

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Planning, Building Standards and Environmental Health Manager**

**Planning Committee: 19<sup>th</sup> April 2023**

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**DC22/129/FUL: Proposed redevelopment of site of former quarry and garages / workshops to allow the introduction of three holiday letting lodges (with ancillary car parking) at Dumbuck Old Quarry, Strowanswell Road, Dumbarton by Mr K McVey**

#### **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. RECOMMENDATIONS**

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

#### **3. DEVELOPMENT DETAILS**

- 3.1** The application site is located at the head of Strowanswell Road which is situated on the northern outskirts of Dumbarton and accessed from the A82 trunk road (Stirling Road). Whilst the adjacent built-up area is predominantly residential in character with a mix of residential properties, there is also a limited non-residential element in the form of a used vehicle dealership in Glenpath. A further used vehicle sales site together with a hotel also lie to the southern side of the A82. The site is accessed via a privately-owned, short, unsurfaced part of Strowanswell Road, which also serves two residential properties known as Glenpath Cottages, including one inhabited by the applicant. The northern perimeter of the site is delineated by the footpath which follows the course of Gruggies Burn through the adjacent wooded area, and leads to the historic Strowan's Well which the road the site is accessed from is named after; the path also leads further through the woodland into the areas of and surrounding Barnhill, Overton House and Milton Brae.
- 3.2** The site which measures just under 8,000sqm in footprint and has a longitudinal shape, has varied and diverse history. Recorded in the Gazateer as Dumbuck Old Quarry, the site is also known as the former High Mains Quarry. Originally used as a quarry, it was then used as a shooting range by the local police force. Thereafter, the site

accommodated garages/storage and vehicle workshops before falling into disuse and becoming overgrown. More recently, a variety of groundworks and other development has been undertaken. The former quarry has been cleared of waste, cleared of vegetation overgrowth, including that affecting the aforementioned Gruggies Burn path, and some groundworks undertaken in preparation of the development of the plot. Secure fencing has been installed along the northern perimeter of the site. Moreover, the sole remaining original structure in the form of an old storage/garage building, has been in use as shelter for a small herd of farm animals, mostly llamas, which graze on the site.

**3.3** The development proposed through this application would consist of three holiday letting lodges, all to be located towards the western edge of the site leading onto Strowanswell Rd. They are of a mobile and prefabricated variety as follows:

- Two single-bedroom units, with a rectangular footprint of 26.7sqm each. The structures are of 3.6m in height, 2.5m in eaves, with a pitched roof. One of the gable elevations features a side door with full height glazing providing access to the internal lounge, while the other gable has a small window serving the bedroom. The front elevation features a smaller window on the left hand side when facing this elevation, a full height window on the right and a decorative door with full height glazing on either side, found in the central part of the elevation. The rear elevation is blank. Internally, each unit consists of a combined kitchen/lounge, a shower room and a bedroom. No information has been provided on the materials and finishes.
- One two-bedroom unit, with a mostly rectangular footprint of 77sqm, including the porch. The structure is of 5.6m in height, 3m in eaves, with a pitched roof. The gable elevations are blank, while the front elevation features five windows and a door in one of the gable elevations of the porch. The rear elevation features three windows and a set of French doors with small steps for access. The front porch is served by a ramp, enabling access for guests using wheelchairs and experiencing other mobility challenges. Internally, the unit consists of a combined kitchen/lounge with a small storage unit, a shared bathroom, a master bedroom with an en-suite and another bedroom with no dedicated bathroom facilities. In terms of materials and finishes, the unit walls is made of painted larch cladding, the windows and doors are made of timber, while the roof cover is painted corrugated steel roof.

**3.4** The lodges are described by the applicant as being rated as having high thermal and energy efficiency, potentially enabling full-year use, including in the winter weather conditions. There is ancillary parking in the form of two spaces for the larger lodge and one parking space per

each smaller lodge (no. four spaces in total) would be provided, along with soft landscaping to provide a degree of separation between the lodges.

- 3.5** The business plan submitted with the application states that the site and the structures within it would become a small-scale tourism and leisure destination to offer short term stay holiday accommodation for families, groups and individuals. The maximum number of guests would be capped at 8-10 at full occupancy, which is consistent with the number of the lodges and bedrooms proposed in the application. The aim is to additionally provide guided walks in the nearby forest tracks, llama trekking and electric cycle hire along with respite programmes utilising the natural environment in the area would be offered to visitors. The submitted application solely relates to the provision of the three lodges on site. Any further development beyond these lodges and associated works would necessitate a further planning application in the future. This will include any permanent, future arrangements for the livestock currently on site which are understood to be housed temporarily within the forward part of the site, pending the outcome of this planning application.

#### **4. CONSULTATIONS**

- 4.1** West Dunbartonshire Council Environmental Health Service have no objection subject to condition on a land contamination desktop study and site investigation works report to be carried out and submitted prior to the site becoming operational.
- 4.2** West Dunbartonshire Council Roads Service have no objection on highway safety and parking. No objection in relation to flooding risk or impact on Gruggies Burn.
- 4.3** Transport Scotland have no objections to the proposed development.
- 4.4** West Dunbartonshire Council Biodiversity Officer has no objection subject to the recommendations made in Section 5.2 of the Preliminary Ecological Report are conditioned.

#### **5. REPRESENTATIONS**

- 5.1** Objections were received from two neighbouring householders in connection with the proposal. A further representation was received in which it is indicated that the proposal is supported although concerns on specific aspects are highlighted. The full details are contained within the planning file and are available for public viewing. However, for the purposes of this report, the material planning points raised can be summarised as follows:

- Concern over the presence of the invasive species of Japanese Knotweed and Giant Hogweed within the site and near the Barnhill

Road right of way and possible contamination of the nearby land due by the guests.

- Change in noise levels from the nearby trunk road due to the clearance of trees and concern over the noise generated by the proposed use, specifically guest activity and the llama trekking aspect.
- Smell from the animals kept at the site during warm weather.
- Flooding.
- Impact on traffic on the A82 trunk road.
- Details of what soil assessment has been carried out.
- Details of the Preliminary Ecological Appraisal.
- Concern over impact on wildlife.
- Concern over the impact of traffic generated by the use and impact of parking on Strowanswell Rd.
- Concern over noise, in particular in relation to the dogs present at the residential site directly adjacent to the site of the lodge business.
- Concern over the appropriateness of the site location and its proposed layout, landscaping, design and visual impact.
- Concern over the proposal having a negative effect on the nearby Local Nature Conservation Site.
- Concern over the proposal failing to meet the criteria of the relevant planning policies in relation to Green Networks and Green Belt.
- Access to Strowan's Well via Strowanswell Road.
- Boundaries and land ownerships.
- Possible future expansion of the business to operate from the site.
- Use of Core Path running through the objector's garden and the possible impact of the proposal on it.
- Construction of garden building on land adjacent to the site for use in connection with a business.

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

### National Planning Framework 4

- 6.1** National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13th of February 2023 and now forms part of the Development Plan.
- 6.2** Policy 1 relates to tackling the climate and nature crises. When considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 also relates to the climate in the form of climate mitigation and adaptation. Policy 3 seeks to protect biodiversity, reverse biodiversity loss, and deliver positive effects from development and strengthen nature networks. Criterion (c) states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. This small scale tourism proposal is not considered to raise any issues in respect of policies 1 and 2. A Preliminary Ecological Appraisal considers biodiversity and sets out

various recommendations and enhancements and the proposal is thus supported by Policy 3.

- 6.3** Policy 8 seeks to promote and facilitate compact urban growth and only supports development in the Green Belt in certain circumstances. This includes tourism developments. Proposals are also required to meet additional criteria, including the need for development to be compatible with the surrounding established countryside and landscape character; be designed to an appropriate scale, massing and external appearance; use materials that minimise visual impact on the green belt as far as possible; and have no significant long-term impacts on the environmental quality of the Green Belt. Following a full assessment of the detail of the proposal as set out in Section 7 below, the proposal presents no conflict with Policy 8.
- 6.4** Policy 14 aims to promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the place principle. The policy supports proposals which are consistent with the six qualities of successful places; healthy, pleasant, connected, distinctive, sustainable and adaptable and it is considered that this is achieved. Flood risk and water management is addressed in Policy 22. The proposal is not at risk of flooding or considered to add to flood risk.
- 6.5** Development proposals that are likely to raise unacceptable noise issues will not be supported, in accordance with Policy 23. Following a full assessment, it is considered that any noise impact would be acceptable with the imposition of appropriate conditions and no adverse issues have been raised by the Environmental Health Service. Tourism proposals are addressed by Policy 30, which sets out a range of criteria to be taken into account. This tourism proposal is considered supportable.
- 6.6** Overall, it is considered that the proposal is supported by and presents no conflict with the policies set out within NPF4 and is assessed fully in Section 7 below.

West Dunbartonshire Local Plan 2010

- 6.7** Policy GD1 seeks to ensure that all new development enhances the Plan area and environmental quality in general through an emphasis on high quality design. Proposals are required to meet a number of criteria and it is considered that the small scale tourism proposal is acceptable in this respect. Policy LE8 supports applications for tourist industry development, subject to a range of criteria and it is considered this tourism development can be supported. Policy F1 addresses flooding and the proposal raises no concerns in this respect. Matters relating to Biodiversity are fully addressed with reference to Policy E1. Finally, the impact on residential amenity is considered acceptable and there is no conflict with Policy H5.

- 6.8** 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 2

- 7.1** On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration.
- 7.2** Policy GB1 seeks to direct new development towards the urban area in order to support regeneration and maintain the attractiveness and character of the Green Belt, whilst also supporting economic development and diversification in the Green Belt, under certain circumstances. This support is subject to a number of additional requirements being met, including the need for proposals to be fully compatible with surrounding established countryside character, and avoid unacceptable impacts on the environmental quality and landscape character of the Green Belt. A small scale tourism development is supported within the Green Belt. The layout and design is considered to be compatible with the surrounding landscape character and avoid any significant adverse effects on the landscape and surrounding environmental quality.
- 7.3** Policy CP1 requires new development to take a design-led approach to creating sustainable places, which put the needs of people first and demonstrate the six qualities of successful places. It is considered that the proposal complies with the policy. Matters relating to ecology and biodiversity are also satisfactorily addressed with reference to Policy ENV1.
- 7.4** Policy E6 supports tourist facilities where there would be no adverse effect on the integrity of a Natura 2000 site and they avoid adverse impacts on the green network and built heritage. There is no conflicts with this policy.
- 7.5** Policy ENV6 addresses flooding and the proposal raises no concerns in this respect. Matters relating to Biodiversity are fully addressed with reference to Policy ENV1. Finally, the impact on residential amenity is considered acceptable, there is no conflict with Policy H4 and no unacceptable noise pollution would occur as required by Policy ENV8.

- 7.6** It is considered that the proposal being assessed presents no conflict the relevant policies of the proposed LDP2.

Principle of development

- 7.7** The site is located within the Green Belt as defined by proposed Local Development Plan 2 which represents the Council's most up to date policy position. Policy 8 of NPF4 and Policy GB1 of proposed Local Development Plan 2 set out the uses which will be supported within the Green Belt. This includes tourism uses which are appropriate for and require a location within the Green Belt. It remains that any such proposals require to have no unacceptable impact on the Green Belt, landscape character, does not undermine the purpose of the Green Belt and are of an appropriate scale and design. The principle of the establishment of three tourism lodges at the site is in accordance with these overriding policies but further regard is needed to their setting and design in terms of landscape character. A condition is considered appropriate to limit the occupancy period of the units to ensure that they do not become permanent residential dwellings which contribute to an expansion of the settlement into the Green Belt, as this would undermine the purpose of the Green Belt and associated policies. A supporting statement has also been submitted by the agent. While a financial appraisal has not been provided, the statistical information presented in the business plan discusses rising tourism levels in Scotland and the area, as well as current trends in holidaymaking, with greater interest in UK-based stays and outdoor leisure. Alongside the outdoor activities to be offered to the visitors using the proposed accommodation, which utilise both the setting of the application site as well as the areas of nature in Barnhill and beyond, the intended business model is considered realistic and appropriate in principle.

- 7.8** It is considered that the Green Belt location is also justified as being required as the enclosed and tranquil setting would form a key attraction point for the use that could not readily be achieved within the heart of an urban area. Tourism developments are also supported in principle by NPF4 and the Local Development Plan subject to a full assessment of all relevant policies and considerations.

Design, layout and visual impact

- 7.9** The application site is located at the head of the privately owned part of Strowanswell Rd. Directly north of it, an area of woodland with the Gruggies Burn can be found; the watercourse can be followed on a path parallel to it and leading to the areas of forest and countryside in Barnhill as well as the Overtoun House and trails leading to Kilpatrick Hills further east.
- 7.10** In terms of the design and landscape character the lodges are of a modest scale, with their total footprint slightly over 131sqm. The lodges are to be clad in timber with a metal roofs. The larger unit has a small porch and a low-rise access ramp associated with it also so it can be used by people with mobility issues. The siting of the three modest

lodges, along with the clearance of waste, overgrown vegetation and installation of new fencing is a marked improvement on the previous condition of the site. The site remains well screened with the topography and vegetation along the boundaries of the site. The very contained nature of the former Quarry results in the visibility of the site also being contained to adjacent vantage points. Having regard to the modest scale of the lodges, the wider setting and backdrop it is considered that the visual impact will be minimal and will not have a discernible adverse impact of the wider countryside extending east of the site, nor would it have any excessive impact on the existing neighbourhood. The development is therefore considered to be acceptable in terms of existing neighbourhood and landscape character.

#### Residential amenity

- 7.11** Whilst within a Green Belt location, the site is adjacent to nearby residential properties. The potential impact on adjacent residential amenity therefore requires careful consideration. Undoubtedly the lodges will bring an element of activity to the former Quarry. However, it is considered that the introduction of three holiday lodges of a modest scale is unlikely to give rise to a substantial loss of residential amenity to the neighbouring homes. The wider locality does also feature non-residential uses, with a garage and a second hand car dealership located to the south of the application site. The siting of three self-contained tourism units is not considered to be incompatible with these surrounding land uses. Concerns with respect to noise has been raised in the representations. There is no objection to the proposal from the Environmental Health Service in relation to noise generated by the proposed use. The applicant has indicated that the site would be managed and monitored by the owner directly from his place of residence which is adjacent to the application site. Management of the site from either within or adjacent to the site is key to the acceptability of the proposal to ensure that in the event that disturbance was to occur from patrons, this could be immediately addressed. A site management plan based on this arrangement is thus considered to be important to controlling this development and is therefore included as a planning condition.
- 7.12** In further assessing residential amenity, the mutual overlooking of the application site and the adjacent residential properties is limited, with the former quarry site being situated significantly lower than the neighbouring houses. This amenity aspect is also softened by the vegetation present in the rear curtilages of the residential plot. There is no overshadowing impact from the development; sunlight access for the application site is reasonable despite the significant change in elevation along the southern boundary.
- 7.13** The principle of tourism accommodation at this location is therefore supported by Local Development Plan policies and consideration of surrounding land uses also supports their siting at this site. The use of this brownfield site will also bring about a positive change to a site which



had lain abandoned for a long time. This is also supported by Local Development Plan policies and national planning policies to support sustainable development and reuse of land.

#### Roads, access and parking

- 7.14** With respect to highway safety, the lodges will use Strowanswell Rd and Glenpath for vehicle access, themselves connecting onto the A82 trunk road. Four car parking spaces are shown within the application site. The Roads Service offer no objection to the access via a short section of private road or the parking arrangements within the site. Strowanswell Road joins the A82 Trunk Road at a crossroads with Greenhead Road and additionally, Transport Scotland offer no objections to the proposal.
- 7.15** Concerns are raised in the objections regarding the use of nearby Core Path and the possible impact of the proposal on it. The path in question is remote from Strowanswell Road, outwith the site boundary of the application and is situated at a significantly higher level. The proposal will have no potential to impact upon the Core Path, but continued use of the Core Path is safeguarded by condition.

#### Ecology

- 7.16** The application site is on the edge of the established settlement and is surrounded by developed woodland from the north and the east. Whilst there are no ecological designations covering the site, a Local Nature Conservation Site within the glen through which the Gruggies Burn flows lies in very close proximity. Due to this, ecology is an important aspect to be considered as a part of the appraisal of the proposal. A Preliminary Ecological Assessment (PEA), was submitted in support of the application and has since been reviewed by the Council's Biodiversity Officer. The PEA identifies various habitats were found within the study area for a range of species including foraging bats, otter, red squirrel, pine marten, badgers, reptiles and nesting birds although no field signs were found. The Biodiversity Officer advised that she is content with the findings of the report. The development will therefore not impact unacceptably on both protected and non-protected species. The PEA goes on to include a number of recommendations and enhancement proposals which would provide further biodiversity benefit if included in the project. The Biodiversity Officer therefore advises that Section 5.2 'Recommendations' of the report are conditioned into any decision permitting the development.
- 7.17** Concerns regarding tree removal, ecology and the PEA are highlighted in the objections. It is acknowledged that the PEA is based on the situation on site at the time of the survey and that vegetation clearance works had been undertaken within the site prior to the submission of the planning application. There was no planning restrictions, however, that prevented the applicant from undertaking this work. No further clearance works or tree removal is proposed as part of this application. However, it is acknowledged that many of the trees around the periphery of the site are growing out of the rock face and likely self-seeded. In terms of tree

management, the correct course of action in the future may be to remove them. Nevertheless, future tree removal can be managed via a condition.

#### Flooding and drainage

- 7.18** Turning to matters relating to with flooding and drainage, the assessment is informed by the consultation response from the Council's Roads Service in their capacity as local flooding authority. It is advised in the response that the application site is not within the flood risk area from the nearby Gruggies Burn. No objection was raised in this response on flood risk grounds either in respect of flood risk to the development itself, or contribution to additional flood risk off site. No additional requirements in respect of site drainage were highlighted.

#### Ground conditions

- 7.19** Environmental Health have offered no objection to the proposal but have recommended as a minimum requirement a phase one desktop study, conditioned into any planning decision. The purpose of this qualitative (descriptive) assessment of risk and reconnaissance is to develop an outline conceptual site model and identify all plausible contaminant-pathway-receptor linkages at the site. If the findings of the desktop indicate there is plausible risk to the end users of the site, then a site investigation and risk assessment should be undertaken where the preliminary risk assessment identifies any potential unacceptable risks or to reduce uncertainty in the initial conceptual model.

#### Other matters raised in representations

- 7.20** A wide range of other issues have been raised in the objections received. Concern over the presence of the invasive species of Japanese Knotweed and Giant Hogweed within the site and near the Barnhill Road right of way and possible contamination of the nearby land by the guests are raised. The presence of Japanese Knotweed outwith the site boundary has been noted in the PEA document; no presence of Giant Hogweed has been noted either within or outwith the site. As the former species' presence is outwith the application site boundaries, it is not within the scope of this planning application to control.
- 7.21** Whilst concerns are highlighted in the objections in respect of waste being present on site and pushed towards the rear of the site, it is acknowledged that various items of waste had accumulated within the site over the years and despite the applicant's clearance works, some remnants remain. No evidence was noted during site visits of any recent ground works moving material within the site.
- 7.22** A change in noise levels from the nearby trunk road due to the clearance of trees is noted however any tree clearance was undertaken prior to any planning application and thus not within scope of this application to assess. Concern regarding existing dog barking is highlighted, however this is not a planning matter. Access to Strowan's Well via Strowanswell Road is highlighted as a concern. During site visits, access to the path

leading to Strowan's Well was maintained. Matters relating to boundaries are not relevant to planning and instead are civil matters.

- 7.23** Concerns regarding the possible future expansion of the business to operate from the site are raised. The application assessment is based on the submitted proposal and it would be inappropriate to speculatively appraise possible future development of the site or change or material increase in operations of the planned business. With regard to the timber building situated outwith application site, adjacent to the house, the applicant advises that this is provided for domestic purposes. Any planning requirement is a matter separate from this application. Finally, this application does not include any arrangement for the keeping of livestock on the site and does not assess such. It is understood that the livestock are housed temporarily within the forward part of the site pending the outcome of this planning application and the permanent arrangements for housing the livestock will require to be subject of a separate planning application in the near future.

## **8. CONCLUSION**

- 8.1** Overall, subject to the conditions below, it is considered that the proposal is acceptable. The design and layout is acceptable both visually and in respect of neighbouring amenity and the proposal will not have any significant or adverse effects on the locality. The proposal is therefore in accordance with reference to NPF4, the adopted West Dunbartonshire Local Plan and the proposed West Dunbartonshire Local Development Plan 2. Whilst the submitted objections are acknowledged, there are no material planning considerations that suggest that planning permission should not be granted subject to the conditions below.

## **9. CONDITIONS**

- 1) No individual shall reside in the approved tourist accommodation for more than 28 consecutive days. In addition, no individuals shall reside in the approved tourist accommodation for more than 60 days in the calendar year. To this effect, a permanent log book shall be kept of all visitors who stay at the tourist accommodation for the lifetime of the development. This shall note the names and addresses of all of the visitors. The log book shall be made available for the perusal of the Council as Planning Authority if so requested.
- 2) Prior to the lodges hereby approved being first brought into use the lodge operator shall submit a Management Plan to the Planning Authority for their written approval. The Management Plan shall include details of day to day site management and maintenance and how potential noise and guest behaviour issues are to be dealt with should they arise. Thereafter, the site will operate in accordance with the approved Management Plan for the lifetime of the development unless otherwise agreed by the Planning Authority

- 3) Notwithstanding the approved drawing *02 - One Bedroom Lodge - Plan & Elevations*, details of the materials and finishes of the two single-bedroom lodges shall be submitted for the written approval of the Planning Authority and shall be implemented as approved.
- 4) The proposed car parking and access arrangements as shown on drawing no. 02 rev C shall be formed and available prior to the lodges hereby approved being first brought into use. The spaces and access arrangements shall thereafter be kept available for the lifetime of the development.
- 5) Prior to the commencement of development, full details of the surface and foul drainage shall be provided to the Planning Authority for written approval. Thereafter, the approved arrangements shall be implemented prior to the lodges hereby approved being brought into use. The drainage arrangements shall thereafter be maintained for the lifetime of the development. For the avoidance of doubt, the arrangement will incorporate sustainable drainage arrangements (SuDS).
- 6) Notwithstanding the details shown on drawing no. 02 rev C with respect to boundary planting and prior to the commencement of works on site, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Planning Authority. Where appropriate these details shall include proposed finished and existing ground levels and contours, hard surfacing materials and lighting. Thereafter the approved details shall be fully implemented in accordance with the approved details within a timescale to be agreed by the Planning Authority. Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 7) No trees shall be lopped, topped, felled or otherwise removed from the site without the prior written approval of the Planning Authority. The recommendations made in Section 5.2 of the approved Preliminary Ecological Report shall be implemented as approved.
- 8) Notwithstanding the approved plans, public access to the path leading to Strowan's Well accessed from Strowanswell Rd shall be maintained at all times unless otherwise agreed in writing by the Planning Authority.
- 9) (a) No development (other than investigative work) shall take place until such time as a comprehensive site investigation has been carried out to the appropriate Phase level and submitted to and approved in writing by the Planning Authority. The investigation shall be completed by a suitably qualified and competent person and completed in accordance with advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
- BS 10175:2011+A1:2013 – British Standards institution ‘The Investigation of Potentially Contaminated Sites – Code of Practice’.
- Land Contamination and Development Management - Guidance.  
[https://www.ep-scotland.org.uk/wp-content/uploads/2019/09/ConLanDevGuide\\_12-Aug19-FINAL.pdf](https://www.ep-scotland.org.uk/wp-content/uploads/2019/09/ConLanDevGuide_12-Aug19-FINAL.pdf)

(b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model shall be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages will require to be submitted.

(c) If the risk assessment identifies any unacceptable risks then an appraisal of remedial options followed by a detailed remediation scheme will be submitted to and approved in writing by the Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Planning Authority’s written approval of the remediation scheme.

- 10) Remediation of the site shall be carried out in accordance with the approved remediation scheme prior to the proposed development being brought into use. Any amendments to the approved remediation scheme shall not be implemented unless approved in writing by the Planning Authority. On completion of the remediation works, the developer shall submit a verification report to the Planning Authority, confirming that the works have been carried out in accordance with the approved remediation scheme and that the works have successfully reduced the risks to acceptable levels.
- 11) 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/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.
- 12) The presence of any previously un-encountered 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 by

the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.

- 13) 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 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 validation report containing details of the source of the material and associated test results to demonstrate its suitability for use.

**Pamela Clifford**  
**Planning, Building Standards and Environmental Health Manager**  
**Date: 19<sup>th</sup> April 2023**

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**Appendix:** Location Plan

**Background Papers:**

1. Application forms and plans
2. National Planning Framework 4
3. West Dunbartonshire Local Plan 2010
4. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
5. Consultation responses
6. Representations

**Wards affected:** Ward 3 – Dumbarton