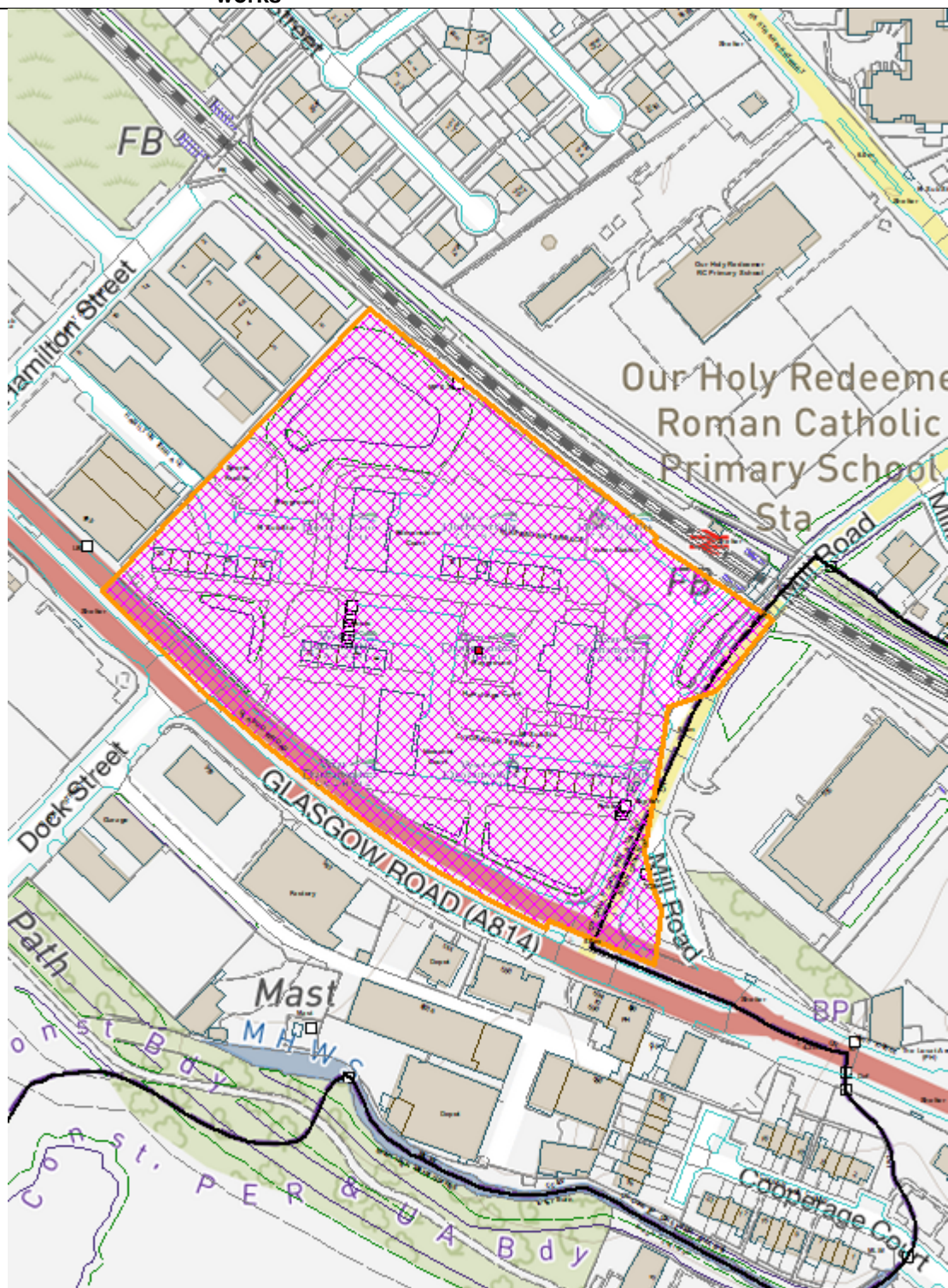
Map Register No: HQ670

Date: 23 May 2022

DC21/138/FUL

Residential development of  
88 dwellings comprising of  
cottage flats, bungalows  
and flats with vehicular  
access, associated car  
parking and landscape  
works

Development Site At Glasgow Road And  
Mill Road  
Clydebank





**WEST DUNBARTONSHIRE COUNCIL****Report by the Chief Officer - Regulatory and Regeneration****Planning Committee: 8<sup>th</sup> June 2022**

---

**Subject: Appeal Decision - DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton (PPA-160-2034)**

**1. Purpose**

- 1.1** To provide the Committee with an update regarding the appeal decision for the above application, further information relevant to the Review of Minerals Permission application (ROMP) and the Scheduled Monuments Permission.

**2. Recommendations**

- 2.1** That the Committee notes the outcome of the appeal and the current situation regarding the ROMP and Scheduled Monument Consent.

**3. Background**

- 3.1** The Committee will recall that the above application was refused by the Council in March 2021. Shortly after, the appellant appealed the decision to the Planning and Environmental Appeals Division. The February 2022 Planning Committee was advised a "Notice of Intention" was issued by the Reporter that he was minded to allow the appeal and grant planning permission subject to 39 conditions and following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement, securing a bond sufficient to cover the expected restoration and aftercare works for the quarry extension. The legal agreement also relinquish all rights to quarry or otherwise extract rock from the excambion area adjacent to Milton Hill. The Reporter had given the appellant and the Council up to a 12 week period to conclude the planning obligation. The principle of such a bond had been previously agreed between the appellant and Council officers and it is necessary to ensure that the quarry extension site is restored after it has been worked.

**4. Main Issues**

- 4.1** The Council advised the Reporter that a planning obligation under Section 75 of the Act, as detailed above has been submitted to and acknowledged by the Keeper of the Registers of Scotland. As a result the Reporter issued the planning decision notice for the above extension on 9<sup>th</sup> May 2022. The Reporter in reaching the decision on balance found that the proposal was in accordance with the development plan and the reasons and justification for

the approval were detailed in the report to February 2022 Planning Committee which is contained in Appendix 1 and a copy of the planning decision notice.

- 4.2** The Reporter's decision is final. However there is a right of appeal to the Court of Session within 6 weeks of the date of the appeal decision however this could only be made on a point of law. It is considered the conclusions and decision reached by the Reporter are reasonable and justified and there are no points of law which could form grounds for an appeal to the Court of Session.

Award of Costs

- 4.3** The appellant submitted a claim for an award of costs to the Reporter for the appeal. The Council refused the extension area because of the effect it would have on amenity of the area and on the residents of nearby properties. The appellant submitted that the council acted unreasonably because it failed to give complete, precise and reasons for refusal; reached its decision without reasonable planning grounds for doing so; and refused the application solely on the grounds that it did not accord with the provision of the development plan and without having regard to other material considerations.

- 4.4** The Reporter found, although the Council's reason for refusing the application was brief and makes no reference to any policies in the development plan and does not explicitly apply the test in Section 25 of the Act, he was not persuaded that the reason given is not sufficiently "complete, precise and relevant" to quote the Circular. In terms of the effects on residential amenity, the Reporter found a lack of technical evidence as to the effects from noise, vibration and dust and failed to identify why such effects would be significant for nearby properties or identify which those properties are. The Council had failed to demonstrate any reasonable planning grounds for its decision in relation to noise, vibration and dust and the Reporter considered it to be unreasonable behaviour. On the appellants third point the Reporter agreed that the appeal proposal required to be considered on its own merits and separate from the ROMP decision. The Reporter did not consider that the Council acted unreasonably in not making reference in its decision to the condition in the ROMP consent which would prohibit extraction in the excambion area. The Council did not seek to bring in the hours of operation of the quarry as an additional reason for refusal as this was controlled by a planning condition, the terms of which were not a matter of dispute between the council and the appellant.

- 4.5** A partial award of the appellant's expenses in addressing only these matters (being effects of noise, vibration and dust on nearby residential properties) was granted. It was concluded that the council has acted unreasonably by not being able to support with reasonable planning grounds, its reasons for refusal as it relates to the effects of noise, vibration and dust on nearby residential properties.

#### Update on Review of Minerals Permission (ROMP)

- 4.6** It was previously advised to Committee that the quarry operator is appealing the conditions contained within the ROMP Decision Notice and had requested that the ROMP application should be determined only subject to the conditions set out in the Decision Notice with the exception that condition 2 in the Decision Notice should be deleted. Condition 2 excludes the Milton Hill area from quarrying. The quarry operator previously had advised that once the Decision Notice is issued, and planning permission granted, for the extension area the quarry operator has agreed to withdraw the appeal against the ROMP conditions. The appellant's agent has advised that this will take place once the timescale for the appeal to the Court of Session for the extension area has passed.

#### Scheduled Monument Consent

- 4.7** Historic Environment Scotland on 21<sup>st</sup> November were minded to grant Scheduled Monument Consent for quarrying operations which affect the Scheduled Monument. This was subject to a number of conditions regarding the excavation, recording and publishing of findings regarding the Sheephill Fort. The application is still awaiting a decision from the Scottish Ministers who have extended the time period for consideration. To date no decision has been issued by the Scottish Ministers.

### **5. People Implications**

- 5.1** There are no personnel issues.

### **6. Financial and Procurement Implications**

- 6.1** As indicated in section 4 above the quarry operator has made a claim against the council for the award of its expenses in making the appeal against the refusal of the extension application. The Council opposed any award of expenses. The Reporter has found the council liable to the appellant in respect of the expenses of the appeal. This is a partial award and the council and the appellant are expected to agree expenses between themselves. However if this is unsuccessful it will be remit the account to the Auditor of the Court of Session to decide on a party/party basis.
- 6.2** The award of expenses will be paid from the Planning and Building Standards budget. When the withdrawal of the appeal of the ROMP and the agreement of the ROMP between the Council and quarry operator the significant financial implications for the Council of excluding the Milton Hill area from quarrying will be removed.

## **7. Risk Analysis**

**7.1** A risk assessment is not required.

## **8. Equalities Impact Assessment (EIA)**

**8.1** There are no equalities issues identified.

## **9. Consultation**

**9.1** Consultation was carried out during the planning and appeal processes.

## **10. Strategic Assessment**

**10.1** The ROMP and extension application supports the strategic priorities of the Council.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 8<sup>th</sup> June 2022**

---

**Person to Contact:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendices:** Appendix 1 – 16<sup>th</sup> February 2022 Planning Committee report

**Background Papers:** Appeal Decision Notice – DC02/447  
Claim for an Award of Expenses Decision Notice – DC02/447  
Planning Committee Reports  
- 11<sup>th</sup> March 2020  
- 11<sup>th</sup> November 2020  
- 26<sup>th</sup> January 2021  
- 3<sup>rd</sup> March 2021  
- 10 November 2021

**Wards affected:** Ward 3 (Dumbarton)



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Chief Officer - Regulatory and Regeneration**

**Planning Committee: 16<sup>th</sup> February 2022**

---

**Subject: Appeal Notice of Intention - DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton**

**1. Purpose**

- 1.1** To provide the Committee with an update regarding the appeal decision for the above application, further information relevant to the Review of Minerals Permission application (ROMP) and the Scheduled Monuments Permission.

**2. Recommendations**

- 2.1** That the Committee notes the intended outcome of the appeal and current situation regarding the ROMP and Scheduled Monument Consent.

**3. Background**

- 3.1** The Committee will recall that the above application was refused by the Council in March 2021. Shortly after, the appellant appealed the decision to the Planning and Environmental Appeals Division. The Council has been notified of a "Notice of Intention" that the Reporter is minded to allow the appeal and grant planning permission subject to 39 conditions and following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement, securing a bond sufficient to cover the expected restoration and aftercare works for the quarry extension. The Reporter has given the appellant and the Council up to a 12 week period to conclude the planning obligation. The principal of such a bond had been previously agreed between the appellant and Council officers and it is necessary to ensure that the quarry extension site is restored after it has been worked. If, by the end of the 12 week period, the relevant obligation has not been registered or recorded the Reporter will consider whether planning permission should be refused or granted without a planning obligation.

**4. Main Issues**

- 4.1** A copy of the Notice of Intention is contained within Appendix 1. The Reporter in reaching the decision on balance found that the proposal was in

accordance with the development plan. There was some tension with policy DC8 Minerals albeit the need for the development is one of several considerations, however it was concluded that the policy does not explicitly state that a need for the development must be demonstrated. For the same reason there is some tension with policy GB1 Green Belt. The only significant environmental effects are the visual effects of the extension from some locations, including cumulative effects with the extraction of the remainder of the quarry. However the Reporter concluded that these did not give rise to significant conflict with the development plan.

**4.2** In respect of the other main issues it was concluded that there would be no other significant environmental effects and no conflict with the development plan. The updated noise assessment was not found to be inconsistent with the advice in Annex A of PAN50 and subject to the proposed noise conditions which sets noise limits, significant adverse noise effects are unlikely. In terms of blasting/vibration there are a number of proposed conditions which would control blasting in the extension area identical to those now imposed in the ROMP permission. There is no technical evidence before the Reporter which indicates that blasting from the extension area would cause vibration at problematic levels for any nearby properties. A similar conclusion was reached on dust deposition and relevant conditions would aim to ensure the extension area is operated so as to minimise the release of dust. In terms of the effects on core path users it was acknowledged there might be increased levels of noise and dust for path users in the vicinity of the proposed extension but this would only be for a fairly short stretch of path and unlikely to be a significant deterrent to users of the path. The low ecological value of the site means that there are no significant effects on biodiversity. Other matters identified by objectors were not considered to have a significant effect.

**4.3** It was concluded by the Reporter that the proposed development accords with the relevant provisions of the development plan and that there are no material considerations which justify refusing to grant planning permission. The Reporter considered that the reasoned conclusions on the significant environmental effects of the proposed development are up to date. For the most part, the Reporter has imposed the conditions proposed by the Council and only made slight amendments so they align with the ROMP conditions. The Reporter has removed Conditions 19 and 20 relating to the main quarry road and to wheel washing of vehicles leaving the quarry and removed the first condition that the proposed development commence with 2 years as he does not believe that they are necessary for the appeal development.

#### Update on Review of Minerals Permission (ROMP)

**4.4** The appellant is appealing the conditions contained within the ROMP Decision Notice and has requested that the ROMP application should be determined only subject to the conditions set out in the Decision Notice with the exception that condition 2 in the Decision Notice should be deleted. Condition 2 excludes the Milton Hill area from quarrying. An appeal was lodged by the

appellant on 21<sup>st</sup> December 2021 to the Planning and Environmental Appeals Division. The appellant has stated that condition 2 is contrary to the local development plan and there is no other planning justification for imposition of condition 2. Condition 2 of the ROMP should be removed on the grounds that the imposition of it restricts the mineral rights of the appellant. Following the issuing of the Notice of Intention to grant planning permission for the extension area, the appellant and the Council have agreed to suspend (i.e. suspend) the ROMP appeal pending the conclusion of the planning obligation and the issuing of the Decision Notice for the extension area.

Once the Decision Notice is issued, and planning permission granted, for the extension area the appellant has agreed to withdraw the appeal against the ROMP conditions.

#### Scheduled Monument Consent

- 4.5** The Council lodged representations to Historic Environment Scotland to the application for Scheduled Monument Consent for removal of Sheephill Fort. Historic Environment Scotland on 21<sup>st</sup> November were minded to grant Scheduled Monument Consent for quarrying operations which affect the Scheduled Monument subject to a number of conditions regarding the excavation, recording and publishing of findings regarding the Sheephill Fort. The application is presently awaiting a decision from the Scottish Ministers who have extended the time period for consideration.

### **5. People Implications**

- 5.1** There are no personnel issues.

### **6. Financial and Procurement Implications**

- 6.1** The appellant has made a claim against the council for the award of its expenses in making the appeal against the refusal of the extension application. The Council has opposed any award of expenses. The claim will be dealt with by the Reporter at the same time as determining the appeal for the extension area.
- 6.2** There are significant financial implications for the Council if the appeal of the ROMP conditions proceeds and is successful.

### **7. Risk Analysis**

- 7.1** A risk assessment is not required.

### **8. Equalities Impact Assessment (EIA)**

- 8.1** There are no equalities issues identified.

## **9. Consultation**

**9.1** Consultation was carried out during the planning and appeal processes.

## **10. Strategic Assessment**

**10.1** The ROMP and extension application supports the strategic priorities of the Council.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 16<sup>th</sup> February 2022**

---

**Person to Contact:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager  
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendices:** Appendix 1 – Appeal: Notice of Intention – EIA  
Development: 18<sup>th</sup> January 2022

**Background Papers:** Planning Committee Reports  
- 11<sup>th</sup> March 2020  
- 11<sup>th</sup> November 2020  
- 26<sup>th</sup> January 2021  
- 3<sup>rd</sup> March 2021  
- 10 November 2021

**Wards affected:** Ward 3 (Dumbarton)



---

Notice by David Liddell, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-160-2034
- Site address: Sheephill Quarry, Milton, G82 2RN
- Appeal by William Thompson & Son (Dumbarton) Ltd against the decision by West Dunbartonshire Council
- Application for planning permission DC02/447 dated 28 March 2003 refused by notice dated 26 March 2021
- The development proposed: Quarry Extension
- Application drawings: see Schedule 2 of this Notice
- Date of site visit by Reporter: 31 August and 26 November 2021

Date of notice: 18 January 2022

---

## Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission in principle subject to the 39 conditions listed in Schedule 1 of the notice and following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, securing a bond sufficient to cover the expected restoration and aftercare works for the quarry extension.

The appellant made a claim against the council for the award of its expenses in making this appeal. I will deal with that claim at the same time as determining the appeal

## Background

1. The planning application to which this appeal relates was made in 2002 and determined by the council in 2021. It will therefore be helpful to explain the context in which the appeal has been made.
2. Planning permission for Sheephill Quarry was first granted on appeal by the Secretary of State for Scotland in 1949. In the late 1960s Dunbartonshire County Council granted planning permission for a residential development at Milton Hill. These houses would be (and now are) close to the western edge of the consented extraction area. It appears that the quarry may not have been operational at that time and the County Council was perhaps not cognisant of the full terms of the permission for the quarry when it approved the housing development.
3. In 1997 West Dunbartonshire Council gave notice, under the statutory arrangements for the 'Review of Old Minerals Permissions' (ROMP), that the quarry was an active site



and an application must be made to provide for new planning conditions for the quarry. Around this time the close proximity between the houses at Milton Hill and the edge of the consented extraction area became apparent.

4. It seems that the quarry operator and council officers then discussed how to resolve the potential conflict between extraction at the quarry and housing in close proximity. It was proposed that the quarry operator would forego its rights to extract the westernmost part of the quarry (the part closest to the houses at Milton Hill – ‘the excambion area’) in return for a proposal to extend the quarry to the northwest – the extension area which is the subject of this appeal. Not working the excambion area would preserve a distance of about 150 metres between the quarry workings and the houses at Milton Hill. Therefore there were two concurrent planning applications – one for the ROMP (where council officials recommended a condition preventing extraction in the excambion area) and one for the proposed quarry extension.

5. Councillors had been minded, in 2005, to approve both applications subject to a planning agreement to ensure restoration of the land in the extension area following extraction. However it seems that the applicant could not obtain all the necessary consents for the agreement, so it could not be entered into. Both applications remained dormant until, in 2019, the land ownership issues seem to have been resolved.

6. Given the long hiatus between the council’s initial consideration of the applications and their resurrection in 2019, the council re-notified the neighbouring properties of the applications in 2020. A number of letters of representation were made in respect of the applications. Both applications then went back to the planning committee and then to a full meeting of the council in 2021. The council approved the updated ROMP conditions (one of which precludes extraction in the excambion area) but refused the application for extraction in the extension area. The current appeal is against that refusal.

7. An EIA Report (as we would now call it) was submitted with the 2003 application. This addressed the environmental effects of operating the quarry on the working assumption that the proposed extension area would be worked instead of the excambion area. Prior to the applications being determined in 2021 updated environmental information had been provided on ecological effects (2021) and effects from noise and vibration (2020).

8. The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 were replaced with new EIA regulations in 2017. However because of the date the original application was made the statutory position is that it is the 2011 Regulations, as they applied on the day before the 2017 Regulations came into force, which have force for this appeal. As an extension to a quarry, Schedule 2 of the 2011 Regulations identifies the appeal development as EIA development.

9. Following my initial review of the evidence before me and immediately after my accompanied site inspection, on 1 September 2021 I issued a request for further evidence on a number of matters. All of those who had made representations to the council in 2020 and who had, by 1 September 2021, made representations to DPEA following the appeal were included in that request.

10. As part of that exercise, I asked the appellant to clarify which environmental effects, if any, the EIA Report identifies as significant. I also asked the appellant to update the landscape and visual assessment in the EIA Report, including visualisations and other

supporting information in line with currently available technology and good practice. That additional information was subject to publication, consultation and neighbour notification in accordance with the requirements of the 2011 Regulations. Since updated assessments had recently been submitted on ecological effects and on effects from noise and vibration, I did not ask for further updates in relation to these matters.

11. I am required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into my final decision. In that respect I have taken the following into account:

- the EIA report submitted to the council on 21 March 2003;
- the additional information submitted to the council in 2021 on ecological effects and in 2020 on effects from noise and vibration;
- consultation responses from internal and statutory consultees made to the council in 2019 and 2020;
- representations from members of the public made to the council in 2020 and to DPEA following the appeal;
- the response to my 1 September 2021 request for further evidence;
- responses to my subsequent request for further evidence in relation to noise effects; and
- the additional information on landscape and visual effects provided by the appellant at my request, and the subsequent comments on this information following its publication and notification to neighbours of the site.

## Reasoning

12. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan and the West Dunbartonshire Local Plan 2010. I have not been directed to any provisions of the Strategic Development Plan as having a significant bearing on the appeal.

13. The council had, following its examination, proposed to adopt a replacement local development plan in 2016 but ultimately chose not to do so for reasons which are not relevant to this appeal. The council has a new 2020 proposed local development plan, modified after its examination. The council intends to adopt the 2020 plan but the Scottish Ministers have directed it not to do so until certain changes (again unconnected to the appeal proposal) are made to it.

14. In my view the modified 2020 plan, having been found to be suitable for adoption insofar as it relates to the appeal proposal, can be treated as an important material consideration and as representing the council's most recent policy position. Having never been adopted and now, in effect, replaced by the 2020 plan by having reached an equivalent stage, I see little justification for paying regard to the policies of the 2016 plan.

15. Sheephill Quarry lies to the east and northeast of the village of Milton. It is accessed from the Dunglass Roundabout on the A82 trunk road, which lies to the south. There is a large quarry void, but much of the area which would be extracted under the 1949 consent is yet to be worked. This includes most of Sheep Hill itself, which is to the southeast of the

current void. Auchentorlie Wood lies to the south of the quarry, between it and the A82. The excambion area covers the northwestern corner of Auchentorlie Wood, with the houses at Milton Hill lying immediately to the southwest and downhill of this area.

16. Greenland Farm (in the same ownership as the quarry) lies to the northeast of the quarry. To the northwest of the quarry void is the proposed extension area. The access track to Greenland Farm, a core path, runs along the northern part of the appeal site. The track continues westwards, downhill to join Milton Brae where the houses of most of the objectors to the appeal are located.

17. The excambion area is 2.33 hectares in size of which, says the appellant, an area of 1.76 hectares would be extracted if it were to be worked. The size of the extension area is 1.53 hectares with a proposed extraction area of 1.07 hectares. The appellant advises that, although less rock could be won from the extension than from the excambion, it would facilitate the removal of more rock from the main quarry area. Overall, if there was to be a 'swap' the net effect would be that an extra 0.93 million tonnes of rock could be extracted.

18. The council refused permission for the quarry extension, against the advice of its planning officials, because it was 'unacceptable because of the effect it would have on the amenity of the area and the residents of nearby property'. In responding to the appeal, the council identifies a number of policies (none of which feature in the reason for refusal) in the 2010 local plan (and in the 2016 and 2020 plans) which it says the development would not comply with. This is because of its landscape and visual effects (including on the setting of the Kilpatrick Hills), loss of high grassland, effects on residential amenity and disruption to core path users when the core path would need to be closed during blasting. The council also identifies amenity concerns should the ownership of Greenland Farm become divorced from that of the quarry.

19. The appellant argues that there would be no significant landscape, visual, environmental or amenity effects arising from the proposed quarry extension. The proposal fully complies with the development plan. Its swap with the excambion area would, although extraction there would be technically feasible, avoid the significant effects on amenity and natural heritage, and the landscape and visual effects, which would inevitably be caused by extraction there. Greenland Farm would remain in the same ownership.

20. To supporters of the appeal it offers the opportunity to exchange the prospect of extraction at the excambion area, which would bring noise, vibration, dust and other disruption much closer to their homes at Milton Hill, for extraction at the appeal site which is much further from any homes and so would have much lesser adverse effects. They also point to the adverse ecological effects if the part of Auchentorlie wood (part of a local nature conservation site) which lies in the excambion area were to be subject to extraction.

21. Objectors to the appeal do not consider that there need be any such swap, and doubt that the excambion area would ever be worked. There would be landscape and visual effects and a loss of residential and wider amenity from extraction in the extension area. The new woodland to the north of the extension area, planted since the applications were considered by the council in 2005, is not referred in the EIA Report, and the 2021 ecological update is said to be insufficient. The objectors also point to the effects on the core path and on the operation of neighbouring farmland during blasting. Bowling and Milton Community Council shares these concerns, stating also that reducing visitor numbers to the area would affect local businesses.



22. It seems to me that the first issue I must address is whether or not I should consider the proposed quarry extension on its own merits, or instead consider it as part of a package along with the accompanying benefits of avoiding certain adverse effects by not extracting in the excambion area. In my view it is the merits of the appeal proposal alone which I should place greatest weight on.

23. This is primarily because the ROMP consent already precludes extraction in the excambion area. So the current position is that extraction cannot take place there. Any decision I take on this appeal would not change that. An appeal has in fact now been made against the condition of the ROMP consent which precludes extraction in the excambion area. However I still understand the appellant's position to be that, if I allow the appeal, it would not pursue any proposal to extract in the excambion area. Regardless of my decision in this appeal, if the ROMP appeal is not withdrawn and requires to be determined it will be for the reporter appointed for that appeal to decide the case on its merits.

24. The appellant has said that it might seek compensation from the council because the ROMP conditions now limit the amount of material that could otherwise have been extracted under the terms of the 1949 consent. But I deem that to be a matter for the appellant and the council rather than a prospect (the outcome of which cannot be known) which has a bearing on the planning merits of the appeal proposal.

25. Therefore, having regard to the provisions of the development plan, the environmental information before me and the views expressed in the written evidence, the other main issues I address in this notice are:

- The need for the proposed development
- Landscape and visual effects
- Effects on residential amenity, including due to noise effects
- Effects on core path users
- Ecological effects

### The need for the proposed development

26. Policy DC 8 – Minerals of the 2010 local plan presumes against mineral extraction within or adversely affecting areas which have been identified as important for nature conservation, landscape conservation or built heritage. Elsewhere, one of the criteria against which applications are to be assessed is a justification of the need for the extracted material within the regional market area.

27. I asked for further evidence on this matter, and take account of the responses received. I do not read the above policy as presuming against any mineral extraction in the green belt. If that had been the intention, I would expect that to have been stated in more certain terms. Green belts are, according to the local plan, to serve a number of purposes so I think it would be too narrow (and for the reader of the plan it would leave too much to interpretation) to consider them to be one such 'area' listed in the policy. In any event, I take account of the ecological, landscape and visual effects of the proposal. There are no important built heritage assets which would be significantly affected.

28. The Kilpatrick Hills are identified as a Regional Scenic Area in the local plan and therefore would in my view reasonably be considered to be an area identified for landscape conservation, applying the terms of DC 8. I return to landscape and visual effects below.

29. But for the meantime the second part of policy DC 8, including the need for the material to be extracted, is relevant. The appellant's position is that it is the proposed surrender of the excambion area which establishes the need for the extension area to replace it. In the context of the discussions the appellant has had with council officials that is an entirely reasonable position to adopt. Although I find above that, for the most part, I must consider the appeal proposal on its own merits, I do also keep in mind that that proposed swap was a driver for the making of the extension proposal in the first place.

30. However I do not have any detailed evidence before me from any party as to whether the landbank (as referred to by the appellant) of consented mineral reserves is deficient. Therefore, applying one of the criteria of DC 8 to the proposal before me, the evidence does not show whether or not there is a need for the appeal proposal 'within the regional market area'.

31. The appellant points to a previous appeal decision (PPA-160-2022) at the nearby Dumbuckhill Quarry. In that proposal the reporter appears to have accepted a continuing need for working the quarry without having detailed evidence as to need. However that proposal appears to have been, in effect, to work the quarry to a different profile than the previous consent. The reporter seems to have been addressing the question of whether it could be the case that there was no longer a need for the quarry at all. That is different from the circumstances of the appeal proposal, which is to extend a quarry.

32. Local plan policy GB 1 Green Belt presumes against development, with certain exceptions. One of these is where there is a specific locational requirement and established need for the development and it cannot be accommodated on an alternative site.

33. I agree with the appellant insofar as minerals can only be worked where they are found, so there is a specific locational requirement. I presume the reference in GB 1 to 'an alternative site' is intended to mean an alternative site outwith the green belt. I don't have information about what other such alternative sites might exist but, in any event, I don't think it would appropriate to apply this test to a proposal to extend what is a long established quarry which provides part of the reserve of construction aggregates for the wider area. However, again I find that there is no clear evidence as to whether or not there is a current need to work the reserves on the appeal site.

### Landscape and visual effects

34. Policy E 9 Landscape Character of the local plan says that development in the green belt must have particular regard to the landscape character and distinctiveness of West Dunbartonshire and adjoining areas. Proposals should positively contribute to conservation or regeneration of these landscapes. Proposals which are detrimental to the landscape character will not generally be supported unless they are supported by other local plan policies.

35. Policy GB 1 Green Belt says that development which has an adverse effect on the landscape character of the local area will not be permitted. Green belt policy aims to

protect the character, landscape setting and identity of the urban area, particularly where settlements are at risk of coalescence. Policy GD 1 Development Control requires development to respect the character of the area in which it is located.

36. As I explain above, I asked the appellant for updated visualisations and other material to describe and illustrate the expected landscape and visual effects of the proposed extension. The original EIA Report, and indeed the additional information, seek to assess such effects in combination with the corresponding reduction in overall effects from the quarry which would be the case if the excambion area is not extracted. Development of the quarry including extraction of the excambion area is described as the 'Permitted Development'. However, as I set out above there is no current consent to extract in the excambion area.

37. The 2011 Regulations require me to consider the effects of the appeal proposal alone and in combination with other development. The most relevant other development in this case is the extraction of the other parts of the quarry. Some objectors are critical of the quality of the updated landscape and visual assessment. I agree that the visualisations could perhaps have been rendered in finer detail. And the analysis does not seem to offer a view on the significance of the effects of the extension in combination with the development of the rest of the quarry as currently permitted. Despite this, I am satisfied that the updated assessment provides me with sufficient information to reach a view on the likely significant landscape and visual effects of the development.

38. In respect of landform I accept that the size of the extension area may be quite modest, but the effects of deep extraction and the formation of terraces would, at the level of the site itself, be dramatic. Considering the extension alone I agree with the updated assessment that the improved grassland landcover of the site is not particularly sensitive.

39. The updated assessment identifies the site as being within an area of rugged moorland landscape character. I have not been provided with a map showing the full extent of this area of rugged moorland. However the Kilpatrick Hills, which extend for several kilometres to the north and east, could reasonably be described as rugged moorland of similar character to the appeal site. The effects on landscape character of the quarry itself would be to change that from rugged moorland to a working (and then restored) hard rock quarry. However, that effect would be very localised. Albeit the quarry would be visible from elsewhere within the Kilpatrick Hills, given the extensive size of this area there would not be a significant effect on its landscape character or on the landscape setting of the hills. In this respect I see no significant conflict with policies E 9, GB 1 and GD 1 of the local plan.

40. Turning to visual effects, the updated assessment provides visualisations from eight representative viewpoints. Seven of these are in the area to the west and north of the quarry and at fairly close proximity to it.

41. Viewpoint 8, on the other hand, is on the southern side of the Clyde at Erskine Golf Club. Considering the visual effects of the extension alone, the distance from this location and the screening by Sheep Hill would render the effect insignificant. But the photomontage of the extension with the rest of the quarry extracted shows a much greater magnitude of cumulative effect, which would be significant. I would observe, however, that this view directly across the river from the quarry is likely to be have the greatest magnitude of combined effects from any location on the south side of the river. Similar views would be possible from Marr Hall Hotel and, if only glimpsed occasionally through woodland, from the

footpaths near this location. Views of the extension itself are likely to be more appreciable from further west along the southern shore of the Clyde, for example from the A8 at Langbank and on the stretch of the road east of junction 31. Again I think the cumulative effects would likely be significant from these locations.

42. It seems that from viewpoint 7, on the A82 at Milton, the extension development would not be visible. It would be visible from viewpoint 5, slightly to the north on Milton Brae. But the photomontage shows only minor re-profiling at the site in this view, which I accept would not be significant. Viewpoint 3 is further north again on Milton Brae. Although closer to the site the view of the development is still a partial one, and for only a short stretch of the road. I accept that it is below the level of a significant environmental effect.

43. I take a different view in respect of visibility from the core path. Travelling east from Milton Brae on the path, views of the extension development would become fuller and closer. Albeit the photograph from viewpoint 2 at Mattockhill is cluttered by trees in the foreground, my judgement from my site inspection is that, walking towards the extension development in such close proximity the visual effects would be significant, especially if machinery and activity in the quarry is visible in the view ahead.

44. I think there would also be significant effects for walkers heading west and then south on the path towards viewpoint 1. Clear views would seem likely to be available down towards the extension.

45. I also disagree with the updated assessment about the visual effects from Middleton. I think that the topographical change where the top of the ridge at the end of the extension would be lowered would be a significant visual effect. However I do note that this viewpoint is not a publicly accessible location. Even at Viewpoint 6 (Dunbowie) I would say the same effect would perhaps be significant, albeit this does not appear to be a well-visited or easily accessible location.

46. It can be seen that I find that, in term of the EIA Regulations, there would significant visual effects from the appeal proposal, including in combination with the effects of developing the remainder of the consented quarry. However the extent of visual effects from the extension alone would be experienced in a limited number of locations in close proximity to the site, as I find above. I do not find these effects to be so severe or widespread that they would fall foul of the requirements in policies E 9 and GB 1.

47. The site is not within the area identified as the Kilpatrick Hills in policy RSA 1 of the local plan. Therefore this policy does not directly apply in this case.

### Effects on residential amenity

48. The potential effects on residential amenity from the appeal proposal are noise, vibration (from blasting) and dust. The closest receptors are the houses along Milton Brae.

49. Local plan policy DC 8 – Minerals requires that the impact of the proposal on the amenity of local properties be considered. As the supporting text to policy DC 8 points out, Planning Advice Note (PAN) 50 provides advice on controlling the environmental effects of surface mineral workings.

50. In respect of residential amenity, the council's response to the appeal says the following:

'If the proposed development is permitted, there will inevitably be significant noise from the operation of the extension to the quarry. That noise will be generated by the working of the quarry and by the vehicles used to transport the excavated material. The blasting will lead to ground borne vibration as well as airborne vibration. Dust generated at the extension area is likely to be blown and deposited at the nearby properties. There will be a significant increase in noise, vibration and dust for properties which are near the area of the extension.'

### Noise

51. Annex A of PAN 50 covers noise (excluding noise from blasting). It recommends a model for the prediction of the likely level of noise emissions from proposed minerals development and a method for setting noise limits for incorporation into planning conditions.

52. Annex A (whilst commenting that each case should be considered on its merits) says that the nominal daytime limit at noise sensitive properties should normally be 55 dB (decibels)  $L_{Aeq,1hr}$ .<sup>1</sup> The PAN goes on to state that a lower nominal daytime limit might be appropriate in quieter rural areas if a limit set at 55dB would exceed the existing background noise levels by more than 10dB. This lower level should not normally be below 45dB, since this may be difficult to achieve and such a limit should prove tolerable to most people in rural areas. The night-time nominal limit should be 42dB.

53. The appellant's updated noise assessment makes predictions of operational noise which are stated to be worst case because they assume plant working at the closest point and/or highest topographical level to receptors and assume ideal meteorological conditions for sound propagation. The background noise levels measured in the earlier 2003 noise assessment are used.

54. The council's proposed noise limits for the quarry extension are almost identical to those specified in the equivalent ROMP condition. The principal difference is that, at Middleton, the allowable limit when drilling the upper bench of the extension would be 48dB rather than the 45dB limit which would normally apply. The council also confirmed that these limits are intended to be applied using the  $L_{Aeq,1hr}$  noise index.

55. My procedure notice asked for further evidence on a number of matters in relation to noise effects. Like the Milton Brae residents I remain doubtful that I can place great reliance on the 2003 Mattockhill noise surveys as an indicator of current background noise levels at Middleton given the age and short duration of the survey and the distance between the two locations. However I accept the point made by the appellant that the measured noise levels are only marginally above (by 1dB) the level which would result in the lower 45dB noise limit identified in PAN 50 being applied. This lower limit is indeed used for

<sup>1</sup>  $L_{Aeq}$  is an A-Weighted noise index used to describe the equivalent continuous sound level - the sound level of a steady sound having the same energy as a fluctuating sound over a period of one hour. Normal hearing covers the frequency (pitch) range from about 20 Hz to 20,000 Hz but sensitivity is the greatest between about 500 Hz and 5,000 Hz. The A-Weighting is an electrical circuit built into noise meters to mimic this characteristic of human hearing. [Definition adapted from PAN 50 Annex A]

Middleton other than when drilling the upper bench of the extension, as noted above. The limit applied in the early morning and in the evening would be 42dB.

56. Noting the worst-case nature of the predictions, the short duration of drilling to the upper bench, the relatively low limit of 48dB in absolute terms and that the lowest PAN 50 derived limits would apply at all other times, I am satisfied that the overall level of noise effects experienced at Middleton would not be significantly adverse. The Milton Brae residents, in responding to my procedure notice, carefully applied the advice in the technical annex to PAN 1/2011 Planning and Noise. Whilst I accept this was a reasonable exercise to undertake, annex A of PAN 50 remains extant and is the most directly relevant source of Scottish Government advice relevant to the noise effects from mineral workings. Both the ROMP noise condition and the council's proposed noise condition for the appeal development are based on the advice in the PAN. I do not see a strong reason to depart from that advice, which would ensure a consistent approach to both sets of conditions.

57. I also asked about the likely noise effects at properties on Milton Brae closer to the extension area than Middleton. In responding, the appellant reproduced the results of background noise monitoring in this vicinity (undertaken for Dumbuckhill Quarry) which appear to show that there is a higher level of background noise further south along Milton Brae than at Middleton. The conclusion that noise from the quarry extension would, at these locations, be well below (even when drilling) the PAN 50 derived limits appears reasonable, and it has not been challenged by any other party.

58. At Greenland Farm, predicted noise levels from the proposed extension are below the background noise measurements used in the assessment, and also below the upper PAN 50 55dB limit which would apply. Noise levels from the extension would also be below background levels at the two other proxy receptors – 9 Milton Hill and Auchentorlie.

59. I do not find that the updated noise assessment is inconsistent with the advice in Annex A of PAN 50. Ultimately, subject to the proposed noise condition which sets noise limits which I find to be appropriate and with which the quarry operations must comply, council environmental health officers did not object to the proposal. The statement in the council's response to the appeal is a very generalised one which does not draw support from or refer to either the technical evidence on noise or the advice of its own officials. I take note of the evidence from the Milton Brae residents but I do not think that it identifies a likelihood of significant adverse noise effects. Overall, I find no conflict with policy DC 8.

### *Vibration*

60. The council proposes a number of conditions which would control blasting in the extension area, identical to those now imposed in the ROMP permission. Proposed condition 12 would require that ground vibration from blasting does not exceed a peak particle velocity of 6 mm/s in 95% of all blasts (with no individual blast to exceed 12 mm/s) as measured at any nearby vibration sensitive property. These limits are in accordance with the advice in the February 2000 Annex B of PAN 50. There would be no blasting outwith the hours of 10am to 4pm, nor on weekends or bank holidays.

61. Other than at Middleton Farm, predicted vibration levels from the extension would be below those predicted from working the other parts of the quarry. Albeit there are no predictions for the closer properties on Milton Brae, the predictions for Middleton (a mean of 2.1 mm/s) are much lower than that required by the condition. There is no technical

evidence before me which indicates that blasting from the extension area would cause vibration at problematic levels for any nearby properties. Therefore it does not appear likely that the vibration levels in the proposed condition would be breached. In the event that they were breached the condition would itself provide a means to address this. Therefore I do not find any conflict with the requirements of policy DC 8.

### *Dust*

62. PAN 50 does not provide any recommended limits for dust deposition as it does for levels of noise and vibration. There is no detailed evidence to the effect that dust from the proposed extension would cause a significant effect at any nearby properties, and no objection from the council's environmental health officials. Conditions 17 and 18 (identical to the equivalent conditions in the ROMP consent) would aim to ensure the extension area is operated so as to minimise the release of dust. Therefore I do not find any conflict with the requirements of policy DC 8.

### *Greenland Farm*

63. The council identifies a particular concern about amenity at Greenland Farm should its ownership become divorced from that of the quarry. The appellant says that would not happen whilst the quarry remains operational but I do not take that as a guarantee. I note that the applicant's recycling business already seems to make use of land at the farmhouse. Of more direct relevance, the existing quarry is already fairly close to the farmhouse. The proposed extension would not take extraction closer to the house than the existing quarry void, indeed extraction would proceed westwards, generally away from the house. Therefore I do not find there to be a strong basis for concerns about any significant effects on residential amenity at Greenland Farm.

### Effects on core path users

64. One of the criteria identified in Policy DC 8 Minerals of the 2010 local plan is impacts on 'sport and recreation interests', which could include impacts on path users.

65. The quarry extension at its northwestern edge would come close to the core path. However the extraction area would be set back so that for the most part there would be no direct conflict with path users. The exception to this would be when blasting was taking place, when the path would have to be closed before and during each blasting event.

66. The appellant advises that blasting at the quarry takes places about once a month, and that this involves closure of the path for about twenty to thirty minutes. It is stated that this would continue to be required even without the extension. The proposed conditions on blasting would avoid closure of the path in the evenings, weekends and public holidays when one might expect greatest use would be made of it.

67. I acknowledge that there might be increased levels of noise and dust for path users in the vicinity of the proposed extension, but this would only be for a fairly short stretch of path and I do not think this is likely to be a significant deterrent to users of the path. Annex A of PAN 50 advises (paragraph 42) that footpaths should not normally be regarded as noise-sensitive. I identify above the significant visual effects from stretches of the path but I do not think these would be so severe or extensive so as to create any significant conflict with policy DC 8.

### Ecological effects

68. Policy E 1 Biodiversity Duty in the local plan says that the council will further the conservation of biodiversity when exercising its planning functions. Reference is made to the biodiversity duty placed on the council by the Nature Conservation (Scotland) Act 2004. Policies GD 1 and DC 8 require effects on the natural environment to be taken into account.

69. Chapter 8 of the EIA Report covers ecology. The appellant's Phase 1 habitat survey identified the appeal site as semi-improved acid grassland and scattered bracken and being generally of low ecological value.

70. The appellant's ecological update, following a further site walkover in 2021, noted that the habitat type and management of the land had not changed since the original survey. No signs of badger were found (consistent with the findings of a previous badger survey in 2004). The only sensitivity noted in the update report is the need to take account of any effects on ground nesting birds, depending on when the site is first cleared. This could be controlled by a planning condition.

71. In responding to the appeal the council refers to a loss of 'high grassland'. Like the appellant, I am not familiar with this descriptor. I agree with the appellant that the semi-improved grassland and areas of scrubby bracken on the site are of no notable ecological value. Objectors are critical of the brevity of the ecological update. However I am satisfied, given the lack of change of the habitats on the site, that it is sufficient to enable me to determine the effects of the development. All told, the low ecological value of the site means that I am satisfied that the above policy requirements would be met. There would be no significant effects on biodiversity.

### Other matters

72. Objectors identify that agricultural operations in the farmland to the west of the extension would be affected by the proposed extension. However this farmland already lies close to the working quarry and I do not see a strong reason for believing that there would be significant conflict between such uses. The community council is concerned about loss of visitors to the area but I do not consider that extending the quarry, despite the effects I identify, would be likely to have a significant effect in this regard.

73. The appellant's appeal statement states that the western quarry faces are excessively high and that developing the extension area would be beneficial in ensuring safe and stable slopes. However I have not been provided with any detailed evidence which would allow me to take great account of any such benefits. It has not been put to me that the quarry would otherwise be unsafe, or that further working of the quarry would be the only means to address this issue.

74. Objectors note that there would be a financial benefit to the appellant in working the extension area instead of the excambion area, since overall more minerals could be extracted in the former situation rather than the latter. I find above that my primary concern must be with the effects of the appeal proposal on its own right. I do not consider that any financial benefit for the appellant is a material consideration counting against the proposal.



75. The EIA Report assesses other impacts relating to hydrology and hydrogeology, access and traffic, cultural heritage, climate and material assets. The council did not identify any such impacts in its reasons for refusal and, subject to the imposition of appropriate conditions, I am satisfied that no additional significant environmental effects would occur.

## Conclusions

### The development plan

76. Drawing on my findings above, in respect of the statutory development plan I find that there is a lack of detailed evidence as to the need for the extracted material within the regional market area. There is therefore some tension with policy DC 8 Minerals, albeit the need for the development is one of several considerations – the policy does not explicitly state that a need for the development must be demonstrated. For the same reason there is some tension with policy GB 1 Green Belt.

77. The only significant environmental effects which I identify (and in this respect I disagree with the EIA report and subsequent updated landscape and visual assessment) are the visual effects of the extension from some locations, including cumulative effects with the extraction of the remainder of the quarry. However I do not find that these give rise to significant conflict with the development plan.

78. In respect of the other main issues I identify, I conclude that there would be no other significant environmental effects and no conflict with the development plan. Overall, on balance I find the proposal to be in accordance with the development plan.

### Other material considerations

79. As I state at paragraph 15 above, I consider the proposed 2020 local development plan, as modified, to be an important material consideration in this case.

80. In respect of the need for the development, I note that policy MIN 1 Minerals and Aggregates Extraction in the 2020 plan does not require evidence that there is a need or market demand for a proposal to extract minerals. This provides some counterweight to the tension with the local plan policies which look for such evidence.

81. The policy provision in the 2020 plan have similar aims to the 2010 local plan in respect of the protection of residential amenity, nature conservation and path networks. In light of my findings above, I see no significant conflict with the 2020 plan in these respects.

82. The policies in the 2020 plan also seek very similar outcomes in respect of landscape character. However policy MIN1 is more explicit in identifying visual impacts as a consideration, saying that there should be 'no significant negative impact on landscape, including visual impact'.

83. I identify above certain visual effects which I deem, in terms of the EIA Regulations, to be significant environmental effects. However that is a different undertaking from the application of planning policy to a development proposal. The visual effects of the proposed extension alone are very localised, and such effects are to be expected from most mineral developments. The cumulative effects are greater in extent, but the extension

proposal makes only a modest contribution to these. Any tension with the requirements of policy MIN 1 are not sufficient to outweigh my finding that the proposal is in overall compliance with the statutory development plan.

84. I take note of all the representations made to the council and to DPEA, both in support of and in opposition to the development. In the former category, many of the representations point to the adverse effects of extraction in the excambion area. These effects are not ones which I can consider in any detail in this appeal, and they do not affect my conclusions on the effects of mineral extraction on the appeal site.

### Overall conclusion

85. Overall, I conclude, for the reasons set out above, that the proposed development accords with the relevant provisions of the development plan and that there are no material considerations which justify refusing to grant planning permission. I have considered all other matters raised, none of which lead me to alter my conclusions. I am satisfied that my reasoned conclusions on the significant environmental effects of the proposed development are up to date.

86. Accordingly, I will defer determination of this appeal for a period of up to twelve weeks to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be, securing a bond sufficient to cover the expected restoration and aftercare works for the quarry extension. The principal of such a bond had been agreed by between the appellant and council officials, and I agree that it is necessary to ensure that the quarry extension site is restored after it has been worked. If, by the end of the twelve week period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

87. The council provided a set of proposed conditions to be imposed should the appeal be allowed. These are very similar to the ROMP conditions for the main part of the quarry. For the most part I propose to impose those conditions, giving much the same reasons as the council gave for the ROMP conditions. I have amended proposed condition 5 to better match the equivalent ROMP condition. The council's proposed conditions 19 and 20 relate to the main quarry road and to wheel washing of vehicles leaving the quarry. Notwithstanding the council's view, I do not think they are necessary for the appeal development, and I would omit them. I am not aware of any statutory requirement that the proposed development need commence within two years, therefore I would omit the council's proposed first condition. If there is such a statutory requirement, this would endure regardless of the omission of the condition. I have amended Table A – Noise Criteria for condition 4 to clarify what noise index is to be used. I have made slight adjustments so that the numbering of equivalent conditions for the extension and the main quarry are aligned.

*David Liddell*

Reporter

## **Schedule 1: Proposed Conditions**

1. [Not used]

2. The development hereby approved shall endure until 21 February 2042 and at the end of the period of permission all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.

Reason: In order that the timeframe of this permission aligns with that of the main quarry.

3. Subject to the details specified in subsections 3(a)-3(b) below, the normal daytime operating hours for the quarry shall be 0600 hours to 2200 hours daily and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant shall take place outside these hours.

3(a) Outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays, with the exception of haulage vehicles entering and leaving the site, all operations shall be undertaken below ground level within the quarry void.

3(b) Loading and despatch of aggregates for specific contracts may be undertaken outwith the specified hours where no less than 24 hours written notice (excluding weekend days and public holidays) has been given to the Planning Authority.

Reason: To retain control over future quarrying operations of the site, in the interests of the amenity of the area.

4. Noise attributable to the operators at Sheephill quarry shall not exceed the limits specified in Table A (Noise Criteria) attached to this permission at Greenland Farm, Auchentorlie House, No. 9 Milton Hill, and Middleton.

Reason: To minimise noise nuisance, in the interests of the amenity of the area.

5. Advance notification of a minimum of 48 hours for the relaxation of the noise limits identified in condition 4 above for soils and overburden operations to be undertaken shall be given to the Planning Authority.

Reason: To retain control over the future operations on site, in the interests of amenity of the area.

6. The applicant shall undertake a noise monitoring programme at the locations as described in condition 4 above and the frequency and times of such monitoring shall be agreed by the Planning Authority and the results shall be submitted in writing to the Planning Authority on a frequency to be agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A - The Control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.

Reason: To limit noise nuisance, in the interests of the amenity of the area

7. Blasting operations shall be carried out between 1000 and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry

operator shall endeavour to ensure that, as far as is practicable, blasting shall be carried out between 1000 and 1300 hours.

Reason: To limit the impact of noise nuisance, in the interests of the amenity of the area.

8. Prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.

Reason: In order to control noise nuisance, in the interests of the amenity of the area.

9. Notwithstanding the requirements of condition 7 and 8 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to the council's Environmental Health Service within two days of the occurrence.

Reason: In order to control noise nuisance, in the interests of the amenity of the area.

10. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Planning Authority.

Reason: In order to control noise nuisance, in the interest of the amenity of the area.

11. The operator shall monitor all blasts and records shall be maintained so that peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry with copies being supplied to the Planning Authority on a three monthly basis. In the event that recorded values exceed the agreed level the operator shall notify the Planning Authority of the event within one working day and shall provide an assessment of its implication with respect to future blasting activity and the site's vibration limit.

Reason: In order to control noise nuisance, in the interest of the amenity of the area.

12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s in 95% of all blasts measured over any period of twelve months and no individual blast shall exceed a peak particle velocity of 12 mm/s as measured at any nearby vibration sensitive property. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Planning Authority.

Reason: In order to control noise nuisance, in the interest of the amenity of the area.

13. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN 50.

Reason: In order to control noise and vibration nuisance, in the interest of the amenity of the area.

14. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be submitted to and approved by the Planning Authority.

Reason: To allow safe access, in the interests of public safety.

15. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings shall be submitted to the Planning Authority. Thereafter the approved warnings shall be given in writing by the operator to the occupiers of all the properties around the site.

Reason: In the interests of public safety.

16. The operator shall ensure that the Council's Environmental Health Service be given a minimum of 48 hours email notification, excluding weekends and public holidays, before every blast at the quarry.

Reason: In order to provide adequate notice for Environmental Health Service to allow the monitoring of blasting operations.

17. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.

Reason: In order to minimise dust from the quarry operations, in the interests of the amenity of the area.

18. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required. The operator shall maintain a diary of weather conditions, visual assessment of dust and any mitigation measures implemented on a daily basis. The diary shall also record any complaints relating to dust, any investigations undertaken in respect of complaints and any remedial actions undertaken as a result of the investigation. The diary shall be retained on-site and made available to the Planning Authority on request.

Reason: In order to minimise dust from the quarry operations, in the interests of the amenity of the area.

19. [Not used]

20. [Not used]

21. Within three months of the date of this consent an updated plan and programme of the anticipated phasing of the extension quarry operations shall be submitted and approved by the Planning Authority. Any changes to the approved phasing programme and plan shall be notified and approved by the Planning Authority.

Reason: To retain control over future quarrying and operations of the site, in the interests of the amenity of the area

22. The methods of working within the quarry shall be as described within the approved documents forming part of this consent and any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

Reason: To retain control over future quarrying and operations of the site, in the interests of the amenity of the area.

23. The topsoil and subsoils to be removed shall be stored as described in the applicant's written submission and shall be retained on site for eventual reuse as part of the restoration works as described in condition 31.

Reason: To retain control over materials for the future restoration on site.

24. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Planning Authority gives written approval of the new storage locations and methods of storage.

Reason: To retain control over materials for the future restoration on site.

25. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Planning Authority gives written approval of the new storage locations and methods of storage.

Reason: To retain control over the future operations on site, in the interests of amenity of the area.

26. Details of any boundary walls and fences to be erected for the full extent of the application site shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.

Reason: To retain control over the future operations on site, in the interests of the amenity of the area.

27. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation.

Reason: To retain control over the future operations on site, in the interests of amenity of the area.

28. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.

Reason: To prevent environmental pollution, in the interests of public safety.

29. All artificial lighting units installed at the quarry shall have a purpose and shall be so sited and directed as to minimise the potential for light pollution and glare outside the quarry boundary.

Reason: To prevent light pollution, in the interests of the amenity of the area

30. No later than six months after the permanent cessation of quarrying or the date set by condition 2 above, whichever is the sooner, all buildings, plant, machinery and areas of hardstanding including the internal access roads shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration.

Reason: In order to retain effective control over quarry operations, in the interest of the amenity of the area.

31. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as details showing how recreational access and links to the local path network would be achieved, along with details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority. This shall include how the restoration of the extension area is integrated within the overall restoration proposals of the full quarry area.

Reason: To ensure the satisfactory restoration of the quarry site.

32. Not later than two years before the expiry of this permission or permanent cessation of quarrying, whichever is the sooner, a detailed final restoration scheme for the site including aftercare and maintenance shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented before the expiry of this permission.

Reason: To ensure the satisfactory restoration of the quarry site.

33. The restoration scheme approved under the terms of condition 32 above shall include a bird hazard management plan to be approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the design, maintenance and management of any water bodies and wetlands to minimize birdstrike hazard.

Reason: To ensure restoration proposals do not cause operational issues for Glasgow Airport.

34. The restoration scheme approved under the terms of condition 32 above shall be implemented and the works completed within twelve months of the completion of all quarrying operations or the date stated in condition 2 above, whichever is the sooner.

Reason: To ensure the satisfactory restoration of the quarry site.

35. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discontinued for a like period, then unless as may otherwise be agreed in writing by the Planning Authority, within six months of either event occurring, a revised final restoration scheme that modifies and updates that

approved by condition 32 above, shall be submitted for the written approval of the Planning Authority, including any modifications as may be required, detailing the steps to be taken to restore the site.

Reason: In order to retain effective control of the future restoration of the quarry site and to ensure an acceptable restoration scheme.

36. Within six months of being approved any revised restoration scheme that may have been required under the terms of condition 35 above shall be implemented and the works completed.

Reason: In order to retain effective control of the future restoration of the quarry site.

37. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 35 above, unless as may otherwise be agreed in writing by the Planning Authority.

Reason: To ensure the satisfactory restoration of the quarry site.

38. Within twelve months from the date of this permission, and thereafter at twelve monthly intervals, the applicant shall submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping or restoration works that have been implemented.

Reason: In order to retain effective control of quarry operations in the site, in the interests of the amenity of the area.

39. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant licence is obtained.

Reason: In the interests of protecting wildlife species.

40. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humphrey, where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or that an alternative appropriate footpath is provided.

Reason: In order to allow safe access, in the interests of public safety.

41. No development shall commence on the extension area, including any soil stripping, until an updated ecological survey has taken place. The ecological report shall be submitted to and approved by the Planning Authority. In the event of any protected species being identified no works shall be undertaken within the identified area until appropriate mitigation measures have been submitted to and approved by the Planning Authority and the approved mitigation measures implemented on site.

Reason: In order to protect wildlife in the interests of the amenity of the area.



42. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with the written scheme of investigation which has been submitted for approval of 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 site is undertaken to the satisfaction of the Planning Authority in consultation with West of Scotland Archaeology Service.

Reason: In order to protect any archaeological heritage/ features within the site.

**Table A – Noise Criteria – Condition 4**

Receptor	Noise Criteria			
	Extension			
	Soils and overburden handling*	Routine operations Including drilling	Routine operations	Out of hours operations**
Milton Hill	70	55	55	42
Greenland	70	55	55	55
Middleton	70	48#	45	42
Auchentorlie	70	49	49	42

All figures are in decibels  $L_{Aeq,1hr}$

\* For a period of up to eight weeks in any twelve month period. The temporary works shall not start until 0800 hours and not on Sundays or Bank Holidays.

# Only when drilling to upper bench, 45dB for all other benches.

\*\* Out of hours operations are those outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday, and include Bank Holidays.

### **Schedule 2: Application drawings**

Figure 1 - Site Location Plan, 20 March 2003

Figure 2 - Existing Topography, 20 March 2003

Figure 3 - Development Plan, 20 March 2003

Figure 4 – X-Section, 20 March 2003

Figure 5 - Excavation Boundary Following Excambion, 20 March 2003

Figure RevRest0404 – Indicative Restoration Plan, 7 April 2004

Figure SH04/04a – Excavation Boundary Following Excambion, 7 April 2004

Figure SH04/04b - X-section B, 7 April 2004



**WEST DUNBARTONSHIRE COUNCIL**

**Report by the Chief Officer - Regulatory and Regeneration**

**Planning Committee: 8<sup>th</sup> June 2022**

---

**Subject: Street name for new housing development site at Former Bowling Green John Knox Street Clydebank**

**1. PURPOSE**

- 1.2** To allocate one street name within the new housing development at former Bowling Green, John Knox Street, Whitecrook, Clydebank.

**2. RECOMMENDATIONS**

- 2.1** It is recommended that Pavillion Court is the street name.

**3. BACKGROUND**

- 3.1** Permission was granted for erection of three storey block of flats, comprising 18 units and associated parking/open space on the site of the former Bowling Green, John Knox Street, Whitecrook, Clydebank. Vehicular access to the site is off the existing John Knox Street.

**4. MAIN ISSUES**

- 4.1** The street name proposed for consideration is Pavillion Court. The name is derived from the existing Bowling Pavillion which lies to the south-east of the former bowling green. The club had two bowling greens and the development relates to the green that is located furthest away from the Pavillion. Pavillion Court is suggested as the street name. The name proposed meets the requirement of the Council's Street Naming Policy.

**5. PEOPLE IMPLICATIONS**

- 5.1** There are no people implications.

**6. FINANCIAL IMPLICATIONS**

- 6.1** There are no financial implications.

**7. RISK ANALYSIS**

- 7.1** There are no known risks to the Council.

**8. EQUALITIES IMPACT ASSESSMENT (EIA)**

**8.1** None.

## **9. CONSULTATION**

**9.1** As part of the Council's Street Naming Policy Clydebank East Community Council and the elected members for Clydebank Waterfront (Ward 6) have been consulted on the suggestion of Pavillion Court. No comments have been received at the time of writing the report.

## **10. STRATEGIC ASSESSMENT**

**10.1** This proposal does not impact on any of the Council's strategic priorities.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**  
**Date: 8<sup>th</sup> June 2022**

---

**Person to Contact:** Pamela Clifford, Planning & Building Standards Manager

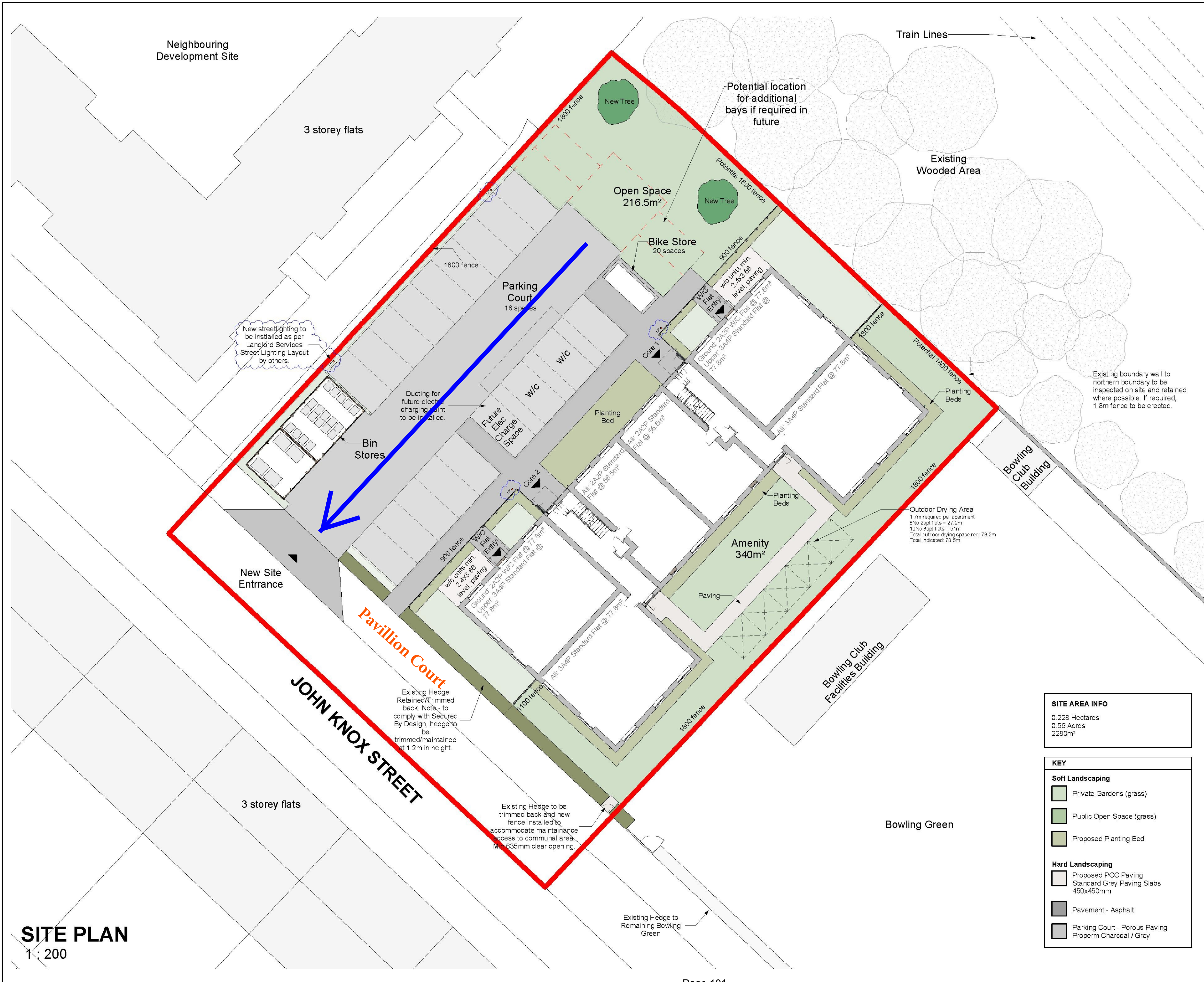
Email: [Pamela.Clifford@west-dunbarton.gov.uk](mailto:Pamela.Clifford@west-dunbarton.gov.uk)

**Appendices:** Site plan.

**Background Papers:** Street Naming and Numbering Policy

**Wards Affected:** Ward 6 – Clydebank Waterfront





MASTARCH Ltd trading as 'MAST Architects' registered in Scotland, company number SC447111, whose registered office is at 51 St Vincent Crescent, Glasgow, G3 8NQ

**DO NOT SCALE FROM DRAWINGS**  
All dimensions to be checked on site by the Contractor and any discrepancies to be notified to the Architect prior to works being commenced. Use Figured dimensions only.

**APPLICABLE REGULATIONS**  
CDM 2015 & HASAW ACT 1974 (and all amendments) - Applies at all times.  
Working at Height Regs 2005 - Applies at all times.  
Workplace (Health, Safety and Welfare) Regs 1992 - Applies at all times.  
Control of Asbestos Regs 2012 - Applies at all times.

© All Rights Reserved. Copyright in all documents and drawings prepared by MAST Architects and in any work executed from those documents and drawings shall remain the property of MAST Architects.

**Notes:**

**Unit Mix:**  
6No: FT1 - 2A2P (1bed) @ 56.5m<sup>2</sup>  
2No: FT2 - 2A2P W/C (1bed) @ 77.8<sup>2</sup>  
10No: FT3 - 3A4P (2bed) @ 77.8<sup>2</sup>  
**Total Units: 18**

**Parking:**  
100% parking provision required by WDC  
**Total parking spaces: 18**

**Bike Storage Provision:**  
1 space per unit & 1 visitor space for every 10 units  
**Total bike storage spaces: 20**

**Amenity Space:**  
WDC Design Guide = 10m<sup>2</sup> per unit  
**Minimum amenity space required: 180m<sup>2</sup>**  
Total amenity achieved = 340m<sup>2</sup> rear private communal amenity plus 2No private gardens to ground floor W/C flats.

**Open Space Provision:**  
30m<sup>2</sup> publicly usable open space per person required by WDC 'Our Green Network' LDP Planning Guide. Pre-app consult noted 30m<sup>2</sup> required in new LDP2 guidance.

8No 1 bed units @ 1.3 household = 10.4 persons  
10No 2 bed units @ 1.9 household = 19 persons  
**Total Open Space required = 29.4 x 30m<sup>2</sup> = 882m<sup>2</sup>**

Total open space provided: 216.5m<sup>2</sup>

— Planning Boundary  
— Ownership Boundary

0 0.5 1 2.5m

N

Rev	Description	Date	Issued
F	Bin storage updated	17.11.2020	Lie
G	Landscaping info updated: fences added; plant beds added; 2No trees to open space added; path to drying area added.	26.11.2020	Lie
H	Bin store detail added; Private gardens removed; W/C patio area amended; patio doors removed to GF units.	14.12.2020	Lie
J	Timber fence added to northmost boundary	17.12.2020	Lie
K	Access to rear communal area added.	22.12.2020	Lie
L	Level Access Platts added; additional parking bays sketched on; open space upgraded to 30sqm per person	11.01.2021	Lie
M	Rear access gate and note updated; site area notes added	12.01.2021	Lie
N	Draft Planning Comment to JR for comment	15.01.2021	Lie
P	Updated to warrant	03.02.2021	Lie
Q	SBD - Note added re. hedge height.	18.02.2021	Lie
R	Tree positions updated in line with landscape plan.	05.05.2021	Lie
S	Pre-commencement conditions - hard landscaping info/fencing details/ducting for future car charging points	10.09.2021	Lie
T	Amenity area in notes updated to match drawing	14.10.2021	Lie
U	Streetlighting added - 4no lamposts	01.11.2021	Lie
V	Drawing issued for construction	23.12.2021	Lie

**SITE AREA INFO**

0.228 Hectares  
0.56 Acres  
2280m<sup>2</sup>

**KEY**

**Soft Landscaping**

- Private Gardens (grass)
- Public Open Space (grass)
- Proposed Planting Bed

**Hard Landscaping**

- Proposed PCC Paving
- Standard Grey Paving Slabs 450x450mm
- Pavement - Asphalt
- Parking Court - Porous Paving Properm Charcoal / Grey

51 St Vincent Crescent  
Glasgow  
G3 8NQ  
0141 221 6834  
mast@mastarchitects.co.uk  
mastarchitects.co.uk

**MAST**  
ARCHITECTS

Client  
**The JR Group**

Project  
**Clydebank Bowling Club**

Drawing Title  
**Proposed Site Plan**

Scale <b>As indicated @ A2</b>	Job No. <b>3182</b>	Originator <b>Lie</b>
Purpose of Issue <b>CONSTRUCTION</b>	Issue Date <b>29.09.2020</b>	Checked <b>RC</b>
Drawing Number <b>3182-L(20)010</b>	Rev <b>V</b>	





**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer – Regulatory and Regeneration**

**Planning Committee: 8<sup>th</sup> June 2022**

---

**Subject: Developer contributions**

**1. Purpose**

- 1.1** To seek the agreement of the Committee for a process to report and allocate developer contributions received through the planning system.

**2. Recommendations**

- 2.1** It is recommended that the Committee agree the proposed procedures for managing developer contributions set out in Appendix 1 and the criteria for the allocation developer contributions towards green network and green infrastructure projects/enhancement as set out in Appendix 2.

**3. Background**

- 3.1** The Council's Local Development Plan and Supplementary Guidance sets out standards for the provision of new open space and other green infrastructure within new developments. For new residential development the option exists, in prescribed circumstances, for a financial contribution to be made towards open space, or other green network, provision/enhancement in an off-site location rather than providing on site.
- 3.2** Developer contributions can also be received for other reasons such as for off-site car parking provision or sustainable access measures.

**4. Main Issues**

- 4.1** Whilst the Local Development Plan and associated Supplementary Guidance on Green Network and Green Infrastructure sets out the circumstances under which developer contributions will be collected as well as the level of developer contributions, these documents do not set out the procedures for how these funds will be managed and reported, or the types of projects that the funds will be allocated towards. The reason for this is that these are matters that may need to be more frequently reviewed than the Local Development Plan and Supplementary Guidance.

#### Procedures for monitoring, requesting and allocating developer contributions

- 4.2** The proposed procedures are attached as Appendix 1. These set out that the Council will maintain a database recording the development sites from which developer contributions have been received and what projects the contributions have been spent on or allocated to. After the end of each financial year a report will be brought to the next appropriate Planning Committee detailing funds received and how these have been spent/allocated. Council service areas wanting to make use of developer contribution funds will complete and submit a pro-forma to the Planning, Building Standards and Environmental Health Manager or representative who will consider the request. On completion of an approved project, a project completion pro-forma will be submitted setting out how developer contribution funds have been used.

#### Allocation of developer contributions towards green network and green infrastructure projects

- 4.3** The proposed allocation process is attached as Appendix 2. This sets out three considerations the Planning Service will take into account in allocating developer contribution funding. These are:
- Proximity to the site from which the developer contribution has been received;
  - Deliverability of project;
  - Eligible project types – this section includes the details of strategic and local green network and green infrastructure projects that may be suitable for contributions.
- 4.4** With regard to proximity, the first considerations will be the distance of the project from the development site, with the first preference for the project site to be within 250 metres of the development site as this aligns with the accessibility standard set out in the Green Network and Green Infrastructure Supplementary Guidance. Second preference will be for the project site to be within 800 metres of the development site as this aligns with the 20 minute neighbourhood approach. Beyond these preferences the Planning Service will consider projects within the same community council area, then the same electoral ward, then the same locality planning area as the development site. The option also exists for any projects within the West Dunbartonshire Council area to be considered. All projects funded by developer contributions should be of benefit to the residents of the site from which the contribution has been received, meaning that the further the project site is from the development site, the more strategic in nature the project or the location of the project should be.



- 4.5** With regards to deliverability, it is important for the operation of the developer contribution process that contributions are spent and projects are delivered. For this reason projects will be delivered by the Council or in close partnership with the Council (including through the Participatory Budgeting process), or by the developer from which the contribution has been received. Also, any contribution received from April 2022 will be required to be spent within 10 years from the date the contribution is received, after which the contribution will be returned to the developer.

Eligible project types

- 4.6** The Local Development Plan (LDP2) sets out the types of green network/ green infrastructure projects towards which developer contributions will be directed. These are:
- Playparks and sports pitches
  - Allotments and community gardens
  - Biodiversity improvements
  - Environmental improvements
  - Path and access improvements
  - Woodland management and planting
  - Strategic green network projects
- 4.7** Appendix 2 identifies some specific projects that would fall within these categories and would be suitable for receiving developer contributions.

Status of developer contributions at 31 March 2022

- 4.8** In line with the procedures set out in Appendix 1 (and previously approved procedures), information is provided below in relation to developer contributions received and spent. For completeness and to provide a baseline record, all transactions through the developer contribution fund since 2007 are summarised below. In future years, reporting will cover contributions received and spent/allocated in the previous financial year.

<b>Financial year</b>	<b>Contributions received</b>	<b>Contributions spent</b>
2007-March 2017	£620,882.23	£363,798.24
April 2017-March 2018	£40,480	£0
April 2018-March 2019	£22,382.91	£0
April 2019-March 2020	£34,876.44	£12,000
April 2020-March 2021	£267,595.00	£50,000
April 2021-March 2022	£24,289.23	£0
Current balance	£584,706.87	

- 4.9** Of the current balance £325,000 is allocated or earmarked as follows:

- £200,000 for sustainable access improvements for the Golden Jubilee Hospital in Clydebank
  - £50,000 for pocket park at Dumbarton Waterfront (already delivered)
  - £50,000 for improvements to Christie Park, Alexandria
  - £25,000 for green network improvements at Faifley Knowes, Clydebank
  - In principle support for eligible participatory budgeting projects
- 4.10** Previously supported projects include improvements to East End Park and Posties Park in Dumbarton, and Goldenhill Park and Melfort Park in Clydebank.

## **5. People Implications**

- 5.1** There are no people implications associated with this report.

## **6. Financial and Procurement Implications**

- 6.1** The proposed procedures will ensure that developer contributions received are managed, reported and spent in an orderly and transparent manner. Local government procurement rules will be followed for any projects being delivered by the Council using developer contributions funds.

## **7. Risk Analysis**

- 7.1** There are no risks associated with this report.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** The policy requires that equality issues should be considered in the identification and design of projects making use of developer contribution funding.

## **9. Consultation**

- 9.1** No consultation is required in relation to this matter.

## **10. Strategic Assessment**

- 10.1** This report has no direct impact on the Council's strategic priorities.

**Peter Hessett**

**Chief Officer – Regulatory and Regeneration**

**Date: 8<sup>th</sup> June 2022**

---

<b>Person to Contact:</b>	<p>Pamela Clifford, Planning &amp; Building Standards Manager  <a href="mailto:pamela.clifford@west-dunbarton.gov.uk">pamela.clifford@west-dunbarton.gov.uk</a></p> <p>Alan Williamson, Development Planning &amp; Place Team Leader  <a href="mailto:alan.williamson@west-dunbarton.gov.uk">alan.williamson@west-dunbarton.gov.uk</a></p>
<b>Appendix:</b>	<ol style="list-style-type: none"> <li>1. Procedures for monitoring, requesting and allocating developer contributions</li> <li>2. Allocation of developer contributions towards green network and green infrastructure projects</li> <li>3. Equalities impact assessment</li> </ol>
<b>Background Papers:</b>	<p>West Dunbartonshire Local Development Plan (2020)  Green Network and Green Infrastructure  Supplementary Guidance (2022)</p>
<b>Wards Affected:</b>	All



**Procedure for monitoring, requesting and allocating developer contributions**

1. The Council's Planning Service will maintain a database for recording developer contributions. This will record the development site they were received from and the projects they were spent on or are allocated to be spent on.
2. After the end of each financial year, a report will be prepared for the Planning Committee detailing developer contributions received and where they have been spent or are proposed to be spent. This report will relate to funds currently held and projects being or still to be delivered. This report will also offer the opportunity for the system set out in this document to be reviewed and for the criteria for identifying eligible projects to be reviewed (for example as set out in "Allocation of developer contributions towards green network and green infrastructure projects")
3. Any Council service or partner organisation which wishes to make use of the green network/green infrastructure developer contribution fund should have regard to the "Allocation of developer contributions towards green network and green infrastructure projects" paper and make a request for funding by completing the attached project request pro-forma. Requests for use of other types of developer contributions received e.g. commuted sums for parking should also be submitted on the pro-forma. The request will then be considered by the Planning, Building Standards and Environmental Health Manager or representative.
4. Should the project be approved by the Planning, Building Standards and Environmental Health Manager or representative agreement will be reached on the timing of transfer of funds to the delivery partner.
5. On completion of the project, the delivery partner will be required to submit a project completion pro-forma setting out the final project cost and detailing when the work was physically completed, and the final monetary total for the project. This report will be kept on the Developer Contribution System for that particular project. Any underspend of developer contribution funding will be returned to the developer contribution account, and linked again to the development site from which the contribution was received.

## Planning Service Developer Contributions

### Project Request Pro-forma

<b>Project Name:</b>
<b>Project Type:</b>
<b>Location:</b>
<b>Community Council area:</b>
<b>Ward:</b>
<b>Locality Planning Area:</b>
<b>Project details:</b>
<b>Estimated total cost:</b>
<b>Amount requested from developer contribution fund:</b>
<b>Other funding sources:</b>
<b>Reasons for developer contributions being required:</b>
<b>Has an Equality Impact Assessment been carried out for the project?</b> <b>Please provide a summary of the assessment below and attach a copy of the full assessment</b>

## Planning Service Developer Contributions

### Project Completion Pro-forma

<b>Project Name:</b>
<b>Project Type:</b>
<b>Location:</b>
<b>Community Council area:</b>
<b>Ward:</b>
<b>Locality Planning Area:</b>
<b>Project details:</b>
<b>Total cost:</b>
<b>Project completion date:</b>
<b>Amount received from developer contribution fund:</b>
<b>Amount received from other funding sources:</b>
<b>Amount to be returned to developer contribution fund (if any):</b>





### **Allocation of developer contributions towards green network and green infrastructure projects**

In allocating developer contributions towards green network and green infrastructure projects, the Planning Service will take account of the following criteria.

- Proximity to the site from which the developer contribution has been received
- Deliverability of project
- Eligible project types – this section includes the details of strategic and local green network and green infrastructure projects that may be suitable for contributions.

Equality issues will be considered in the identification and design of projects making use of developer contribution funding.

### **Proximity to the site from which the developer contribution has been received**

Opportunities for the allocation of developer contributions will be considered in the following order:

- Within a 250 metre walk of the development site from the site from which the developer contribution has been received – this is in line with the accessibility standard set out in the Green Network and Green Infrastructure Supplementary Guidance.
- Within an 800 metre walk of the development site from which the developer contribution has been received – this aligns with the 20 Minute Neighbourhood approach.
- Within the same community council area as the development site from which the development contribution has been received.
- Within the same Council electoral ward as the development site from which the development contribution has been received.
- Within the same locality planning area as the development site from which the development contribution has been received – the current locality planning areas are the three main settlement areas of Clydebank, Dumbarton and Vale of Leven.
- Within the West Dunbartonshire Council area.

All projects to be funded by developer contributions should provide green network/green infrastructure benefits for the residents of the site from which the developer contributions have been received. This means that the further the project site is from the development site, the more strategic in nature the project or the location of the project should be.

### **Deliverability of project**

It is important for the operation of the developer contribution process that the developer contributions are spent and projects delivered. To ensure this, the Council will consider the following deliverability criteria:

- The project will be delivered by the Council or delivered in close partnership with the Council. This may include projects identified through the Council's Participatory Budgeting process
- The project will be undertaken by the developer of the site from which the contribution is received.
- The project will be delivered to completion, or the developer contribution demonstrably spent, within 10 years of the contribution being received by the Council, or the contribution will be returned to the developer. This will apply to contributions received from April 2022.

### **Eligible project types**

Local Development Plan 2 sets out the types of green infrastructure projects towards which developer contributions will be directed. Further detail on project types are provided below.

#### **Play parks and sports pitches, including provision of, improvements and enhancements**

Where a development will result in additional use of an existing play park/sports pitch, there may be a requirement to upgrade, enhance or enlarge those facilities.

Where new residential development does not provide on-site play parks or sports pitches, and there is no facility in the immediate vicinity or within 250 metres of the development site, where practicable there will be a requirement for a new play area or sports pitch to be installed to meet the accessibility standard.

The Council will ensure that new or upgraded play parks provide appropriate accessible play equipment.

#### **Allotments and community gardens**

The provision of new allotments and community gardens, or enhancement/expansion of existing facilities will be eligible for a contribution from the developer contribution fund where the proposed site is in an area of demand and where the new development is likely to increase this.

#### **Biodiversity improvements to existing green infrastructure**

This may involve enhancing existing areas of natural habitats, the provision of new habitats, or the improvement of connections between habitats. Such projects should include elements that increase interaction between people and nature.

#### **Environmental improvements to existing green infrastructure**

Projects may be eligible for a contribution from the developer contributions fund where they can: deliver upgrades to an area of land, civic space or public realm to provide a useable open space for the community; help provide green infrastructure to enhance the character and amenity of the area; or bring vacant, derelict or dilapidated land back into active use. Contributions can also be used towards public art within developments, as well to enhance existing or new areas of public realm or civic space, which will help to improve the environment, with reference to the history of a site or to provide a focal point for the new space.

### **Path and access improvements**

Where a new development is in close proximity to an existing path and access network, and that particular development will result in increased usage of that network, then projects that would help to improve safety, upgrade the existing network to cope with the increased usage, and/or make paths suitable for shared use, will be eligible for a contribution from the developer contributions fund. The provision of new paths that will improve the connectivity of the development site with the green network will also be eligible.

### **Woodland management and planting**

Woodland management or planting projects that create or enhance woodlands that are accessible to the local community.

(Examples of local green network projects that align with these project types are included later in this paper.)

### **Strategic Green Network Projects (West Dunbartonshire Local Development Plan)**

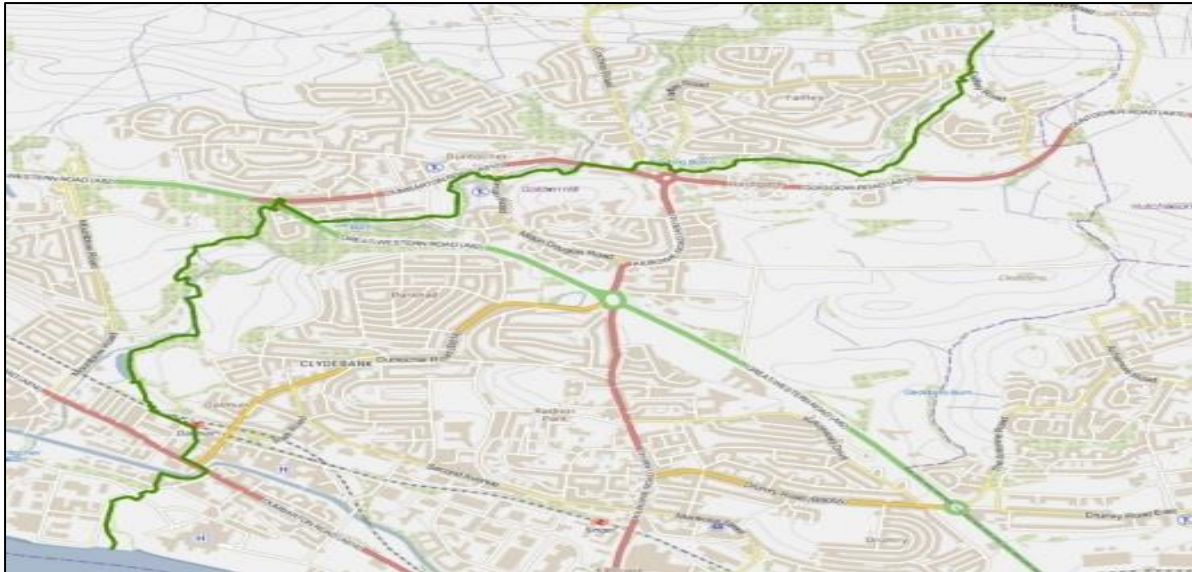
West Dunbartonshire sits within the Central Scotland Green Network area. The Central Scotland Green Network is identified as a National Development in the National Planning Framework. The Central Scotland Green Network programme aims to change the face of central Scotland by restoring and improving its rural and urban landscape. Workstreams for the period to 2030 relate to natural climate solutions, liveable places, health and wellbeing, and green recovery.

The Glasgow and Clyde Valley Green Network Partnership has developed a Blueprint, which is a framework for the creation of a Strategic Green Network for the benefit of people and wildlife in the Glasgow City Region. It focusses on the creation of a Strategic Access Network and a Strategic Habitat Network. The access network seeks to facilitate the off-road movement of people around and between communities through greenspace, and the habitat network seeks to facilitate the movement of wildlife through the landscape.

The strategic green network projects set out in the Local Development Plan, and in greater detail below, will help to deliver the Central Scotland Green Network and the Glasgow and Clyde Valley Green Network Blueprint within West Dunbartonshire.

### ***River Clyde to John Muir Way Access and Heritage Route***

The River Clyde and the Kilpatrick Hills are two of West Dunbartonshire's key recreational, natural and cultural heritage assets. The project aims to link them, via other green network assets such as the Duntocher Burn and Goldenhill Park, and numerous communities along its length, by a high quality walking and cycling route. This project is as a key component in delivering the regional, strategic green network and connecting to the wider countryside via Auchnacraig Woods and the John Muir Way, as detailed in the map below.



The project would create a valuable addition to the region's network of strategic access routes, which would act as a draw for walkers and cyclists to West Dunbartonshire, as well as functioning as a local access network encouraging walking and cycling around and between communities and community facilities. The project also will connect into to other strategic green network projects, the Clydebank Linear Park project and the Faifley Knowes project, which are detailed below.

### ***Forth and Clyde Canal***

The project aims to create a new linear park, including recreational and gym equipment with corresponding path, biodiversity, environmental and habitat improvements, encouraging better and increased usage of the Canal and to provide new path connections from Centre 81 and other appropriate points.

The Forth and Clyde Canal towpath and surrounding natural environment within central Clydebank is in need of significant path, access and environmental improvements to the towpath and to improve its use as a recreation resource.

The Canal is underutilised as a recreational resource by the communities despite it being part of the NCN 7 national cycle route. This is due to a number of reasons including lack of safety, general feel, poor paths and lighting and no other recreational facilities to encourage usage.

The project was borne out of discussions and feedback with the community and other stakeholders, such as Scottish Canals, the Golden Jubilee Hospital and the Glasgow and Clyde Valley Green Network Partnership, during the Clydebank Can design workshops.

### ***Alexandria Footbridge across River Leven***

The former "Black Bridge" which connected Bonhill with Alexandria and Renton was a popular connection providing people with a walking and cycling route to facilities such as schools, shops, transport and health centres. The bridge was initially closed due to deterioration of the decking and was subsequently demolished. The project therefore focusses on providing a new bridge to connect the communities again.



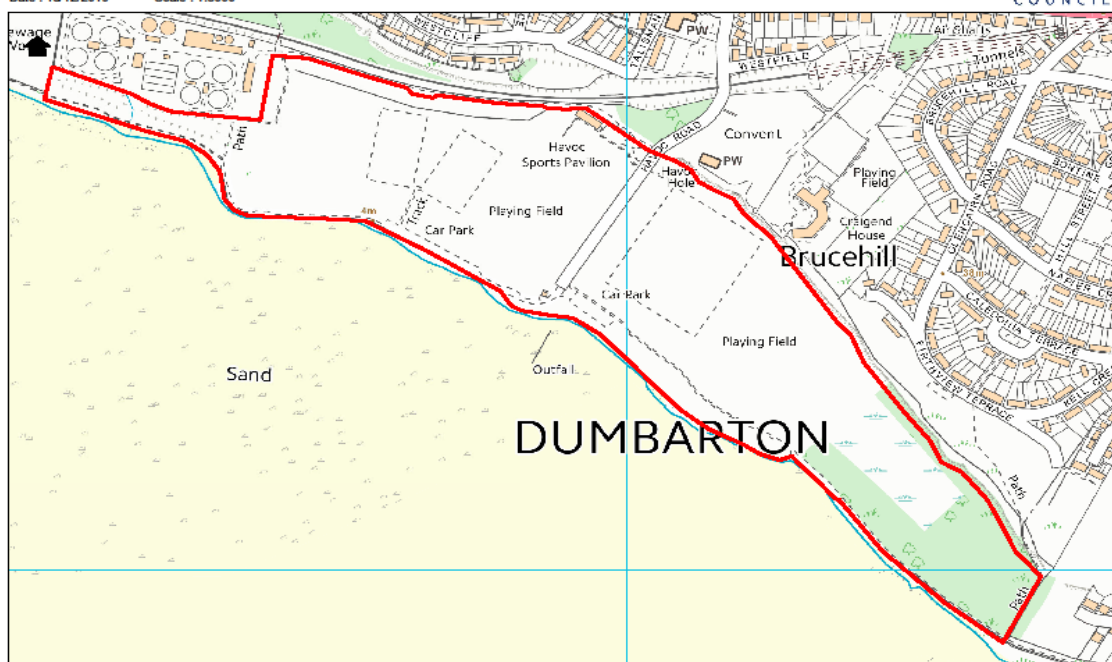
The loss of this important connection has significantly increased walking and cycling distances to destinations such as Vale of Leven Academy. The next nearest river crossings is via the “Polaroid Bridge” in Renton and the Jamestown Bridge, both a significant distance away.

*“The Development of the Alexandra Footbridge across the River Leven must not have an adverse effect on the Endrick Water Special Area of Conservation (SAC) for which Atlantic salmon, Brook lamprey and River lamprey are the qualifying interests or on the Inner Clyde Special Protection Area (SPA) for which Redshank are the qualifying interest. Proposals for development must be accompanied by an expert assessment to inform a project-level Habitats Regulations Appraisal (HRA). The Council as ‘Competent Authority’ will carry out the HRA. If it is concluded that the proposal is likely to have a significant effect, the Council must then undertake an Appropriate Assessment of the implications of the development for the conservation interests for which the area has been designated. Development which could harm an internationally important site will only be approved in exceptional circumstances.”*

### **Havoc Playing Fields/Brucehill Cliffs and Path to Cardross**

The project is aimed at the improvement of this important and well-used recreational open space and nature resource, which is proposed by the Council as a potential Local Nature Reserve. The current condition of the site is deteriorating, and this requires to be addressed for the benefit of the community and visitors, as well as, the nature on the site. This will involve the improvement of the playing fields and associated facilities; woodland management/planting; improvements to the path network, including a connection which will enable the path network in this area to connect with Cardross to improve connectivity between the two areas and further afield; removal of the invasive species (Himalayan Balsam) adjacent to the shoreline; and providing interpretation within Havoc to explain the important conservation value of the site in relation to its proximity to the Inner Clyde Special Protection Area.



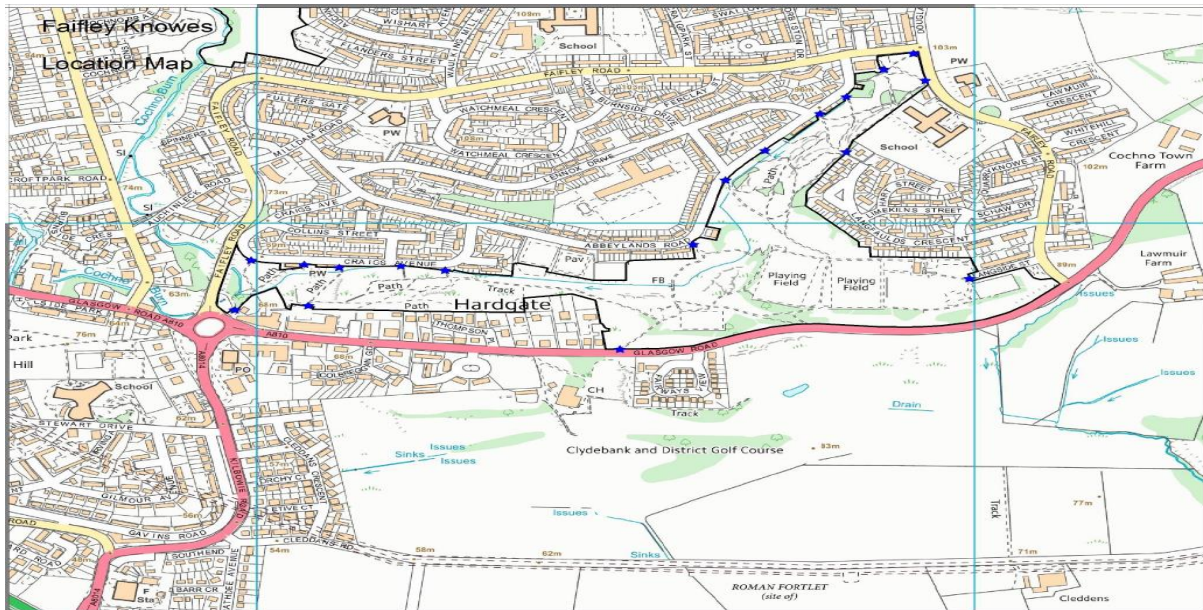


The area is extensively used by the community and is a much loved and important natural area which requires to be protected for its proximity to protected species and, where appropriate, sensitively enhanced to ensure that the recreational and health benefits that this important open space provides is improved to continue to offer a wide variety of activities to occur.

*“Development of the Havoc Playing Fields/Brucehill Cliffs and Path to Cardross project must not have an adverse effect on the Inner Clyde Special Protection Area (SPA) for which Redshank are the qualifying interest. Proposals for development must be accompanied by an expert assessment to inform a project-level Habitats Regulations Appraisal (HRA). This may require a study of redshank behaviour in the affected area of the SPA, which is likely to involve survey over at least one overwintering season. The Council as ‘Competent Authority’ will carry out the HRA. If it is concluded that the proposal is likely to have a significant effect, the Council must then undertake an Appropriate Assessment of the implications of the development for the conservation interests for which the area has been designated. Development which could harm an internationally important site will only be approved in exceptional circumstances.”*

### **Faifley Knowes**

Faifley Knowes is a 19 hectare greenspace between the Hardgate and Faifley areas of Clydebank. The project is aimed encouraging better and increased usage of the Faifley Knowes woodland and to enhance, promote and protect the biodiversity value of the woodland, habitats and other known features.

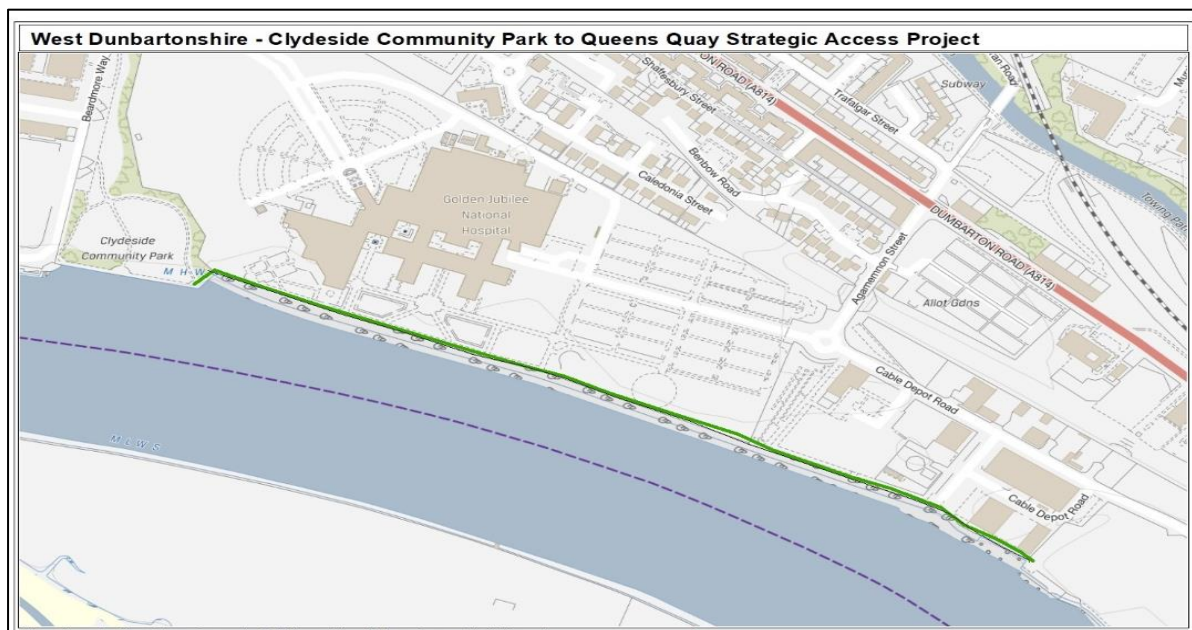


The project will upgrade the path network, undertake biodiversity and environmental improvements, improve safety within the Knowes and provide better interpretation. This is an important recreational resource for the community of Fairley and provides an important contribution to the strategic green network.

### Strategic Green Network Projects (Additional)

#### ***Clydeside Community Park to Queens Quay Strategic Access Project***

Although part of the wider aspiration to connect the River Clyde to the John Muir Way, as detailed in the project above, this part of strategic access route has been kept as a separate project due to its complexity arising from land ownership issues and also the fact that the proposed Hospital to Dalmuir Station project, detailed below, is a key connection between the two projects.





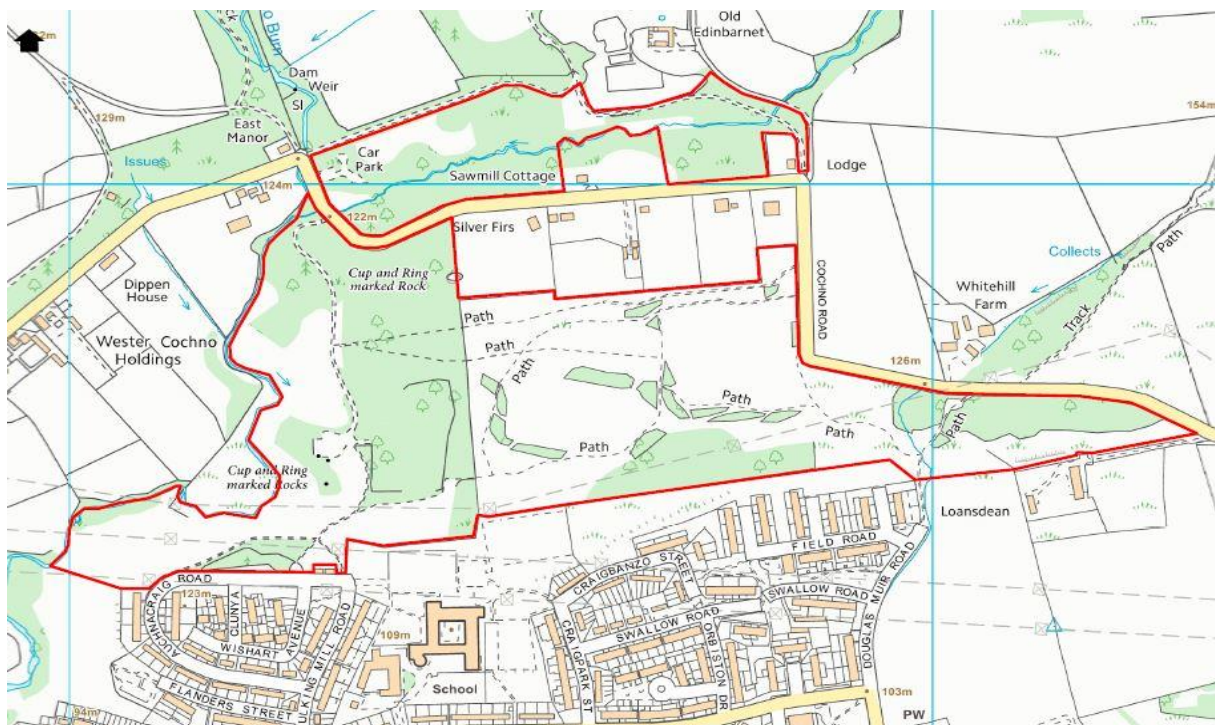
The project was originally identified in a Strategic Green Network Strategy for the Clyde Waterfront regeneration area in 2010 and worked up in more details as part of a local Green Network Strategy for the Dalmuir area in 2011. It was also included in the Spatial Strategy for the wider Clydebank area in 2016.

Delivery of the project would create a valuable addition to the regional and local network of strategic access routes which would act as a draw for walkers and cyclists to West Dunbartonshire as well as functioning as a local access network encouraging walking and cycling around and between communities and community facilities.

*Development of the Clydeside Community Park to Queens Quay Strategic Access Project must not have an adverse effect on the Inner Clyde Special Protection Area (SPA) for which Redshank are the qualifying interest. Proposals for development must be accompanied by an expert assessment to inform a project-level Habitats Regulations Appraisal (HRA). This may require a study of redshank behaviour in the affected area of the SPA, which is likely to involve survey over at least one overwintering season. The Council as 'Competent Authority' will carry out the HRA. If it is concluded that the proposal is likely to have a significant effect, the Council must then undertake an Appropriate Assessment of the implications of the development for the conservation interests for which the area has been designated. Development which could harm an internationally important site will only be approved in exceptional circumstances.*

### **Auchnacraig & Edinbarnet Woods, Faifley**

Auchnacraig Woodland Park is a large semi-natural woodland on the edge of Faifley.



The site was once part of a country estate and this history is reflected by the presence of veteran specimen trees, tree-lined avenues and parkland style fencing particularly



around the former site of Auchnacraig House. It is also the site of the Cochno Stone, hailed as the best example of Neolithic cup and ring marks in Scotland.

The Woodland Park is an important part of the habitat and access network in the area. Diverse semi-natural woodlands of this size and age are uncommon locally, making this site important for nature conservation. The site is also an important recreational resource for both local people and visitors to the area. The path network is extensive, with a combination of surfaces and unsurfaced routes and numerous opportunities for circular routes. Auchnacraig Wood and car park form part of a wider network of access routes in the locality and provide a key access link to the Cochno Hill, the Kilpartrick Hills and the John Muir Way.

The project will upgrade the path network, undertake biodiversity and environmental improvements, improve safety within the park and provide greater interpretation.

### ***Golden Jubilee to Dalmuir Station Strategic Access Project***

The connection to the Golden Jubilee Hospital from Dalmuir Station and bus stops on Dumbarton Road is poor, which means that patients have to drive to the Hospital instead of having the option to arrive by public transport. The Hospital has also stated that there is no route that provides a direct and easy connection to and from the station for staff. Therefore, a new green infrastructure connection from the Hospital to the Station is required. This would also provide new connections to the Canal and increase the recreational offer for communities in this area, as well as Hospital Staff and Patients.

## **Local Green Network Projects**

### ***Christie Park and Woodland Improvements***

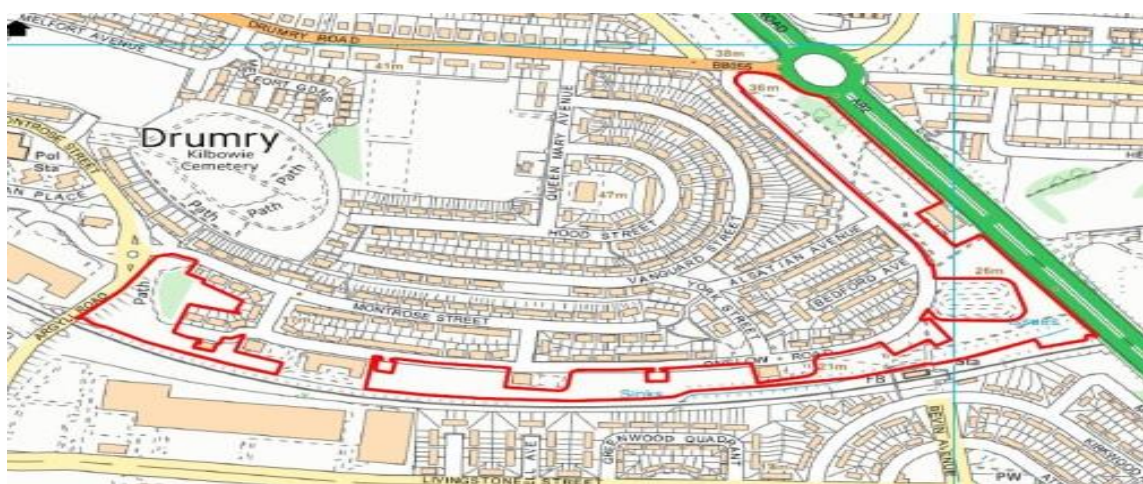
Christie Park is an important recreational area near the centre of Alexandria. The formal and amenity areas of the park are in generally good order, but the woodland is in need of investment and improvement. The project will therefore require path improvements within the woodland to make the paths and steps safer, as well as, where feasible, to make them DDA compliant within the lower section of the woodland; tree works and thinning; removal of non-native tree species; replacement native tree planting; repairing and repainting of iron work within the park; and installation of interpretation panels within the Park to explain the fountain, cenotaph and gates.



Christie Park is an important and well-loved park to the community and residents of Alexandria, which makes this a key project. It has its own established group – Friends of Christie Park – who have suggested many of the improvements to the park that require to be undertaken. By improving the path network to enable all abilities to enjoy the Park and its woodland the whole community of Alexandria can benefit.

### ***Drumry Park and Open Space Improvements, Clydebank***

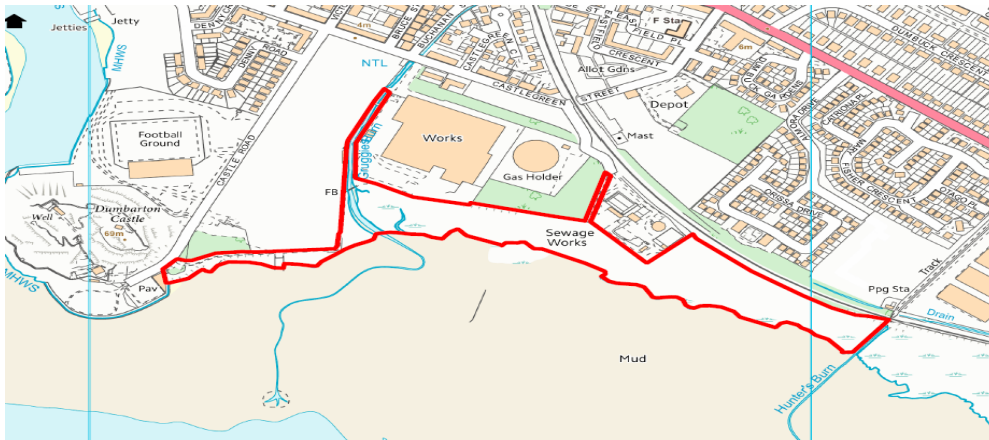
This area of open space is one of the few areas of recreational open space within Drumry and is a well-used community resource. However, as the use of the open space and play facilities has increased, this has led to the need for improvements to the site to be improved, which are beyond normal maintenance issues for the Council. The work includes: upgrading of existing play areas; resurfacing works to BMX track and paths; installation of outdoor gym equipment's; installation of new goal posts; hedge and tree planting; and creation of a community orchard.



### ***Dumbarton Castle Coastal Path Improvements***

The project aims to improve the area for the local community and also to enhance the visitor experience and maximise its potential as a key tourist destination. An increase in use of the site has led to the deterioration in the condition of the site and

upgrades to the path network in the site and bridge over the Gruggies Burn are required, along with upgrades to the picnic site, including new benches and tables. The site would also benefit from new interpretation panels and signage to enhance the visitor experience.



*“Development of the Dumbarton Castle Coastal Path Improvements must not have an adverse effect on the Inner Clyde Special Protection Area (SPA) for which Redshank are the qualifying interest. Proposals for development must be accompanied by an expert assessment to inform a project-level Habitats Regulations Appraisal (HRA). This may require a study of redshank behaviour in the affected area of the SPA, which is likely to involve survey over at least one overwintering season. The Council as ‘Competent Authority’ will carry out the HRA. If it is concluded that the proposal is likely to have a significant effect, the Council must then undertake an Appropriate Assessment of the implications of the development for the conservation interests for which the area has been designated. Development which could harm an internationally important site will only be approved in exceptional circumstances.*”

### **Garshake Avenue/Whiteford Crescent Open Space**

The project aims to enhance the access to this area of open space that connects two communities. It also aims to undertake woodland management to enhance biodiversity and to make the area safer. The project will also enhance and extend the existing play park for the benefit of both communities through tree thinning, removal and planting; path improvements, play park extension and enhancement; and habitat enhancement.

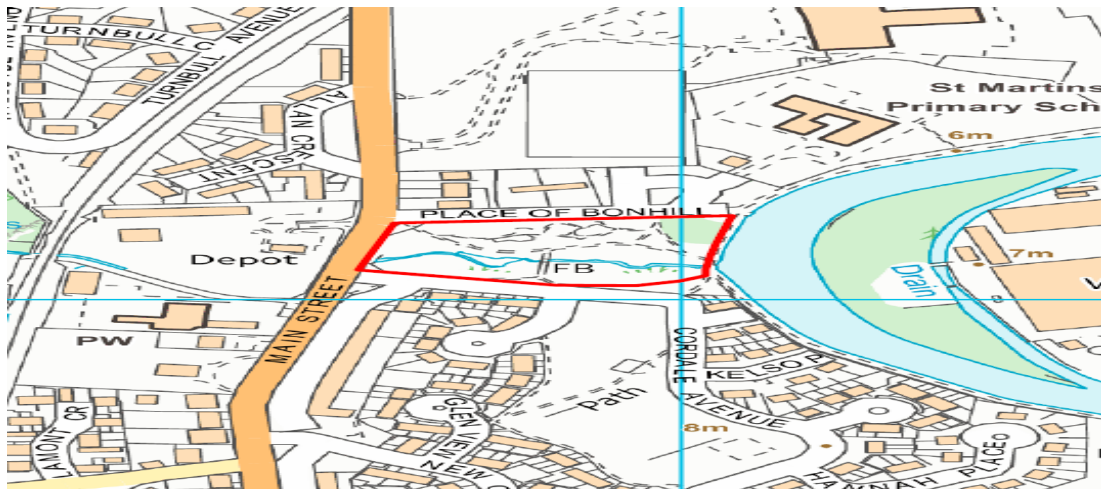
The area is well used by two separate communities that, due to recent housing completions, have resulted in more people using the area for recreational purposes and the main path through the site as a route to and from the schools.

### **Lusset Glen, Old Kilpatrick**

This is an important community and wildlife resource within Old Kilpatrick.



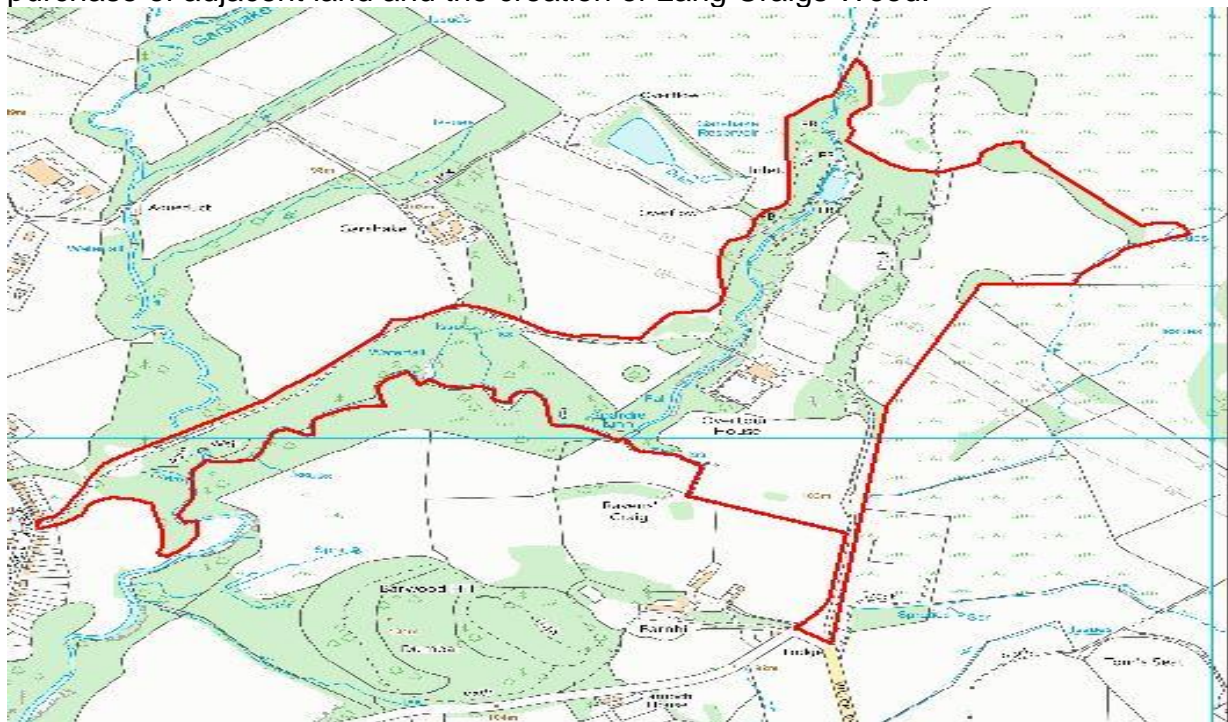




Due to the increase in usage of the path network, the paths, benches and picnic tables within the park require to be upgraded and/or replaced. Tree planting along the burn is also required and will help to increase biodiversity and amenity within the park itself.

### ***Overtoun Estate Access and Paths, Dumbarton***

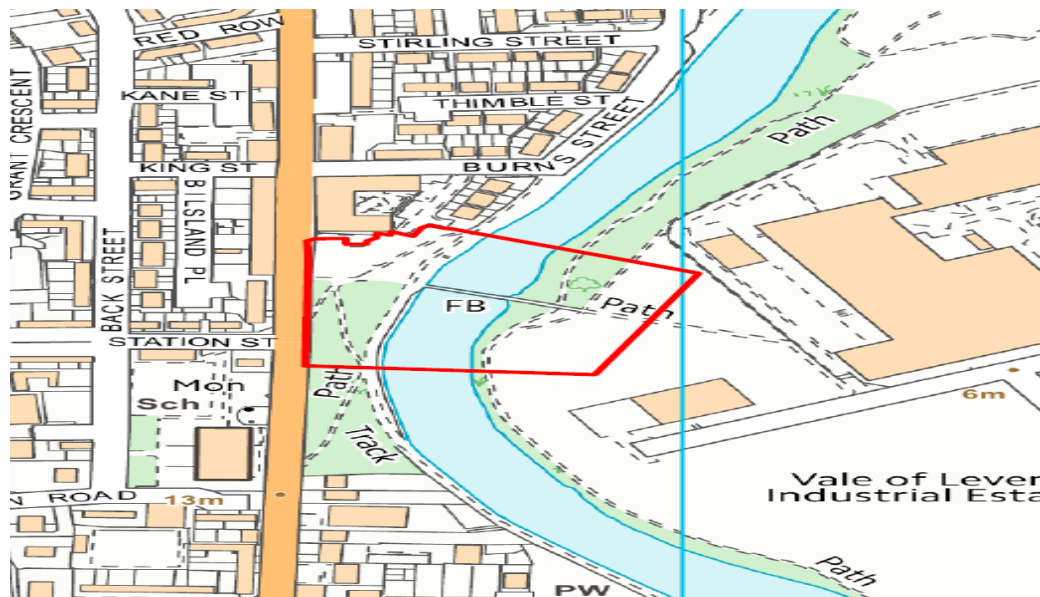
Overtoun Estate is an extremely well-used recreational area located to the north of Dumbarton. It is extensively used by the local community and visitors from further afield. The path and access infrastructure was improved 12 years ago with a grant from the Forestry Commission Scotland; however, the infrastructure is in need of further investment as many paths have deteriorated and one of the timber bridges is in poor condition. This is a result of the significant popularity of the area for the community and visitors and its increased usage, especially since the Woodland Trust's purchase of adjacent land and the creation of Lang Craigs Wood.



The project will: upgrade the path network within the area, re-open disused paths; replace the timber bridge near the pond; create new parking areas to cope with visitors to the area; overhaul the drainage within the site; improve woodland management and planting of native trees; and address non-native species (rhododendron and bamboo) encroaching in the area.

### ***Polaroid Bridge Environmental Improvements, Renton***

This is a well-used route to and from the Strathleven Estate and the industrial estate to Renton and Renton Railway Station and the National Cycling Network cycle track on the west side of the river. The bridge is well used as a link by the local communities both for recreation and to access businesses/employment in the industrial estate.



Due to the increase in usage of the route by a wide range of users, the project aims to clear scrubs and tree felling around the bridge to enhance health and safety and security of the route. Replacement planting will be undertaken away from the bridge with installation of new benches adjacent to the cycle track. The bridge itself will also be upgraded and improved visually and functionally, by greening it and ensuring that it can be used by all abilities.



<b>AssessmentNo</b>	501	<b>Owner</b>	alan.williamson	
<b>Resource</b>	Regeneration, Environment and Growth		<b>Service/Establishment</b>	Regeneration
	First Name	Surname	<b>Job title</b>	
<b>Head Officer</b>	Alan	Williamson	Development Planning & Place Team Leader	
	(include job titles/organisation)			
<b>Members</b>	Ricardo Rea			
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>			
<b>Policy Title</b>	Developer contributions			
	<b>The aim, objective, purpose and intended outcome of policy</b>			
	The policy sets out the procedures for monitoring, requesting and allocating developer contributions			
	<b>Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.</b>			
	Developer contributions will, in the main be spent by the following Council services: Greenspace, Roads and Transportation, Regeneration, Planning			
<b>Does the proposals involve the procurement of any goods or services?</b>			<b>Yes</b>	
<b>If yes please confirm that you have contacted our procurement services to discuss your requirements.</b>			<b>No</b>	
<b>SCREENING</b>				
<i>You must indicate if there is any relevance to the four areas</i>				
<b>Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)</b>			<b>Yes</b>	
<b>Relevance to Human Rights (HR)</b>			<b>Yes</b>	
<b>Relevance to Health Impacts (H)</b>			<b>Yes</b>	
<b>Relevance to Social Economic Impacts (SE)</b>			<b>Yes</b>	
<b>Who will be affected by this policy?</b>				
Residents and visitors to West Dunbartonshire who will benefit from the infrastructure provided through Council expenditure of developer contributions.				
<b>Who will be/has been involved in the consultation process?</b>				
The policy relates to the internal procedures of how money received through developer contributions will be managed, reported and spent. The funding received is not a general funding pot, but is to be linked to projects connected in some way to the site that the developer contribution was received from. There is therefore no public involvement in the allocation of developer contribution funding.				
<b>Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.</b>				
	<b>Needs</b>	<b>Evidence</b>	<b>Impact</b>	
<b>Age</b>				
<b>Cross Cutting</b>	The council needs to consider issues in the round	Equality issues and other cross cut	Ensuring that equality issues are considered at every stage supports a	

			robust approach
<b>Disability</b>			
<b>Social &amp; Economic Impact</b>	The council is committed so that developments support both social and economic inclusion	Factors in this area cross cut	Helps ensure a joined up approach
<b>Sex</b>			
<b>Gender Reassign</b>			
<b>Health</b>	The council is committed to ensuring that the physical environment supports health	Mental and physical health cross cut, physical environments have impacts in these areas	Helps ensure a joined up approach
<b>Human Rights</b>	Council needs to take account of the Human Rights Act	These considerations cross cut with equalities, health and economic impact	Positive in embedded human rights
<b>Marriage &amp; Civil Partnership</b>			
<b>Pregnancy &amp; Maternity</b>			
<b>Race</b>			
<b>Religion and Belief</b>			
<b>Sexual Orientation</b>			
<b>Actions</b>			
<b>Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.</b>			
<b>Will the impact of the policy be monitored and reported on an ongoing bases?</b>			
The receipt and expenditure of developer contributions will be reported to Planning Committee on an annual basis.			
<b>Q7 What is your recommendation for this policy?</b>			
Introduce			
<b>Please provide a meaningful summary of how you have reached the recommendation</b>			
The policy requires that equality issues should be considered in the identification and design of projects making use of developer contribution funding.			



**WEST DUNBARTONSHIRE COUNCIL****Report by Chief Officer - Regulatory & Regeneration****Planning Committee: 8 June 2022**

---

**Subject: Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance**

**1 Purpose**

- 1.1** The purpose of the report is to seek approval to consult on the draft Supplementary Guidance (SG) relating to the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

**2. Recommendations**

- 2.1** It is recommended that the Committee approves the publication of the Draft Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance for consultation.

**3. Background**

- 3.1** The Antonine Wall runs through five local authority areas across central Scotland: Falkirk, North Lanarkshire, East Dunbartonshire, Glasgow and West Dunbartonshire. In July 2008, it was designated as a World Heritage Site, becoming an extension of the trans-national 'Frontiers of the Roman Empire World Heritage Site' which includes Hadrian's Wall in England and the German Limes.
- 3.2** All local authorities along the Antonine Wall include safeguarding policies of the Antonine Wall World Heritage Site in their Local Development Plans. To support the implementation of the policy, the local authorities prepared a joint Supplementary Planning Guidance document in 2011. Together, the development plan policy and guidance are used in the determination of planning applications, and to guide development which has the potential to impact the World Heritage Site.
- 3.3** Under the Planning (Scotland) Act 2006, guidance referred to in the Local Development Plan (LDP) could be prepared as statutory Supplementary Guidance, and if so, would form part of the Development Plan once adopted. Whilst, this will no longer be the case under the Planning (Scotland) Act 2019, transitional arrangements allow for guidance associated with Local Development Plans prepared under the 2006 Act (e.g. LDP2) to continue to form part of the development plan.
- 3.4** Policy AW1 of the West Dunbartonshire Local Development Plan (LDP2) identifies that Supplementary Guidance will be prepared in relation to the

Antonine Wall.

#### **4. Main Issues**

- 4.1** The Draft Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance has been updated by the partner local authorities and is attached for approval at Appendix 1.
- 4.2** The Supplementary Guidance is intended for use by developers and landowners, the general public and other agencies when seeking to undertake built development. The Supplementary Guidance will also continue to be used by the Council to determine planning applications, and to provide pre-application advice.
- 4.3** The Supplementary Guidance firstly sets out the policy background and requirements for development within the World Heritage Site or the buffer zone. It then provides detailed guidance and advice for developers with proposals within the protected areas in terms of how to assess any potential impacts of development on the World Heritage Site and buffer area; for instance relating to the landscape setting and any physical impacts on archaeological remains above and below ground. The document then sets out the necessary actions and steps to be taken in the pre-application stage, and what information is required to be provided to the planning authority.
- 4.4** The Supplementary Guidance also provides design advice for developers on how to avoid or mitigate any impacts on the World Heritage Site and buffer area, as well as setting out enforcement steps for any breaches of planning control.

#### Next steps

- 4.5** The Draft Supplementary Guidance will be published for a minimum 6-week consultation period, the outcome of which, and any subsequent proposed changes to the guidance, will be reported to Committee.
- 4.6** As this Supplementary Guidance is being prepared jointly by the five authorities any amendments following consultation will also need to be agreed jointly. However, because the five authorities are at differing stages in their Local Development Plan preparation processes, the timing of each of their consultations on the Supplementary Guidance will vary. Several of the other authorities have already consulted on the document and have received comments and suggested amendments from Scottish Government Key Agencies. These changes have been incorporated into the version of the Supplementary Guidance in Appendix 1.

#### **5. People Implications**

- 5.1** There are no people implications associated with this report.

## **6. Financial & Procurement Implications**

**6.1** There are no financial or procurement issues associated with this report.

## **7. Risk Analysis**

**7.1** Maintaining an up-to-date Supplementary Guidance will help the Council to achieve the right type of development in the right place and secure the protection of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

## **8. Equalities Impact Assessment**

**8.1** The policy has a range of potential positive impacts both in of an opportunity for community empowerment and engaging with under represented groups, and in the eventual final shape of places; no groups with the protected characteristics are disadvantaged by these impacts. No negative impacts are identified. The guidance will inform future impact assessments of planning proposals.

## **9. Environmental Sustainability**

**9.1** A Strategic Environmental Assessment (SEA) Screening Report was prepared and submitted to the SEA Gateway for consideration by the consultation authorities. The screening document found that there will not be any substantial changes to the content of the Supplementary Guidance that would change the findings of the previous Environment Report produced for the Supplementary Planning Guidance document in 2011. As such, further assessment is not required.

## **10. Consultation**

**10.1** The draft Supplementary Guidance document in Appendix 1 will be published for a minimum 6 week consultation period.

## **11. Strategic Assessment**

**11.1** The Council's land use planning documents will support Council's strategic priorities of a strong local economy and improved job opportunities.

**Chief Officer:** Peter Hessett  
**Service Area:** Regulatory & Regeneration  
**Date:** 8 June 2022

---

**Person to Contact:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager

[pamela.clifford@west-dunbarton.gov.uk](mailto:pamela.clifford@west-dunbarton.gov.uk)

**Alan Williamson**, Development Planning & Place Team  
Leader

[alan.williamson@west-dunbarton.gov.uk](mailto:alan.williamson@west-dunbarton.gov.uk)

**Appendices:**

Appendix 1 – Frontiers of the Roman Empire (Antonine  
Wall) World Heritage Site Supplementary Guidance  
Appendix 2 – Equalities Impact Assessment

**Background Papers:**

None

**Wards Affected:**

Ward 3: Dumbarton  
Ward 4: Kilpatrick  
Ward 6: Clydebank Waterfront

## **APPENDIX 1: Draft Supplementary Guidance for consultation**

### **Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance**

#### **Contents:**

- 1. Introduction
  - 1.1 Section 1 Introduction
  - 1.2 Purpose of Supplementary Guidance
  - 1.3 The Antonine Wall
  - 1.4 The Frontiers of the Roman Empire World Heritage Site
  - 1.5 Buffer Zone
  - 1.6 Protecting the Wall
- 2. Application Process
  - 2.1 Section 2 Introduction
  - 2.2 Site Audit
  - 2.3 Pre-Application Discussions
  - 2.4 Environmental Impact Assessment
  - 2.5 Scheduled Monument Consent
  - 2.6 Permitted Development and Other Consents
- 3. Assessing the Impact of Development
  - 3.1 Section 3 Introduction
  - 3.2 Physical Impacts
  - 3.3 Impacts on Setting
  - 3.4 Cumulative Impacts
  - 3.5 Adding Value
  - 3.6 Other Planning Policies and Assessments
- 4. Design and Mitigating Impacts
  - 4.1 Section 4 Introduction
  - 4.2 Design Criteria
  - 4.3 Mitigation
  - 4.4 Enforcement
- Appendix 1 - Statement of Outstanding Universal Value
- Appendix 2 - Summary of Key Points
- Appendix 3 - Further Information and Contacts
- Appendix 4 - Map of Antonine Wall, Council Areas, Scheduled Areas and Buffer Zones
- Appendix 5 - The Antonine Wall Then and Now

#### **1. Introduction**

- 1.1 SECTION 1 INTRODUCTION
  - 1.1.1 This Supplementary Guidance provides advice for developers, decision makers and the public on managing the impact of development on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site (FRE(AW)WHS) and its setting. The

guidance supports the implementation of the development plan policies agreed by the five Councils along the Antonine Wall: Falkirk, North Lanarkshire, East Dunbartonshire, Glasgow City and West Dunbartonshire.

- 1.1.2 The Guidance will be a material consideration in the assessment and determination of planning applications affecting the Antonine Wall and its setting. It will then be progressively adopted as statutory Supplementary Guidance alongside the emerging Local Development Plans being prepared by the five local authorities.

## 1.2 PURPOSE

- 1.2.1 The **purpose of the SG** is to:

- explain the significance of the Antonine Wall and its status as a World Heritage Site;
- encourage early and effective consultation with Councils and Historic Environment Scotland;
- outline the approach and procedure for assessing development affecting the World Heritage Site;
- set out the criteria which will be applied in determining planning applications for development along the line of, and within the setting and vicinity of the World Heritage Site;
- guide decisions on planning appeals and enforcement.

## 1.3 THE ANTONINE WALL

- 1.3.1 The Antonine Wall is the most substantial and important Roman monument in Scotland. Built on the orders of the Emperor Antoninus Pius in the years following 140 AD, it extends for some 60 kilometres across central Scotland from Bo'ness on the River Forth to Old Kilpatrick on the River Clyde and marked the north western frontier of the Roman Empire.

1.3.2 The Wall functioned both as a frontier control and military defence. It comprised of a substantial turf rampart built on a solid stone base fronted to the north by a broad, deep ditch and outer mound. To the south of the rampart was a road, the Military Way, which permitted the movement of troops, goods and materials and connected the series of permanent stone built forts which occur at roughly two mile intervals along its length. Between some of the forts there are smaller forts, or fortlets. Camps used by the troops building the Wall also occur at regular distances along the frontier.

1.3.3 The Antonine Wall is of great significance for a number of reasons. It represents one of many sections of a massive military system which stretched over 5000 km from northern Britain, through Europe to the Black Sea, and from there to the Red Sea and across North Africa to the Atlantic coast. This frontier helped to protect – and define – the Roman Empire, one of the greatest states ever to have existed. The Antonine Wall was the most northerly frontier of the Empire, the last of a series of planned frontiers built in the 2nd Century AD and, at the time, the most complex ever constructed by the Romans.

1.3.4 Today around one third of the Antonine Wall survives is visible above ground, at places such as Bearsden, Bar Hill and Rough Castle. Around one third lies in urban areas while the remainder lies in open countryside or open spaces within urban areas and, though not visible above ground, survives below ground. Only 2 km of the original 60 kilometres of the Antonine Wall have been completely lost through quarrying and the construction of roads, railways and the Forth and Clyde Canal. The Wall continues to be subject to considerable development pressures and given its significance it is imperative that the remaining sections – whether visible on the ground or not – are safeguarded from inappropriate development.

#### 1.4 THE FRONTIERS OF THE ROMAN EMPIRE (ANTONINE WALL) WORLD HERITAGE SITE – FRE(AW)WHS

- 1.4.1 In July 2008 the international cultural and archaeological importance of the Antonine Wall was recognised when the World Heritage Committee of UNESCO inscribed the site as Scotland's fifth World Heritage Site (WHS). The Antonine Wall became an extension of the trans-national Frontiers of the Roman Empire World Heritage Site which includes Hadrian's Wall in England and the Upper Raetian German Limes. The intention is that the WHS will eventually include all surviving sections of the frontiers of the Romans in Europe, Africa and the Middle East.
- 1.4.2 With World Heritage Site status comes a commitment to protect the exceptional cultural significance of the Antonine Wall and Outstanding Universal Values (OUV) for which the site was inscribed. The Statement of Outstanding Universal Value, provided at Appendix 1, not only identifies the reasons for the Wall's inscription as a World Heritage Site but provides the basis for its effective protection and management.
- 1.4.3 It is imperative that development does not compromise the values for which the Antonine Wall was inscribed as a World Heritage Site, its authenticity and integrity.

#### 1.5 BUFFER ZONE

1.5.1 To protect the important landscape setting of the Antonine Wall a Buffer Zone has been designated to the north and south of the monument. The Buffer Zone does not act as an absolute barrier to development but defines a zone where added protection to the immediate setting of the World Heritage Site is given. Development proposals within the buffer zone will be given careful consideration to determine whether it is likely to significantly detract from the Outstanding Universal Value authenticity or integrity of the Antonine Wall World Heritage Site.

1.5.2 Section 3 Assessing the Impact of Development provides further guidance on Buffer Zones and the setting of the Antonine Wall.

*The boundaries of the World Heritage Site and the Buffer Zones are shown on page \*\* as well as on the Proposals Maps of the relevant local plans/local development plans listed in Appendix 3.*

*[insert map showing WHS and buffer zone]*

#### 1.6 PROTECTING THE WALL

1.6.1 World Heritage Site designation does not result in additional direct legal protection. Nevertheless, the Antonine Wall is protected through the planning system and in some areas through designation as a scheduled monument.

#### Scottish Planning Policy

1.6.2 Scottish Planning Policy (SPP) provides a statement of the Scottish Government's policy on nationally important land use matters. The Historic Environment Policy for Scotland (HEPS) sets out the Scottish Governments policies for the historic environment and provides policy direction. Paragraph 147 of SPP refers to World Heritage Sites and states that "Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value." The glossary of SPP clearly defines the term 'Outstanding Universal Value' and emphasises that the Statement of OUV is the key reference for the future effective protection and management of the WHS. The glossary also clearly defines setting. SPP emphasises that setting is more than simply the immediate surroundings of a site. It can also relate to how the site was intended to fit into the landscape, the views from it and how the site is seen from the surrounding area. Planning Advice Note (PAN) 2/2011: Planning and Archaeology

and the Managing Change in the Scottish Environment Guidance Notes complete a suite of documents that together set out the Scottish Ministers' policies for planning and the historic environment. Links to all the documents mentioned are listed in Appendix 3.

## Development Plan Policy

- 1.6.3 Decisions on planning applications require to be made in accordance with the development plan unless material considerations indicate otherwise. The local development plans of each Council include policies to protect and enhance the historic environment and archaeology. National planning policy on the historic environment is also a material consideration for applications
- 1.6.4 Each of the five Councils along the Antonine Wall has also agreed to include the specific planning policies on the Antonine Wall and its buffer zone in their development plans as they are revised and updated. This document provides additional guidance and information on the implementation of these policies in the development management process.

### **Antonine Wall Policy 1**

There will be a presumption against development which would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site as defined on the Proposals Map.

### **Antonine Wall Policy 2**

There will be a presumption against development within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site buffer zones which would have an adverse impact on the Site and its setting, unless:

- mitigating action to the satisfaction of the Council in consultation with Historic Environment Scotland can be taken to redress the adverse impact; and
- there is no conflict with other Local Development Plan policies.

- 1.6.5 In addition to protection under planning legislation, about two-thirds of the Wall which has remained unaffected by modern development, is scheduled as a monument of national importance under the Ancient Monuments and Archaeological Areas Act 1979. Most works carried out within the boundaries of the monument require Scheduled Monument Consent (SMC): the prior written consent of Historic Environment Scotland. SMC is separate from planning consent and one can be given without prejudice to the other. Section 2.5 provides more information.

## KEY POINTS

- This document provides advice for decision makers, developers and members of the public on managing the impact of development on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and its setting;
- The SG is a material consideration in the assessment and determination of planning applications affecting the Antonine Wall and its settings and will be adopted as statutory Supplementary Guidance, which forms part of the Local Development Plan;
- The Antonine Wall is of international significance. As a World Heritage Site its outstanding universal value, authenticity and integrity must be protected.
- There is a presumption against development which would have an adverse impact on the Antonine Wall and its setting.

## **2. Application Process**

### 2.1 SECTION 2 INTRODUCTION



- 2.1.1 This section provides guidance on key stages in the process of applying for planning permission where a proposed development may have an impact on the FRE(AW)WHS or its setting. It also identifies where other permissions or assessments may be required, for example scheduled monument consent from Historic EnvironmentScotland.

## 2.2 SITE AUDIT

- 2.2.1 Developers considering proposals within the WHS and Buffer Zone should look carefully at their site to determine whether the development proposed is likely to have an impact on the fabric or setting of the Antonine Wall. Table 2.1 below outlines some of the key information that will influence whether proposals have an adverse impact, and should be discussed with the Council at the pre-application stage. Adverse impacts are examined further in Chapter 3.

*Table 2.1 – Site Audit; Key Questions*

Factor	Key Questions
Location	<p>Is the site in:</p> <ul style="list-style-type: none"> <li>• World Heritage Site</li> <li>• Buffer Zone</li> <li>• Other designated area</li> <li>• Scheduled Monument</li> </ul>
Site characteristics and setting	<p>Is the site:</p> <ul style="list-style-type: none"> <li>• Greenfield</li> <li>• Previously developed</li> </ul> <p>What are the key landscape characteristics:</p> <ul style="list-style-type: none"> <li>• Topography</li> <li>• Tree cover</li> <li>• Enclosed or open</li> </ul> <p>What is the landscape character of the site and its setting?</p> <p>What is the cultural significance and historic importance of the existing site characteristics and setting?</p> <p>How will the proposal impact on views to/from the Antonine Wall?</p> <p>Will the proposal affect existing public access to the World Heritage Site?</p> <p>Will the proposal have a direct impact on the remains of the Antonine Wall and associated archaeological features?</p>
Development Characteristics	<ul style="list-style-type: none"> <li>• Size/footprint</li> <li>• Proposed Use</li> <li>• Building design and materials/scale/height/form/massing</li> <li>• Landscaping proposals including boundary treatment</li> </ul>
Development Plan Policies	What other planning policies and designations apply to the site?

- 2.2.2 It is emphasised that the general principle of new development at any specific location may be deemed unacceptable because of other policies in the development

plan. For example green belt, open space and countryside protection policies may rule out the principle of particular types of development or land use.

## 2.3 PRE-APPLICATION DISCUSSIONS

2.3.1 **Developers will be expected, as early as possible, to engage with the Council in pre-application discussions.** Contact details for each local authority are provided in Appendix 3.

2.3.2 Early, positive and meaningful engagement will allow unacceptable proposals to be identified before significant costs are incurred and allow other projects to move forward more efficiently. Using Table 2.1 above as a basis, along with any available plans, drawings, photographs or photomontages and documentation, developers should aim to provide the Council with as much information as possible relating to the proposed development and the site.

2.3.3 With suitable information the Council will be able to make a preliminary assessment of the proposal, considering relevant development plan policies and the potential for adverse impacts on the WHS and its setting. Discussions may also cover:

- any additional information required, for example detailed archaeological investigations, landscape assessments etc.;
- where a proposal might be amended to allow more favourable consideration (see Section 4);
- the Council's procedure for processing applications, including key contacts and application fees (including any advertisement charges);
- where wider consultation is required with specialist archaeological services, statutory organisations and other interest groups. This may also involve statutory Pre-Application Consultation.
- advice on other relevant statutory processes, e.g. Listed Building/ Conservation Area Consents, Scheduled Monument Consent.

2.3.4 In many circumstances, only full applications for Planning Permission will be acceptable for sites within the WHS and Buffer Zone. Applications for Planning Permission in Principle often cannot provide sufficient information to enable detailed assessment of impacts on the WHS or its setting. Where Planning Permission in Principle is sought, the reasons for this should be discussed with the Council at this pre-application stage.

2.3.5 All discussions and pre-application advice is given without prejudice to the final decision of the Council on any application that may be submitted.

## 2.4 ENVIRONMENTAL IMPACT ASSESSMENT

2.4.1 Certain types of developments may require Environmental Impact Assessment (EIA) under the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Schedule 1 and 2 of the Regulations set out the types of development to which this applies. This can be discussed during pre-application discussions and further information is provided at Section 3.9

## 2.5 SCHEDULED MONUMENT CONSENT

2.5.1 Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. SMC is required for any works or operations that would 'demolish, destroy, remove, repair, alter or add to' those parts of the FRE(AW)WHS designated a scheduled monument. This includes invasive archaeological investigations. Applications for SMC are made directly to Historic Environment Scotland.

2.5.2 Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland. As in the case of planning applications, early pre-application contact, this time with Historic Environment Scotland, is strongly advised. To streamline the process advice on applications for planning permission and SMC should be sought at the same time. Where both planning permission and SMC are required, development cannot proceed without both consents in place. The annex to PAN 2/1011 provides a flowchart outlining the consideration of archaeology in planning decisions and will be applicable to applications affecting the Antonine Wall regardless of the need for SMC.

2.5.3 The presumption of scheduling is that any future works will be the minimum necessary consistent with the preservation of the monument. The Historic Environment Scotland website and the HEPS includes further information on scheduling and SMC and can be used to identify the location of scheduled monuments: see Appendix 3.

## 2.6 PERMITTED DEVELOPMENT & OTHER CONSENTS

2.6.1 Development that does not require planning permission, for example householder development within urban areas – where the Wall is known to have survived under the modern-day ground surface – has the potential to have adverse impacts without any assessment or appropriate mitigation. Developers and property owners are strongly urged to seek advice from the Council before undertaking any works within the WHS or Buffer Zone to determine whether their proposal is covered by permitted development rights and to discuss potential impacts.

2.6.2 SMC will still be required for permitted development that does fall within the boundaries of the scheduled monument.

2.6.3 It is the responsibility of the developer to ensure all necessary consents, including Building Warrants, Conservation Area Consent and Listed Building Consent, are obtained.

## KEY POINTS

- Understand your development site: what are the potential impacts of the proposal on the WHS and its setting?
- Developers are expected to engage with the Council as early as possible;
- Unconnected to the need for planning permission, Scheduled Monument Consent is required for works to any part of the FRE(AW)WHS designated a scheduled monument.

## 3. Assessing the Impact of Development

### 3.1 SECTION 3 INTRODUCTION

3.1.1 This section of the SG provides information on the Council's approach to assessing the potential impacts of development on the Antonine Wall WHS and its setting, including the criteria that will be used.

3.1.2 Development must not compromise the Outstanding Universal Value for which the Antonine Wall was inscribed as a WHS. The key consideration in assessing the impact of development – as outlined in the development plan – is the presumption against development which would have an adverse impact on the Antonine Wall and its setting; that is any impact that would damage the integrity, authenticity, significance or understanding of the WHS. Examples of what could be considered adverse include development that:

- destroys or would lead to the damage of archaeological remains;
- interrupts key views to, from, or within the WHS;
- changes the character of the landscape in and around the WHS;
- reduces people's appreciation or understanding of the WHS in its landscape setting;
- could negatively affect any of the qualities or significance for which the WHS was inscribed.

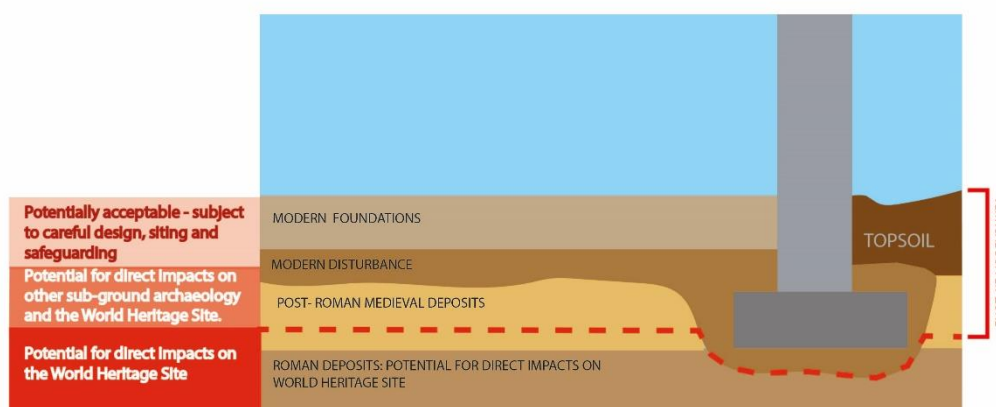
3.1.3 Impacts may be **physical**: upon the fabric of the monument; on the **setting** of the wall: development that harms the character of the landscape around the WHS; or **cumulative**: development that has the potential to add to the existing negative effects of past or current developments thereby creating further and possibly greater adverse effects. This section considers each category of impact in turn and other factors that will be considered in assessing the impact of development.

## 3.2 PHYSICAL IMPACTS

3.2.1 Within the FRE(AW)WHS new development of any scale is likely to have a physical effect on the fabric of the monument and could result in loss of or damage to significant archaeological remains. Such impacts intrinsically affect the integrity of the site – one of the reasons for which it was inscribed as a WHS. Therefore any physical impact on the surviving fabric of the WHS – whether upstanding or below ground, – will be considered to be adverse.

3.2.2 Where sections of the WHS have previously been developed the fabric of the Antonine Wall may have already been compromised. In these areas the key consideration in determining if a proposal would have an adverse physical impact will be whether the new development will result in additional loss or damage to archaeological remains. As an initial guide, the current depth of development on a site sets a sub-ground limit – known as the Vertical Buffer Zone – below which no excavation should take place (see Figure 3.1). The vertical buffer zone may include complex archaeological deposits, with features relating to other periods of history, and site investigations to determine the vertical buffer zone may themselves have adverse impacts. Carefully located and designed proposals on previously developed sites that do not extend below the vertical buffer zone may, therefore, be acceptable in certain circumstances, provided they do not conflict with other planning policies. Pre-application advice should be sought to scope out potential archaeological impacts of any proposal, particularly those impacts which may extend beyond the WHS and its associated features.

[INSERT REVISED FIGURE 3.1 SHOWING VERTICAL BUFFER ZONE]



- 3.2.3 Development should avoid areas of surviving archaeological remains. Avoiding the World Heritage Site and, in particular areas which are scheduled will be the best approach. Even in areas which have already been developed, the presence, location, depth and sensitivity of deposits cannot always be predicted. In many instances it may be appropriate to carry out an archaeological evaluation to help determine where Roman deposits lie ahead of making a planning application. This may help to design proposals which avoid areas of archaeological deposits. For smaller developments where surviving Roman deposits are assessed as being improbable, an archaeological watching brief and mitigation strategy may be more appropriate – this should be discussed with the local authority and Historic Environment Scotland at an early stage. Moving development outwith the WHS will not automatically avoid physical impact. Although not covered by the WHS, impacts upon archaeological deposits from other periods will not always be acceptable and should also be considered as part of the development planning process.
- 3.2.4 Proposals should also consider potential long term impacts arising from development, for example through compression and hydrological impacts.
- 3.2.5 To properly inform the design and assessment process (including pre application discussions) it is essential that any new development site overlying the boundaries of the WHS is, at the outset and at the developer's expense, the subject of a detailed archaeological investigation undertaken by a suitably qualified professional. The Chartered Institute for Archaeologists' list of Registered Organisations a good starting point for selecting a consultant.

#### Physical Impact within the Buffer Zone

- 3.2.6 There may be sub-surface archaeological deposits within or outwith the defined buffer zone, outwith the line of the World Heritage Site, or Scheduled areas. This is because the exact line of the Wall is not clear, and new elements may be discovered during site works. Where known archaeological remains are present, investigation will be required in conjunction with new development. Where previously unknown archaeological deposits are identified during site works the Council should be informed immediately and further archaeological investigations may be required.

#### KEY POINTS

- Any physical impact on the surviving fabric of the WHS - whether upstanding or below ground - known or previously unrecognised - will not be permitted. This refers to both Scheduled Monument and unscheduled sections of the WHS.
- Proposals on previously developed sites that do not extend below the vertical buffer zone may be acceptable in certain circumstances.
- Detailed archaeological investigations will be required to accompany any proposals for development within the boundaries of the WHS.
- Where the extent or presence of archaeological remains is unclear, pre-determination evaluation will be required.

#### 3.3 IMPACTS ON SETTING

3.3.1 The Antonine Wall was not constructed in isolation. It was deliberately positioned with reference to the surrounding topography, resources and landscape of central Scotland, notably the southern edge of the valley formed by the Rivers Kelvin and Carron – a position that offered the Wall wide-ranging views over the Kilsyth Hills, the Campsie Fells, and Kilpatrick Hills and meant that it too was widely visible in the landscape. The setting of the FRE(AW)WHS is predominately well preserved and readily perceptible and it is

this relationship with the landscape that is a fundamental part of what makes the WHS so significant and contributes to how it is experienced, understood and appreciated: its outstanding universal value which must be protected.

3.3.2 The Buffer Zone has been defined to ensure that all proposals for development within it are considered carefully as they may have the potential to affect the WHS; the adjacent environment that it is part of, and which contributes to the character, significance and understanding of the Wall. The capacity for new development in the Buffer Zone varies significantly along the length of the WHS and while the Council does not seek to prevent change to the landscape within the Buffer Zone, it is considered essential that new development is effectively accommodated within the landscape and is designed and located to conserve and enhance the setting of the WHS. This also applies to developments out with the Buffer Zone that may have an impact by virtue of their scale or visual relationship with the Antonine Wall.

#### Development in the Buffer Zone

3.3.3 Antonine Wall Policy 2 presumes against development within the buffer zone which would have an adverse impact on the WHS and its setting, unless mitigating action to the satisfaction of the Council in consultation with Historic Environment Scotland can be taken to redress the adverse impact. Section 4 covers potential mitigation action, however, it should be noted that in many instances it will not be possible to mitigate the adverse impact of a proposed development upon the AW(FRE)WHS. Adverse impacts will be defined as those which could affect the following criteria:

- a) The authenticity and integrity of the setting, e.g.:
  - Changes to the prominence/dominance of the WHS in the landscape;
  - Obstruction of views to and from the WHS;
  - Changes in the overall preservation of the landscape setting.
- B) The significance of the setting, e.g.:
  - How the function and meaning of the WHS relates to the landscape;
  - How the WHS is understood and can be appreciated in the landscape;
  - Relationships between components of the WHS and related sites.
- c) The character of the landscape in which the WHS sits, including the contribution the WHS makes to wider landscape character.
- d) The quality of the wider landscape.

3.3.4 Additional information on the Buffer Zone; how it was defined and its key characteristics can be found in the Nomination Document and the report 'Definitions of Buffer Zones to the World Heritage Site'. Historic Environment Scotland has also produced advice on Managing Change in the Historic Environment (see Appendix 3). These documents will be a material consideration in the determination of proposals and their possible impacts.

#### Development affecting the wider landscape setting of the World Heritage Site

3.3.5 In addition to the defined Buffer Zone it may be necessary to consider potential impacts of new development outside the Buffer Zone on longer distance views to and from significant landscape features – notably the upland edge of the Campsie Fells and Kilpatrick Hills – which play an important part in the appreciation and significance of the WHS. Most development beyond the Buffer Zone will not have an adverse effect on the setting of the WHS or its setting, however, major development in particular has the potential to detract from or damage longer distance views to and from the Site. The

criteria for judging whether impacts on wider setting can be considered 'adverse' are broadly the same as those outlined above.

3.3.6 Within built up areas, parts of the WHS, particularly the scheduled monument, may also have a setting which will require to be determined on a site by site basis.

## KEY POINTS

- There will be a presumption against development within the Buffer Zone which would have an adverse impact on the WHS and its setting.
- The Criteria set out in paragraph 3.5.3 will be applied in the assessment of what is an adverse impact on the setting of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site.

## 3.4 CUMULATIVE IMPACTS

3.4.1 New development will be assessed on its own merits. However, there are potential instances where development impacts, acceptable in isolation, combine to create adverse cumulative impacts on the WHS. These may be physical – where a series of developments have resulted in significant losses of archaeological material, or affect the setting of the WHS – where a sequence of new developments erodes visual connections with the landscape. Councils will therefore consider the potential for new development to create, add to or set a precedent for adverse cumulative impacts. Such consideration will include:-

- What developments or types of development, in the vicinity of the proposed site have adversely affected the integrity of the WHS in the past?
- What ongoing activities, developments or natural processes are affecting its physical condition and survival, and the integrity of its setting?
- What other developments are proposed in the short- to medium-term that are likely to contribute to adverse effects on the WHS?
- Whether the impact of the proposed development is likely to contribute to cumulative effects generated by the above?

## KEY POINT

- The Council may advise developers to demonstrate they have given due consideration to the cumulative impact of their development on the Antonine Wall and its setting.

## 3.5 ADDING VALUE

3.5.1 Where development would not have an adverse impact on the Antonine Wall and its setting, proposals should seek to make a positive contribution to the conservation, management and understanding of the WHS and its setting. Sympathetic, high-quality design of development can have the potential to add value by enhancing the character of the WHS and its setting; promoting improved access, (including by public transport), to, and interpretation of the site; and contributing to a wider appreciation and understanding of the WHS in its landscape context. Opportunities should be identified early in the planning process. Pre-application discussions with the Council and the archaeology service will assist in drawing out suitable ideas which can be implemented through the development process.

## 3.6 OTHER PLANNING POLICIES & ASSESSMENTS

3.6.1 In addition to the impact of proposed development upon the WHS and its setting, applications for planning permission will also be considered against relevant policies in the Council's development plan, other supplementary guidance and the national policy framework. Details can be viewed online or can be seen, and discussed, at the appropriate Council offices.

### 3.7 ENVIRONMENTAL IMPACT ASSESSMENT

3.7.1 Schedules 1 and 2 of the Town and Country Planning (EIA) (Scotland) Regulations 2017 set out the types of development likely to have significant impacts on the environment and which are required to undergo Environmental Impact Assessment. Both scheduled monuments and World Heritage Sites are defined as 'sensitive areas' under the Regulations. Where any proposed Schedule 2 development falls within a scheduled monuments or WHS and is likely to have 'significant environmental effects,' an Environmental Impact Assessment is required (Schedule 1 development always requires EIA). This includes any type of development that would ordinarily have permitted development rights, but is located within the sensitive area/is above the thresholds set out in the Regulations.

<https://www.legislation.gov.uk/ssi/2017/102/contents/made>

3.7.2 EIA development that falls within the Scheduled Area will also require Scheduled Monument Consent. Planning Circular 1/2017 provides further information on the EIA Regulations.

<http://www.gov.scot/Publications/2017/05/6292>

## 4. Design and Mitigating Impacts

### 4.1 SECTION 4 INTRODUCTION

The purpose of this section is to outline the general design principles for new development within the WHS and Buffer Zone.

4.1.1 A core principle of the modernised planning system is the focus on the quality of outcomes, taking account of the sustainable use of land, good design and the protection and enhancement of the built and natural environment. The international significance of the Antonine Wall means good quality design will be vital for any development on or near the WHS, including within the Buffer Zone and fundamental to the avoidance of any adverse impact.

### 4.2 DESIGN CRITERIA

4.2.1 In the first instance, there is a presumption against development which would have an adverse impact on the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and its setting. Key to the avoidance and minimisation of adverse impacts on the WHS will be good design which takes account of the following principles:

- Careful site selection:
  - Site selection should avoid the WHS, in particular those areas which are scheduled;
  - Site selection within the Buffer Zone should avoid the most sensitive areas and avoid obstructing views to/from, and limiting existing access to the WHS;
  - Prioritise previously developed sites, taking account of the 'vertical buffer zone' and allowing, where possible, development to fit within existing settlement patterns.
- Well considered development layout:



- Proposed development should seek to maximise the benefit of existing site features, especially topography and vegetation, to eliminate adverse visual impacts.
- Appropriate building design:
  - The characteristics of the site, landscape and local building styles should inform the form, massing, height and materials of new buildings, generating coherent, high quality solutions.
- High quality landscape design:
  - Landscaping – both hard and soft – should be as much part of the development process as the architecture. Well planned and executed design may enable development to be accommodated by the site and wider landscape and has the potential to reinforce existing landscape features and character. Additional landscaping can also impact on intervisibility between different parts of the WHS and its setting. It is therefore important that the location and specification of new landscaping is considered in relation to impact in the WHS and its setting.

### 4.3 MITIGATION

- 4.3.1 Antonine Wall Policy 2 states there will be a presumption against development within the Buffer Zone which would have an adverse impact on the Site and its setting unless mitigating action to the satisfaction of the Council, in consultation with Historic Environment Scotland, can be taken to redress the adverse impact. Mitigation measures potentially reduce any identified impacts to an acceptable level. It is emphasised though that not all adverse impacts can be successfully mitigated. Impacts on the WHS and its setting should primarily be avoided through positive siting and design decisions in preference to the use of other mitigation measures.
- 4.3.2 Examples of mitigation may include landscaping proposals which are designed to reflect and strengthen local landscape character and the visual setting of the Antonine Wall. Mitigation measures however should not in themselves potentially generate adverse impacts.
- 4.3.3 Design matters and the potential for mitigation measures should be discussed at the pre-application stage, and appropriate reports submitted in support of any application demonstrating that discussions have been effectively incorporated in the finalised proposals. In the event that permission is granted suitable conditions and, if necessary, planning agreements will ensure the proper implementation of agreed mitigation measures.
- 4.3.4 Conditions will be used to ensure that development does not proceed before a programme for appropriate mitigation has been identified, or where archaeological recording has taken place. Conditions will ensure that safeguards are in place to protect important features. When imposing conditions, planning officers will consult with Historic Environment Scotland and/or Council's Archaeologists to ensure that the proposed measures are proportionate, enforceable and effective in conserving OUV. Examples of suitable conditions might include landscaping and/or protective buffer zones around key in-situ sections of the wall

### KEY POINTS

All development within the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site and Buffer Zone will be expected to be of good design, demonstrating: careful site selection; well considered development layout; appropriate building design and materials; high quality landscape design.

- Mitigating action which redresses the adverse impact of development within the Buffer Zone may be acceptable but must be discussed in consultation with – and be to the satisfaction of - the Council and Historic Environment Scotland.
- Mitigation of adverse impacts will not be possible in all instances.

#### 4.4 ENFORCEMENT

4.4.1 The unique trans-national nature of the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site means that damage to the Antonine Wall could affect the integrity and significance of the WHS as a whole – with international implications for Scotland.

4.4.2 The recognition of the WHS's Outstanding Universal Value, means the Antonine Wall requires the highest level of statutory protection. Loss or damage to upstanding archaeological remains and those buried beneath the ground will be treated as a particularly serious breach of regulatory controls. Other impacts of unauthorised development will be judged against the same guidance for new developments with respect to the effect on the character, integrity or significance of the World Heritage Site. Non-compliance with planning conditions or agreements may also result in significant adverse impacts.

4.4.3 Breaches of planning control will be investigated and if appropriate enforced by the Council, or in consultation with Historic Environment Scotland. In all cases it will be required that ongoing work cease with immediate effect, to allow a proper assessment of the impacts and prevent damage or loss once it is established that there is or has been a breach. In particular it may be considered appropriate to issue a temporary stop notice requiring an immediate halt to activity and allowing time for further enforcement action to be put in place to protect the site or archaeological remains. Full details of the enforcement powers available to planning authorities are set out in Planning Circular 10/2009: Planning Enforcement. Remedying the breach will take account of particular circumstances, but can include full site reinstatement. Non-compliance with enforcement or stop notices can also be prosecuted at the Sherriff Court.

4.4.4 Any person carrying out unauthorised works or allowing unauthorised works to be carried out on a Scheduled Monument without consent are guilty of an offence. Works are defined as: anything resulting in the demolition or destruction of a scheduled monument; any works for the purpose of removing or repairing a scheduled monument; or any flooding or tipping operations. The Historic Environment (Amendment)(Scotland) act 2014 introduced new powers to enable Scottish Ministers to serve scheduled monument enforcement notices, complemented by temporary stop notices where unauthorised works are taking place on a scheduled monument. Further information on this is available on Historic Environment Scotland's website <https://www.historicenvironment.scot/advice-and-support/applying-for-consents/scheduled-monument-consent/compliance/>

#### KEY POINTS

- The Council will seek to protect the Outstanding Universal Value of the World Heritage Site through a robust approach to unauthorised development. The Statement of Outstanding Universal Value is located here: <http://www.antoninewall.org/world-heritage/nomination-and-inscription/souv>
- ICOMOS have prepared guidance on the process of commissioning HERITAGE IMPACT ASSESSMENTS (HIAs) for World Heritage (WH) properties in order to evaluate effectively the impact of potential development on the Outstanding Universal Value (OUV) of properties. This is located here : <http://www.icomos-uk.org/world-heritage/>

## APPENDIX 1 : STATEMENT OF OUTSTANDING UNIVERSAL VALUES

The Statement of Outstanding Universal Value for the Frontiers of the Roman Empire (Antonine Wall) World Heritage Site as contained in the decision notice of the World Heritage Committee outlines the exceptional cultural significance of the Antonine Wall:

*“The Antonine Wall fully illustrates the effort of building the Limes on the frontiers of the Roman Empire, at the time of its apogee and greatest extension in the British Isles and worldwide (middle of the 2nd century AD). It embodies a high degree of expertise in the technical mastery of earthen defensive constructions, in the construction of a strategic system of forts and camps, and in the general military organisation of the Limes. The Antonine Wall also demonstrates the diffusion of the military and civil engineering of the Roman civilisation to the whole of Europe and the Mediterranean world.”*

The Antonine Wall meets three of the selection criteria for inscription as a World Heritage Site, (ii), (iii) and (iv):

(ii) The Antonine Wall is one of the significant elements of the Roman Limes present in Europe, The Middle East and North Africa. It exhibits important interchanges of human and cultural values at the time of the apogee of the Roman Empire;

(iii) The Antonine Wall bears testimony to the maximum extension of the Roman Empire, by the consolidation of its frontiers in the north of the British Isles, in the middle of the 2nd Century AD. The property illustrates the Roman Empire's ambition to dominate the world in order to establish its law and way of life there in a long-term perspective;

(iv) The Antonine Wall is an outstanding example of the technological development of Roman military architecture and frontier defence

## APPENDIX 2: KEY POINTS

- The Antonine Wall is of international significance. As a World Heritage Site (WHS) its outstanding universal value, authenticity and integrity must be protected.
- There is a presumption against development which would have an adverse impact on the Antonine Wall and its setting.
- Developers are expected to engage with the Council as early as possible.
- Any physical impact on the surviving fabric of the WHS – whether upstanding or below ground, known or previously unrecognised – will only be permitted in exceptional circumstances ;
- All development within the WHS and Buffer Zone will be expected to be of good design, demonstrating: careful site selection; well considered development layout; sympathetic, high-quality building building and landscape design and materials.
- Mitigating action which redresses the adverse impact of development within the Buffer Zone may be acceptable but must be discussed in consultation with – and be to the satisfaction of – the Council and Historic Environment Scotland.
- The Council and Historic Environment Scotland will seek to protect the Outstanding Universal Value of the WHS through a robust approach to unauthorised development.

## APPENDIX 3: GLOSSARY

### **Antonine Wall**

The Roman Empire frontier system running across central Scotland from the Firth of Forth to the Clyde Estuary, constructed c AD 142 on the orders of the Emperor Antoninus Pius. Inscribed as part of the Frontiers of the Roman Empire World Heritage Site in July 2008.

### **Authenticity**

Depending on the type of cultural heritage, and its cultural context, properties may be understood to meet the conditions of authenticity if their cultural values (as recognised in the nomination criteria proposed) are truthfully and credibly expressed through a variety of attributes including: form and design; materials and substance; use and function; traditions, techniques and management systems; location and setting; language, and other forms of intangible heritage; spirit and feeling; and other internal and external factors.

### **Buffer Zone**

For the purposes of effective protection of the nominated property, a buffer zone is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms.

**Environmental Impact Assessment (EIA):** Environmental Impact Assessment (EIA) is the process of assessing the likely environmental impacts of a proposal and identifying options to minimise environmental damage.

**Frontiers of the Roman Empire:** World Heritage Site composed of three walls in different parts of Europe- Antonine Wall, Hadrian's Wall, German Limes forming part of the frontiers of the Roman Empire.

**The Historic Environment Policy for Scotland:** sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how it expects others to interpret and implement Scottish Planning Policy. It is a material consideration in the Scottish planning system.

**Integrity**

Integrity is a measure of the wholeness and intactness of the natural and/or cultural heritage and its attributes. Examining the conditions of integrity, therefore requires assessing the extent to which the property: includes all elements necessary to express its Outstanding Universal Value; is of adequate size to ensure the complete representation of the features and processes which convey the property's significance; suffers from adverse effects of development and/or neglect.

**Scheduled Monument:** A nationally significant monument, building or site included in the Schedule of Monuments maintained by Historic Environment Scotland.

**Setting:** the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

**World Heritage Site:** World Heritage Sites are cultural and/or natural sites considered to be of 'Outstanding Universal Value', which have been inscribed on the World Heritage List by the World Heritage Committee.

**Outstanding Universal Value:** Outstanding Universal Value means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. As such, the permanent protection of this heritage is of the highest importance to the international community as a whole. At the time of inscription of a property on the World Heritage List, the World Heritage Committee adopts a Statement of Outstanding Universal Value which will be the key reference for the future effective protection and management of the property.

#### APPENDIX 4: GENERAL INFORMATION

Antonine Wall World Heritage Site website:

<http://www.antoninewall.org/>

Antonine Wall Management Plan:

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f477ec1e-8366-4295-ac10-a5c900aab488>

Antonine Wall nomination document

<http://www.antoninewall.org/sites/default/files/Antonine%20Wall%20Nomination%20doc.pdf>

Historic Environment Scotland:

[www.historicenvironment.scot](http://www.historicenvironment.scot)

Data Services:

<https://portal.historicenvironment.scot/spatialdownloads>

Scheduled monuments:

<https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/scheduled-monuments/>

Chartered Institute for Archaeologists (CIfA):

<http://www.archaeologists.net/>

Historic Environment Scotland) Act 2014

[http://www.legislation.gov.uk/asp/2011/3/pdfs/asp\\_20110003\\_en.pdf](http://www.legislation.gov.uk/asp/2011/3/pdfs/asp_20110003_en.pdf)

Planning Advice Note (PAN) 2/2011: Planning and Archaeology

<http://www.gov.scot/Publications/2011/08/04132003/0>

Definitions of Buffer Zones to the World Heritage Site (Land Use Consultants report for Historic Environment Scotland, July 2006) – available on request

Managing Change in the Historic Environment (Historic Environment Scotland) World Heritage Sites:  
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=89d391d9-9be2-4267-919f-a678009ab9df>

Managing Change in the Historic Environment (Historic Environment Scotland) Setting: <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=80b7c0a0-584b-4625-b1fd-a60b009c2549>

Scheduled Monument Consent: <https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=515c06f2-d8b0-40f9-919f-a88000d44a5b>

#### LOCAL DEVELOPMENT PLANS

Falkirk Local Development Plan 2:

<https://www.falkirk.gov.uk/services/planning-building/planning-policy/>

North Lanarkshire Local Development Plan:

<https://www.northlanarkshire.gov.uk/your-council/council-strategies-and-plans/local-development-plan>

East Dunbartonshire Local Development Plan 2:

<https://www.eastdunbarton.gov.uk/residents/planning-and-building-standards/planning-policy> Glasgow City Development Plan

<https://www.glasgow.gov.uk/index.aspx?articleid=16184>

West Dunbartonshire Local Development Plan:

<https://www.west-dunbarton.gov.uk/council/strategies-plans-and-policies/local-development-planning/>

#### CONTACTS

East Dunbartonshire Council

Development Applications Team, Southbank House, 1 Strathkelvin Place Kirkintilloch, G66 1XQ

Tel: 0300 123 4510

Email: [planning@eastdunbarton.gov.uk](mailto:planning@eastdunbarton.gov.uk)

Falkirk Council

Planning & Environment, Development Services, Abbotsford House, David's Loan, Falkirk, FK2 7YZ

Tel: 01324 504950

Email: [planenv@falkirk.gov.uk](mailto:planenv@falkirk.gov.uk)

Glasgow City Council

Development and Regeneration Services, 229 George Street, Glasgow, G1 1QU

Tel: 0141 287 8555

Email: [developmentplan@glasgow.gov.uk](mailto:developmentplan@glasgow.gov.uk)

North Lanarkshire Council

Development Management, Planning and Development, Fleming House, 2 Tryst Road, Cumbernauld, G67 1JW

Tel: 01236 632500

Email: [ESEnquiries@northlan.gov.uk](mailto:ESEnquiries@northlan.gov.uk)

West Dunbartonshire Council

Development Management Section, 16 Church Street, Clydebank, G81 1TG

Tel: 01389 738575  
Email: [buildingandplanning@west-dunbarton.gov.uk](mailto:buildingandplanning@west-dunbarton.gov.uk)

Historic Environment Scotland - Planning, Consents & Advice  
Longmore House, Salisbury Place, Edinburgh, EH9 1SH.  
Tel: 0131 668 8716  
Email: [HMconsultations@hes.scot](mailto:HMconsultations@hes.scot)





<b>AssessmentNo</b>	500	<b>Owner</b>	jhall2
<b>Resource</b>	Transformation		<b>Service/Establishment</b> Regulatory
	First Name	Surname	<b>Job title</b>
<b>Head Officer</b>	Pamela	Clifford	Planning and Building Standards Manager
	(include job titles/organisation)		
<b>Members</b>	Alan Williamson, Development Planning and Place Team Leader; James Hall, Policy Planning Officer		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
<b>Policy Title</b>	Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance		
	<b>The aim, objective, purpose and intended outcome of policy</b>		
	The Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Supplementary Guidance will: - explain the significance of the Antonine Wall and its status as a World Heritage Site; - encourage early and effective consultation with Councils and Historic Environment Scotland; - outline the approach and procedure for assessing development affecting the World Heritage Site; - set out the criteria which will be applied in determining planning applications for development along the line of, and within the setting and vicinity of the World Heritage Site; - guide decisions on planning appeals and enforcement		
	<b>Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.</b>		
	This draft guidance has been prepared in conjunction with the other four local authorities on the Antonine Wall, and Historic Environment Scotland. A range of Council services, but mostly the Development Management Team, and some external stakeholders and key agencies, and the wider community, will contribute through the consultation process and implementation of the guidance.		
<b>Does the proposals involve the procurement of any goods or services?</b>		<b>Yes</b>	
<b>If yes please confirm that you have contacted our procurement services to discuss your requirements.</b>		<b>No</b>	
<b>SCREENING</b>			
<i>You must indicate if there is any relevance to the four areas</i>			
<b>Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)</b>		<b>Yes</b>	
<b>Relevance to Human Rights (HR)</b>		<b>Yes</b>	
<b>Relevance to Health Impacts (H)</b>		<b>Yes</b>	
<b>Relevance to Social Economic Impacts (SE)</b>		<b>Yes</b>	
<b>Who will be affected by this policy?</b>			
The guidance will have relevance to all people who live, work and visit here, those who own land, property and businesses as well as those who would wish to invest in the area, but especially those who live within, or wish to invest or develop within, or close to, the Antonine Wall World Heritage Site and Buffer Area			
<b>Who will be/has been involved in the consultation process?</b>			
The Draft Supplementary Guidance is going forward to committee for approval to consult.			

Consultation will follow thereafter.

**Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.**

	<b>Needs</b>	<b>Evidence</b>	<b>Impact</b>
<b>Age</b>	Boosting participation of under-represented groups is an aim of the Councils 2021-2025 Equality Outcomes, younger people are often under represented	Data is not currently available for these groups in relation to this policy	The widespread benefits are expected to be positive across these groups however data is not available as to whether this will be evenly positive. . No aspect of this advice disadvantages other groups.
<b>Cross Cutting</b>	The Council is committed to it's Community Empowerment Strategy therefore it is important that strong joint work across the Council and partners supports this.	Evidence suggests (for Example the Scottish Social Attitudes Survey) shows that the more contact different groups have with each other, the less likely people are to hold negative attitudes about other groups.	Inclusive projects which bring different groups together provide and opportunities to foster good relations and strengthen social cohesion.
<b>Disability</b>	Boosting participation of under-represented groups is an aim of the Councils 2021-2025 Equality Outcomes	Adults with a long-term illness or disability are less likely to visit the outdoors. Source: Scottish Household Survey 2017 (Last updated: September 2018) Sick or disabled adults more likely to use bus. Source: Transport and Travel in Scotland 2019 (Last updated: September 2020)	This policy seeks to protect important heritage assets, which will have widespread benefits across the age bands, it has the potential to have greater positive impact on people with a disability who currently are less likely to access outdoor space for recreation, by promoting measures which ensure that open spaces are accessible and safe. In particular the policy includes measures to ensure that new play areas include accessible

			play equipment. This policy does not disadvantage any groups.
<b>Social &amp; Economic Impact</b>	As this is important strategic work the guidance should reflect the needs of Fairer Scotland Duty and the Statutory Guidance to assessing impact in this area	<p>Adults living in the most deprived areas less likely to visit the outdoors In 2019, 43% of adults in the 20% most deprived areas of Scotland visited the outdoors at least once a week, compared to 66% of adults in the 20% least deprived areas.</p> <p>Source: Scottish Household Survey 2019 (Last updated: September 2020)</p> <p>People from households with lower incomes are more likely to take the bus, and less likely to take the train than those on higher incomes.</p> <p>Source: Transport and Travel in Scotland 2019 (Last updated: September 2020)</p>	Proposals to better protect important heritage assets will benefit people of all economic and social statuses. However there is potential for the impact to be more positive for people living in the most deprived neighbourhoods as these groups have reported using outdoor space for recreation less than others.
<b>Sex</b>	It is important that out door spaces are perceived as safe and inclusive	<p>Men and women equally likely to visit the outdoors.</p> <p>Source: Scottish Household Survey 2019 (Last updated: September 2020) A slightly higher proportion of men walk almost every day. 24% of men walked as a means of transport on 6-7 days in the last week in 2019, compared to 20% of women. A higher proportion of men cycle. 7% of men had cycled at least once as a</p>	With regards to access to the outdoors and heritage sites, the benefits will be evenly split between women and men, as these groups access outdoor space with comparable frequencies.

		<p>means of transport in the last week, compared to 3% of women. Source: Transport and Travel in Scotland 2019 (Last updated: September 2020)</p> <p>Women use bus more frequently</p> <p>Women use the bus slightly more than men. 40% of women had used the bus in the last month in 2017 compared to 37% of men. There is little difference in train use by gender. 30% of women and 29% of men had used the train within the past month. Women are less likely to have access to car and rely more heavily on public transport</p> <p>Source: Transport and Travel in Scotland 2019 (Last updated: September 2020)</p>	
<b>Gender Reassign</b>	Access to safe public spaces is important.	Those who have changed or are changing gender may suffer from greater isolation.	The widespread benefits are expected to be positive across these groups however data is not available as to whether this will be evenly positive.
<b>Health</b>	It is important that communities of place and experience have an opportunity to influence the process, and that physical and mental health considerations are taken into account	Research shows that the way places function, look and feel can influence our health and wellbeing.....Improving the quality of places and the opportunities we have access to can help to tackle	Improving the protection of the World Heritage Site the main ambition of this policy and it is intended to have benefits for education, culture, health and wellbeing.

		inequalities.” Placestandard.scot	
<b>Human Rights</b>	The Council must act in accordance with the requirements of the European Convention on Human Rights	The policy may place limits on the use of property for some land owners.	Any limit on the use of property is based on consideration of the potential impact on the fabric and setting of the World Heritage Site, as well as the general interest of the wider community.
<b>Marriage &amp; Civil Partnership</b>	Cross cuts with sex in some aspects	Data is not currently available for these groups in relation to this policy..	Unlikely to have a differential impact outside those linked to sex
<b>Pregnancy &amp; Maternity</b>	Public spaces need to be accessible for people looking after children and using push chairs etc.	Data is not currently available for these groups in relation to this policy	The widespread benefits are expected to be positive across these groups however data is not available as to whether this will be evenly positive. . No aspect of this advice disadvantages other groups.
<b>Race</b>	Boosting participation of under-represented groups is an aim of the Councils 2021-2025 Equality Outcomes; BME groups are often under represented	The ethnic groups most likely to have access to a car or van at the time of the 2011 Census were White: Other British and Pakistani (both 83% of households). The figure for the overall population was 77%. African households, at 47%, were least likely to have access to a car. Source: Analysis of Equality Results from the 2011 Census: Part 2 (Published: March 2015)	The benefits of this policy may particularly benefit groups without access to a car, this is not evenly distributed by race, however all groups will benefit from this policy and none will be disadvantaged.
<b>Religion and Belief</b>	There is some cross cutting of religion and ethnicity in terms of considerations	Data is not currently available for these groups in relation to this policy	The widespread benefits are expected to be positive across these groups however

			data is not available as to whether this will be evenly positive.
<b>Sexual Orientation</b>	LGB people are often under represented in similar processes so it is important that views are gathered inclusively	Little difference in visits to the outdoors between LGB and straight people. Source: Scottish Household Survey 2017 (Last updated: September 2018)	The benefits of proposals to improve access to high quality open space will be evenly distributed in relation to sexual orientation.
<b>Actions</b>			
<b>Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.</b>			
n/a			
<b>Will the impact of the policy be monitored and reported on an ongoing bases?</b>			
The implementation will be monitored annually through the Housing Land Audit, the Planning Performance Framework and the Antonine Wall Protection Group			
<b>Q7 What is your recommendation for this policy?</b>			
Introduce			
<b>Please provide a meaningful summary of how you have reached the recommendation</b>			
The policy has a range of potential positive impacts both in of an opportunity for community empowerment and engaging with under represented groups, and in the eventual final shape of places; no groups with the protected characteristics are disadvantaged by these impacts. No negative impacts are identified. The guidance will inform future impact assessments of planning proposals.			