

Supplementary Agenda

West Dunbartonshire Council

Date: Wednesday, 24 April 2024

Time: 16:00

Format: Hybrid Meeting

Contact: Carol-Ann Burns, Senior Democratic Services Officer
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Dear Member

ITEM TO FOLLOW

I refer to the agenda for the above meeting that was issued on 11 April 2024 and now enclose a copy of the undernoted report relating to Item 8 which was not available for issue at that time

Yours faithfully

PETER HESSETT

Chief Executive

Note referred to:-/

Note referred to:-

- 8 DC23/211/PPP: PROPOSED CONSTRUCTION OF MARINE 61 – 102
TECHNOLOGY PARK COMPRISING INDUSTRIAL UNITS FOR
MARINE ENGINEERING, FABRICATION, RESEARCH AND
DEVELOPMENT, AND ASSOCIATED USES; ALONG WITH SITE ACCESS
AND ASSOCIATED INFRASTRUCTURE; (IN PRINCIPLE) AT SITE OF
FORMER CARLESS OIL TERMINAL, ERSKINE FERRY ROAD, OLD
KILPATRICK**

Submit report by the Planning, Building Standards and Environmental Health Manager seeking determination of a planning application for a national development.

Distribution:-

Provost Douglas McAllister
Councillor James Bollan
Councillor Ian Dickson
Councillor Diane Docherty
Councillor Gurpreet Singh Johal
Councillor Daniel Lennie
Councillor David McBride
Councillor Jonathan McColl
Councillor James McElhill
Councillor Michelle McGinty
Councillor June McKay

Councillor John Millar
Councillor Karen Murray Conaghan
Councillor Lawrence O'Neill
Councillor Lauren Oxley
Councillor Chris Pollock
Councillor Martin Rooney
Councillor Gordon Scanlan
Councillor Hazel Sorrell
Councillor Clare Steel
Councillor Sophie Traynor

Chief Executive
Chief Officers

Date of issue: 18 April 2024

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Council: 24th April 2024

DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure; (in principle) at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick By Malin Group

1. REASON FOR REPORT

- 1.1 This report relates to a planning application for a national development and as the application site sits within the Clyde Mission area as set out in National Planning Framework 4. There is a statutory requirement for applications of this nature to be determined by the full Council.

2 RECOMMENDATION

- 2.1 That the Council approve planning permission in principle subject to the conditions set out in Section 9 of Appendix 1 report.

3 BACKGROUND

- 3.1 The proposal involves the construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure. The proposed uses are anticipated to comprise predominately of Class5 (General Industrial), Class4 (Business) with ancillary Class3 (Food and Drink) and Class10 (Non-residential Institutions) comprising an interpretation centre and nursery. The planning application is a national development as set out in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the application site sits within the Clyde Mission area as set out in National Planning Framework 4. Under the terms of Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended), such applications require a pre-determination hearing, and other legislation requires that such applications be determined by the full Council. In accordance with the Council's procedures, a pre-determination hearing took place at the Planning Committee on 17th April 2024.

4 MAIN ISSUES

- 4.1** A copy of the report presented to the Planning Committee is provided in Appendix 1. Sections 6 and 7 of that report set out the planning policies and other material considerations relevant to the application. The report concludes that the site represents a unique opportunity to create a maritime innovation hub within an enhanced setting. The regeneration of a vacant brownfield site will provide a range of high value employment opportunities in a sustainable development, which will respect and protect existing natural habitats and forge links with the local community. The additional advantage is that it will regenerate a vacant and contaminated brownfield site. This strong vision for the site will result in the creation of local high-quality jobs whilst reinvigorating shipbuilding and renewable industries in the community on the banks of the Clyde.
- 4.2** There is clear policy support for the principle of the development with Clyde Mission at a national level and LDP2 through the development strategy for the site supporting redevelopment comprising business and industrial units with green network and biodiversity enhancements. The site features a number of habitats together with the Inner Clyde SPA/SSSI and updated ecology and protected species surveys are acceptable. The potential impact upon the overwintering birds within the SPA/SSSI remains a sensitive issue and further details in terms of protection and mitigation can be addressed by condition,
- 4.3** It is considered that the proposals accord with the provisions of NPF4, the adopted West Dunbartonshire Local Plan and proposed West Dunbartonshire Local Development Plan 2. The delivery of this ambitious development proposal is welcomed which seeks to bring the large waterfront former oil terminal site back into use with new sustainable development proposals to support the local economy.
- 4.4** At the pre-determination hearing the applicant and their agent gave a short presentation and addressed the Planning Committee regarding the benefits of the proposed development and the masterplan approach covered in the Planning Committee report. An issue regarding whether the hydrocarbons were airborne was raised and it was advised by the applicant that the presence of hydrocarbon contaminants was linked to the heavy oil presence on the site which was related to the previous use as an oil refinery and known pathways for contaminated groundwater to migrate into the River Clyde. The Planning Committee was also advised that both the Council's and SEPA's Contaminated Land Officers are involved in the site through the development of the Remediation Strategy.
- 4.5** After discussion the Planning Committee recommended that the application be referred to the full Council for determination, expressing the provisional view that the application should be approved with the conditions indicated within Section 9 of the Planning Committee Report (Appendix 1).

5. People Implications

5.1 There are no personnel issues.

6. Financial and Procurement Implications

6.1 There are no financial or procurement implications.

7. Risk Analysis

7.1 No risks have been identified.

8. Equalities Impact Assessment (EIA)

8.1 There is no equalities impact.

9. Environmental Sustainability

9.1 A Strategic Environmental Assessment is not required.

10. Consultation

10.1 Publicity and consultation have been carried out in line with the requirements of the planning regulations. Two representations have been received and these are summarised in Section 4 and 5 of the Planning Committee report (Appendix 1).

11. Strategic Assessment

11.1 The proposed development complies with the strategic priorities of the Council in particular:

- Our Communities Resilient and Thriving
- Our Environment A Greener Future
- Our Economy Strong and Flourishing

Pamela Clifford

Planning, Building Standards and Environmental Health Manager

Date: 17th April 2024

Person to Contact:

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Appendices:

Appendix 1 - Planning Committee Report: 17th April 2024
- DC23/211/PPP

Background Papers: None

Wards Affected: Ward 3 (Dumbarton)

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 17th April 2024**

DC23/211/PPP: Proposed construction of Marine Technology Park comprising industrial units for marine engineering, fabrication, research and development, and associated uses; along with site access and associated infrastructure; (in principle) at site of former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick By Malin Group

1. REASON FOR REPORT

- 1.1** The planning application is a national development as set out in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the application site sits within the Clyde Mission area as set out in National Planning Framework 4. Under the terms of the approved Scheme of Delegation, it therefore requires to be considered by the Planning Committee before being determined by the Council.

2. RECOMMENDATION

- 2.1** That the Planning Committee hears the applicant and those who have made representations and refers the application to full Council for determination with a preliminary recommendation, based on the information considered to date, that it be approved, subject to the conditions in Section 9 below.

3. DEVELOPMENT DETAILS

- 3.1** The 12.16 ha application site forms part of the landholding at the former Carless Oil Terminal in Old Kilpatrick which is made up of a main development area of 11.7 hectares and a further 0.42 hectares for the extent of Erskine Ferry Road improvements within the application boundary. The site is located on the north bank of the River Clyde, upstream and east of the Erskine Bridge. The site, including the jetties, abuts the Inner Clyde Special Protection Area, Ramsar Site and Site of Special Scientific Interest, which are designated at National and European levels for non-breeding birds, in particular for wintering redshank, and for associated habitats.
- 3.2** The site is currently designated as contaminated land under Part IIA of the Environmental Protection Act 1990, with an area in the centre of the site also designated under the same legislation as a Special Site (as a result of the historical presence of an oil refinery within the central area). The primary reason for these designations is the known presence of hydrocarbon contaminants and known pathways for contaminated groundwater to migrate into the River Clyde.

There is also a residual risk of unexploded ordnance (Zetica Ltd, April 2013) due to the site's previous MOD usage, as it is known to have been a bombing target during the Second World War.

3.3 The landholding is bounded to the south and east by the River Clyde and the Auchentoshan Burn respectively. The site currently comprises vacant and derelict land, including scrubland and rough vegetation interspersed with reinforced concrete hardstanding and remnant below and above ground structures. The site was originally established as a fuel storage site for the Admiralty in 1916 and during the Second World War the Royal Navy used it as a depot and oil terminal. It was used by Petrochem Carless as an oil refinery and associated storage until 1992 and then all operations ceased. The site has been vacant since then, with most above ground structures associated with the previous use having been demolished although the jetties on the banks of the River Clyde, partial structures, and areas of reinforced concrete hardstanding remain on site. To the northwest includes the consented fabrication building and heavy lift quay and does not form part of the application site although under the same ownership. The vegetated area to the northeast and designated for housing under H2 (33) in the Proposed Local Development Plan does not form part of the application/masterplan site together with a potential new access to Dumbarton Road.

3.4 The site is bounded to the west by industrial uses including the Logitech manufacturing plant and Subsea 7 unit. Bonded whisky warehouses are located east of the site together with a High Voltage overhead power line and electricity substation. The application site will also include an access connecting the site with Erskine Ferry Road to the west, via an existing private access road. The site sits in the shadow of "A" listed Erskine Bridge. The foreshore of the site abuts and forms part of the European and National designations of the Inner Clyde Special Protection Area (SPA), Ramsar wetland site, and Site of Special Scientific Interest (SSSI). Additionally, the site is bounded to the north by a disused railway corridor, which is designated locally as a Local Nature Conservation Site and the Forth and Clyde Canal Scheduled Monument.

The site benefits from direct access to the River Clyde at the existing jetty structures to the southwest which are being upgraded through extant permissions DC19/046 and Marine Licence 00008746 to create a modern Heavy Lift Quay.

Planning History

3.5 Planning permission for remediation works for the wider site was granted in April 2019 (ref. DC18/245). Under this permission, a phased approach to site remediation was approved within the Remediation Strategy. The approved works comprise the undertaking of intrusive soil and ground water remediation within the western and central areas of the applicant's wider landholding only (largely outwith the PPiP site). Remediation of this area has now commenced which is limited to small-scale investigatory works to inform future remediation in this area and to reduce the risk to the River Clyde.

3.6 Planning permission was granted in August 2019 (DC19/046) for the erection

of a fabrication building, yard area and ancillary office building with access road, parking, gatehouse and associated infrastructure (including a heavy lift quay (HLQ). A Marine Licence for the purposes of constructing the HLQ was granted in September 2020. The site does not form part of the Planning Permission in Principle application but is within the applicant's control and whilst no construction works for the fabrication building have commenced on site, a compensatory flood storage area has been constructed in accordance with the requirements of condition 20 and therefore the planning permission is extant. The applicant in the next few months is likely to make a further application to revise the design and location of the marine fabrication building as well as other works, but this will not affect the determination of this current application.

Proposed Development

- 3.7** The vision for the site is to deliver a state-of-the-art marine excellence hub which brings together manufacturers with practical marine and renewables operational and logistics experience, and providers of research, skills, development and design in a single sustainable location, taking advantage of direct access to the deep-water channel of the River Clyde. Planning Permission in Principle (PPiP) is sought for a wide range of marine engineering focused activities potentially including marine renewable fabrication and assembly, shipbuilding, ship repair, specialist decommissioning and associated supply chain activity. Alongside these, facilities will be created for allied education and start-up ventures. The development will be led by a masterplan approach with a phasing plan indicating how the various uses will be taken forward together with an updated remediation strategy which will demonstrate how the site will be remediated associated with development uses being brought forward. Part of the masterplan site includes a small area of land previously consented under DC19/046 for the Marine Fabrication Complex and the Heavy Lift Quay.
- 3.8** The site layout indicated on the masterplan is driven by the need to provide direct access the quay and the waterfront with the larger units sited to the west of the site. To the east the units which do not require direct access to the quay are of reduced scale and set back from the River Clyde. The proposed uses are anticipated to comprise predominantly of Class 5 (General industrial) and Class 4 (Business), with ancillary Class 3 (Food and Drink) and Class 10 (Non-residential Institutions) comprising an interpretation centre and a nursery. Although the specific occupier of each plot is yet to be confirmed, based on initial discussions the main types of business likely to locate at Marine Technology Park will be involved in the design, manufacture, fabrication, assembly, testing and verification, launching, operation and servicing of boats, submersibles and marine renewable infrastructure such as wave or wind turbines.

In summary, the proposed development includes:

- A marine decommissioning and recycling building, Fabrication buildings;
- Up to five incubator/start- up units;
- Management and Innovation centre with staff café;
- Office accommodation

- A nursery, a publicly accessible interpretation centre and café;
- Yard areas for materials delivery, fabrication and storage;
- Upgrades to Erskine Ferry Road, internal access roads, car parking;
- Security fencing and lighting;
- Hard and soft landscaping including a landscape buffer to the River Clyde;
- Renewable energy generation infrastructure;
- Utilities and drainage infrastructure including Sustainable Drainage Systems(SuDS);
- Remediation works and subsequent land raising to create a development platform.

3.9 The proposed development is accompanied by an Environmental Impact Assessment (EIA) Report in accordance with The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. This has been captured in the comprehensive Environmental Statement submission and includes Ground Conditions, Water Hydrology and Flood Risk, Updated Ecology and Protected Species Surveys, Access and Traffic, Air Quality, Noise and Vibration, Landscape and Visual Impacts, Cultural Heritage, Socio-Economics, and Risk Management. The application is also accompanied by a Planning Statement, Design and Access Statement, a Proposal of Application (PAC) Report, and Shadow Regulations Appraisal Assessment.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service have no objections on roads or flooding matters subject to conditions regarding mechanical brushes or a wheel wash. They have noted that the design of the priority junction will be agreed at the detailed planning stage.
- 4.2** West Dunbartonshire Council Environmental Health have no objections subject to conditions relating to the contaminated land remediation, noise and vibration impact assessment, construction hours, lighting, air quality and dust control.
- 4.3** SEPA offers no objections to the proposed development subject to adherence with recommended conditions regarding minimum finished floor levels, safe pedestrian access/egress during a flood event and contaminated land remediation.
- 4.4** Nature Scot offer no objections to the proposed development subject to adherence with recommended conditions to ensure that the development is undertaken in accordance with mitigation measures to ensure reduced disturbance to the wintering redshanks and thus avoid adverse effects on the integrity of the Special Protection Area.
- 4.5** Scottish Water has no objections to the proposed development.
- 4.6** SP Distribution Plc have no objection to the proposed development but advise they have a Substation and HV/ LV underground cables within the vicinity of the proposals.

- 4.7 Glasgow Airport have no objections to the proposed development subject to conditions regarding the height of buildings not exceeded 15 metres, bird hazard management plan and detailed soft and water landscaping proposals.
- 4.8 Historic Environment Scotland have no objections to the proposed development. The proposals would not have direct physical effects or would not be a significant adverse effect on the setting of the World Heritage Site, category A listed building and scheduled monument in the vicinity.
- 4.9 West of Scotland Archaeology Service have advised that they do not consider archaeological work will be required primarily as the amount of disturbance associated with construction and operation of the oil terminal would likely to have removed the potential for physical remains relating to earlier periods of activity to have survived within the site.
- 4.10 Health and Safety Executive in a consultation enquiry completed via their online portal do not advise against the granting of planning permission in this case.
- 4.11 Scottish Canals object in connection with the proposed development but also offer comments on a number of the aspects of the proposed development. However, the points raised can be summarised as follows.
- The bridge is limited to 7.5 tonnes for road traffic and the proposals will see an unacceptable increase in volume and weight of traffic during both construction and operational phases of the Park.
 - Erskine Ferry Swing Bridge is an operational canal bridge and in the event of mechanical failure the bridge could be closed to road traffic.
 - It is noted that the Drainage and SUDS Strategy is incomplete, and they reserve the right to make further comment once the complete document is available.
 - The existing culverted burn must be protected, and the flow preserved at all times.
 - Clarification required as to how the raising of the land will impact on overland flow in flood events.
 - Clarification as to outfall from the SUDS pond as the Surface Water Management Plan is incomplete.
 - Protective measures must be incorporated to prevent debris and rubbish entering the Forth & Clyde Canal during any construction and operational phases of the Park.
 - Scottish Canals reserves its position on the future potential future requirement for a new bridge and access road across the Forth & Clyde Canal to link with Dumbarton Road to service a housing development.
- 4.12 West Dunbartonshire Council Biodiversity Officer has no objections but has indicated the requirement for pre-construction surveys for protected species and the presence of amphibians and potential for enhancements to the Saltings Local Nature Reserve.
- 4.13 Marine Scotland and Sustrans have not responded at the time of writing this report.

5. REPRESENTATIONS

- 5.1** There is one letter of support from Logitech, however they have highlighted other issues such as the condition and safety of the access road, which is filled with potholes, the sharp corner with Erskine Ferry Road, persistent flooding and bad parking. They require that their existing boundary fence and mature conifer hedgerow should be maintained. They would also like to connect into the new mains sewage pipe which would allow them to remove two sewage tanks.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

National Planning Policy 4

- 6.1** The site is within the 'Clyde Mission' area, identified as one of eighteen National Developments with National Planning Framework 4 which recognises that significant land assets are under-utilised across the Clyde, (including waterfront sites such as Carless) and that longstanding inequality, in relation to poor environment and health outcomes require to be tackled as a national priority. The Clyde Mission designation aims to repurpose and reinvigorate vacant and derelict land as well as adapting the area to the impacts of climate change, where nature-based solutions would be particularly supported. Delivery of this proposal would support the objectives of this national development.
- 6.2** Policy 1 requires significant weight to be given to the global climate and nature crises. Particular weight should therefore be given to the consideration of the proposal in light of NPF4 Policies 2 and 3 as well as other policies which contribute to addressing these crises. Policy 2 requires development proposals to be sited and designed to minimise greenhouse gas emissions and to adapt to current and future risks from climate change. The applicant outlines a number of measures to ensure the environmental sustainability of this proposal, including to develop a site wide energy strategy. Subject to appropriate conditions, the proposals set out meet the requirements of this policy at this stage. Policy 3 requires proposals for national/major development to demonstrate that it will conserve, restore and enhance biodiversity. The applicant outlines a number of recommendations for enhancement to biodiversity through the development of the site. Subject to appropriate conditions the proposals meet the requirements of this policy at this stage.
- 6.3** Policy 4 sets out requirements to be met when development affects Special Protection Areas/Sites of Special Scientific Interest (in this case the Inner Clyde). The applicant indicates that the proposal would have no significant effect on the SSSI. Subject to conditions to ensure that any potential impacts are mitigated the proposals meet the requirements of this policy. Policy 6 requires development proposals involving woodland removal to demonstrate public benefits with the expectation of compensatory planting. Proposals on sites with an area of existing woodland will only be supported where they integrate enhancement and improvement of woodlands and planting into the design. There are areas of woodland appearing in the Native Woodland

Survey of Scotland on the site, a condition to ensure that detailed proposals provide enhancement will be required to meet the requirements of this policy.

- 6.4** Policy 7 sets out criteria for the assessment of proposals affecting scheduled monuments (in this case the Forth and Clyde Canal) and listed buildings (Erskine Bridge). Consideration of the potential impact of the development on these assets is set out in the EIA, which concludes that the development will not impact on their heritage significance. The proposal is therefore in accordance with this policy.
- 6.5** As the site has been previously developed, Policy 9 addressing brownfield, vacant and derelict land applies. Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. This policy also requires the biodiversity value of brownfield land which has naturalised to be taken into account. The proposal is supported by Policy 9, with consideration of the biodiversity of the site considered under Policy 3 above and within the EIA. The site is within the tidal extent of the river Clyde and Policy 10 supports proposals in developed coastal areas where they do not result in the need for further coastal protection taking into account future sea level change or increase the risk to people of coastal flooding or erosion. The proposal also requires to be supportable in the long-term taking into account projected climate change. This is addressed fully in Section 7 below, primarily with reference to the requirements of Policy 22 and with recommended conditions, the proposal meets the requirements of the Policy.
- 6.6** Policy 11 supports, and sets out criteria for assessing, renewable energy developments. The proposed development includes low carbon and zero emissions technologies. Conditions will ensure that further detail of these are provided at detailed design stage. The requirements of this policy are met at this stage. Policy 13 supports development where it can be demonstrated that the transport requirements have been considered in line with sustainable transport and investment hierarchies, with a focus on active travel and public transport access. Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car. The proposal meets the requirements of this policy subject to a condition requiring the preparation of a site wide travel plan.
- 6.7** Policy 14 sets out the requirement for development proposals to be designed to improve the quality of an area and embed the six qualities of successful places. This includes ensuring that masterplans and design guidance are underpinned by the six qualities to deliver a high quality, design-led place. The proposals meet the requirements of this policy at this stage, subject to conditions for the provision of detailed design proposals in relation to the built form, open spaces, and lighting in particular. Policy 15 requires consideration to be given to the interconnectivity of the development with the surrounding area. The transport assessment indicates that the site is highly accessible on foot, by cycling and via public transport, it is therefore considered that the proposal meets the requirements of this policy together with Policy 18 supporting development which provides infrastructure in line with that

identified in Local Development Plans and their delivery programmes. The impact of development proposals on infrastructure should be mitigated. The applicant indicates that upgrades to Erskine Ferry Road will be undertaken to support subsequent detailed applications, the detail of this upgrade and phasing would be secured through conditions and with agreement with the Roads Authority.

- 6.8** Policy 19 gives support to proposals which are designed to promote sustainable temperature management. The applicant's proposals in relation to sustainable temperature management are supported by this policy. Policy 20 protects existing and supports new blue and green infrastructure. The proposals indicate that areas of blue and green infrastructure will be maintained and enhanced, thereby meeting the requirements of this policy subject to detailed design.
- 6.9** Policy 22 supports development at risk of flooding if it is for the redevelopment of previously used sites in built up areas where the Local Development Plan has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured. This is addressed fully in Section 7.36 – 7.37 below together with recommended conditions the proposal meets the requirements of Policy 22.
- 6.10** Policy 23 requires consideration of potential air quality and noise impacts arising from a development. The EIA sets out the likely significance of effects of the proposed development on air quality. Conditions to ensure that there will be mitigation at the development stage will enable the requirements of this policy to be met by the proposal. The Travel Plan, also to be required by condition, may also contribute to reducing potential impact on air quality. The EIA also sets out an assessment of potential impacts on noise and vibration, these are demonstrated to not be significant. Policy 23 also requires proposals within the vicinity of a major accident hazard site to consider the associated risks and potential impacts of being located in proximity to one another. The proposal indicates that the areas closest to the major accident hazard site will be set aside for blue and green network enhancements with no built development within the HSE notification zone. The proposals therefore meet the requirements of this policy at this stage.
- 6.11** Policy 25 gives support to development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities. The regeneration of this site is a key economic priority for the Council, as set out in the Economic Development Strategy. The proposals are therefore supported by this policy. Policy 26 supports proposals for business and industry on sites allocated for those uses. The proposals are for business and industrial uses on a site allocated for those uses and are therefore supported by this policy. Therefore, the proposed development proposals accord with the policies of NPF4.

West Dunbartonshire Adopted Local Plan 2010

- 6.12** The former Carless site is identified as a Regeneration Priority by Policy RP1

which supports the redevelopment of underused, vacant and derelict land. Policy UR1 promotes the re-use of vacant, derelict or underused land and buildings. Policy GD2 (9) identifies the majority of the site as a redevelopment opportunity, with the proposed uses of industrial/business/residential, ancillary retail, leisure and open space. The eastern portion of the site identified as an Industrial Opportunity Site LE1 (17) where Policy LE1 states that there will be a presumption in favour of uses which extend the permanent employment of the site. Policy LE6 also identifies much of the site as a Strategic Employment Location. The redevelopment of the site is supported by these policies.

- 6.13** Policies SUS1 and GD1 relate to principles of good development control and sustainability and strive to promote high quality developments that respect the character and amenity of the area whilst at the same time strive to be as sustainable as possible to not compromise the areas future well-being and environment. The development is considered to comply with the design principles of these policies through its design strategy and subject to detailed design.
- 6.14** Policies E2A and E2B indicate that any development with potential to have an adverse impact upon a Natura 2000 site (i.e. Inner Clyde Special Protection Area) or a Site of Special Scientific Interest site will only be allowed if there would be no adverse impacts on the nature conservation interest, or where there are imperative reasons of overriding public interest. Nature Scot are satisfied with the proposals subject to conditions to mitigate potential impacts and the proposed redevelopment of the site is considered to be in accordance with these aforementioned policies. The Disused Railway Line to the north of the site is a Local Nature Conservation Site. It is considered that the proposed development would not have any permanent detrimental effects on this designation subject to mitigation measures and is therefore in accordance with Policy E3A.
- 6.15** Policy T1 supports sustainable transport modes and Policy T4 requires developers integrate sites into walking, cycling and public transport routes, with significant new development expected to be sites to be accessible to public transport networks. Transport assessment will be required for significant travel generating proposals. A transport assessment has been undertaken and the proposal meets the requirements of these policies subject to a condition requiring the preparation of a site wide travel plan.
- 6.16** Policy F1, F2 and F3 relates to Flood Prevention and supports development within the functional flood plain which is for essential infrastructure or regeneration priorities, and which cannot be located elsewhere. SEPA are satisfied with the proposals subject to recommended conditions the proposal meets the requirements of these policies. Policy BE5 resists any development proposals that would have an adverse impact on or affect the setting of a Scheduled Monument. Policy R4 sets out policies for the protection of the Forth and Clyde Canal. Consideration of the potential impact of the development on these heritage assets is set out in the EIA, which concludes that the development will not impact on their heritage significance. The proposal is therefore in accordance with these policies.

- 6.17** Policy DC5 relates to HSE Notification Zones. The proposal indicates that the areas closest to the major accident hazard site will be set aside for blue and green network enhancements with no built development within the HSE notification zone. The proposals therefore meet the requirements of this policy at this stage. Policy DC6 sets out criteria for assessing renewable energy developments and Policy DC7 gives support for inclusion of on-site micro-renewable energy technologies. The proposed development includes low carbon and zero emissions technologies. Conditions will ensure that further detail of these are provided at detailed design stage. The requirements of this policy are met at this stage.
- 6.18** It is considered that the application proposal being assessed complies with the relevant 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** 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, although it does not directly affect the development proposal under consideration.
- 7.2** The development strategy, set out for the Carless site, includes support for business and industrial uses, appropriate commercial uses, housing and day-to-day convenience retail uses where appropriate and justified, a secondary access point to the site and upgrade the existing access, to enhance the Green Network, to protect the Forth and Clyde Canal and the protection of the Inner Clyde SPA/SSSI. These requirements are reiterated by Carless Policies 1-4. The long-term development strategy for Carless requires a flexible approach to delivery of the site: enabling remediation, infrastructure provision, and new development to meet market conditions and overcome the challenges presented by site conditions. Carless Policy 2 requires a masterplan to be prepared in advance of any individual development proposal and the masterplan should be submitted as part of any planning application for these sites and development proposals should be in accordance with the masterplan agreed by the Council. This proposal brings forward the masterplan for the site in line with the above policies.
- 7.3** Policy WD1 outlines criteria for development proposals, which are adjacent to the River Clyde and other watercourses to foster a positive relationship, access and frontage. The proposal sets out an approach to ensuring riverside access and frontage for the development plots as well as the public, in accordance with

this policy. Policy FCC1 states that developments alongside the Forth and Clyde Canal should enhance it and that development proposals that would have an adverse impact will not be permitted. Consideration of the potential impact of the development on the Canal is set out in the EIA, which concludes that the development will not impact on their heritage significance. The proposal is therefore in accordance with this policy.

- 7.4** Policies CP1 requires new development to take a design led approach to creating successful places and accord with Creating Places Planning Guidance. Policy CP2 requires development to integrate green infrastructure. Policy CP3 requires a masterplan for the Carless site. The proposals meet the requirements of these policies at this stage, subject to conditions for the provision of detailed design proposals in relation to the built form, open spaces, and lighting in particular.
- 7.5** Policies ENV1, GB1, ENV5, ENV6, ENV8 and ENV9 are also relevant and noting the site constraints and they relate to nature conservation, greenbelt, flooding, and contaminated land. Policy ENV10 specifically requires developments to implement mitigation measures contained within the relevant environmental reports and relating to appropriate assessments. The content of these policies seeks to protect the ecological and water environment and amenity of the area and is similar to the policies of the adopted local plan. Subject to mitigation measures, the development of this site is therefore in accordance with the relevant policies of the Proposed LDP2. Policy ENV8 requires developments to address air quality, lighting, and noise as part of the planning process. Mitigation measures have been provided to address the potential issues and Environmental Health has advised that these are acceptable in principle. Subject to appropriate planning conditions, the development is compliant with these policies.
- 7.6** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transportation including electric vehicular charging points and Policy CON4 requires that development proposals install the necessary infrastructure to enable connection to fibre optic networks. Compliance of the development to these policies can be ensured through appropriate planning conditions. Policy CON3 focuses on retaining and/or improving a high standard of accessibility and permeability as part of developments. The proposal is considered to comply with this policy.
- 7.7** It is considered that the masterplan proposal being assessed complies with the relevant policies above as set out in the following assessment below.

Principle of Development

- 7.8** The purpose of the Planning Permission in Principle (PPiP) is to establish the appropriateness of the proposed uses and the masterplan provides a long term view of how the proposed uses are going to accommodate on the site which will facilitate the submission of applications for approval of matters specified in conditions. The site was originally established as a fuel storage site for the Admiralty in 1916 and all operations ceased as an oil refinery in 1992. The site has been vacant since then and is currently designated as contaminated land

under Part IIA of the Environmental Protection Act 1990, with an area in the centre of the site also designated under the same legislation as a Special Site. The remediation and development of the site as a Marine Technology Park enjoys strong policy support in NPF4, the adopted Local Plan and Local Development Plan 2. The proposed development embraces the objectives of the Clyde Mission designation – a national, place-based mission to make the River Clyde an engine of economic success for Glasgow City Region and Scotland. Delivery of this state-of-art marine excellence hub will meet the identified commercial demand in a strategic ideal location.

- 7.9** The Council has strong ambitions for the site which is one of the largest brownfield sites in West Dunbartonshire and along the Clyde Waterfront. The proposals through a masterplan approach offer real opportunities to transform the site and bring it back into use, reinstate public access to the waterfront and create significant economic, environmental, infrastructure, recreational and placemaking benefits to the site and the wider West Dunbartonshire area. Thus meeting the objectives of NPF4 of a greener, fairer and more inclusive wellbeing economy.
- 7.10** The Council's LDP2 identifies a development strategy for the former oil terminal site which seeks to encourage the redevelopment of the site to primarily increase the business and industrial opportunities within West Dunbartonshire. Carless Policies 1,2,4 relate to development uses for the site including infrastructure requirements, green network and green infrastructure all of which the application and development proposals seek to address and achieve through business and industrial floorspace, green network and environmental enhancements. The Environmental Statement demonstrates that the potential impacts on the Inner Clyde SPA; Erskine Bridge; Forth and Clyde Canal, Flood Risk and other environmental constraints have been properly considered and can be appropriately mitigated and can also be accommodated without adversely impacting on the environment or sensitive designations.

Masterplan, Phasing and Site Layout

- 7.11** The indicative masterplan has been developed to create a framework for the development of the marine technology park. An area which will be of primarily heavy industrial use but will be incorporate academic research facilities encouraging a collaborative approach between businesses and research. The Marine Park's identity will reflect this and will take the opportunity to be outward looking to connect with the local community and waterfront context.
- 7.12** The indicative masterplan for the proposed development has been developed through a rigorous process of design iteration in consultation with a number of stakeholders including West Dunbartonshire Council and local residents and will provide a structure approach in giving direction to creating a quality place. From the outset the desire is to provide a "one of a kind in Scotland" advanced centre for marine excellence and the attraction of high quality investment has been the driving force in the development of the overall character and layout of the development. The commitment to the creation of a sustainable, liveable and productive place has influenced the indicative masterplan in terms of the

development of a safe, secure, and welcoming working environment incorporating fully accessible and enhanced public realm. A Development Guide sets out the general principles for future development including building and plot design, materials and boundaries. The finalised details of building design and layout will be refined at the detailed application stage.

7.13 Eight strategic principles have been developed during the design of the masterplan summarising key elements of the development framework and informing the design aspirations for the future built development.

- **Creation of a Centre of Excellence for Marine and Marine Renewable Industries** on the banks of the River Clyde by providing access to the deep water channel.
- **Low Carbon** - promoting the use of renewables and low and zero carbon technologies.
- **Plot Flexibility** to ensure suitable plots can be taken up by occupiers based on their requirements for building size and usage.
- **Active Travel and Public Transport** promoting public transport, new bus stops, connection to the existing walking and cycling network and secure cycle storage.
- **Connecting Communities and Opportunities** - A site wide travel plan to encourage and prioritise active travel.
- **Destination** - A sense of arrival created by the development of a café, arrival and Collaboration Hub
- **Maintaining and Enhancing Riverside Access** with fully accessible and safe public access to the waterfront opportunities for public facing amenities such as café/interpretation centre and crèche/nursery.
- **High Quality Public Realm** created, extending the green network and forming an attractive edge to the boundary of working areas and active building frontages in key locations to create overlooked and secure public spaces.

Scale and Massing

7.14 On the masterplan, large scale sheds will be grouped around the quay – a scale which echoes the rich traditional heritage of shipyards on the Clyde. Although these buildings are likely to be prominent, they will sit within the existing context of large and dominant structures on the waterfront such as the Erskine Bridge to the west. To the east units which do not require direct access to the quay can be reduced in scale within secure areas and the public facing buildings at the arrival area and to southeast adjacent to the SuDS pond. NPF4 sets out a strategy to 2040 to improve people's lives by creating sustainable, liveable and productive places. This development through a masterplan approach is to activate socio-economic regeneration of a brownfield site in an environmentally sensitive manner. Where there is a commitment to sustainable development, the applicant has developed a table of site wide Sustainability Commitments aimed at encouraging the adoption of Sustainability Commitments by all future developers through a Sustainability Implementation Plan, which would record the execution of decisions and actions related to sustainability.

Setting

- 7.15** The proposed development will be a prominent feature in the landscape and a Landscape and Visual Impact assessment has been submitted in support of the PPIP application. The LVIA has a study area with a 2KM radius and photomontages have been generated from the riverside, the towpath, Dumbarton Road, the Mountblow residential area, Erskine Bridge, Erskine Beach and from Kilpatrick Braes at Drums. The photomontage from the Erskine Beach emphasises how the impact on the waterfront will be generally contained to the grouping of larger buildings around the heavy lift quay which are of an industrial scale appropriate for the proposed use and location. Long views of the development from Kilpatrick Braes and the Antonine Wall site will be foregrounded by the road structure leading to the Erskine Bridge which will provide a degree of screening. The view from Mountblow residential area, the proposed development is generally obscured by the existing built environment. From the towpath natural screening is provided by the existing established tree planting alongside the canal and the dismantled railway. On Dumbarton Road which is at a higher level than the towpath the proposed buildings will have a greater visibility, though this will be broken up by the canal side planting. Again, the general reduction in scale of the buildings to the southern end of the site will limit the perceived visibility.

Identity and Materials

- 7.16** The external treatment of the proposed buildings will incorporate and develop the strategic approach adopted for the consented Phase 1 Marine Fabrication Complex providing a consistency of approach through the use of materials. This will be developed through a design guidance at the detailed design stage ensuring a sense of place is maintained. To reduce the perceived scale of the taller manufacture and fabrication unit's facades will generally be broken down into three layers: a base "plinth" storey, "principal" storey and "attic" storey. Strong horizontal datum lines particularly between the principal and attic levels to give greater weight to the principal storey may be used which will be further emphasised by the use of colour. This will be achieved using light coloured or translucent cladding at the higher level and dark coloured cladding to the main body of the buildings with robust masonry at the plinth. All helping to reduce visual prominence. Similar to the materials used on the consented fabrication shed. A contrasting approach will be adopted for the more public facing buildings.

Phasing

- 7.17** The Marine Technology Park will be developed in phases which will be directly linked to the proposed sequencing of the land remediation which will be updated and refined for each subsequent phase of works. The site is divided into four phases – Consented phase 1 in 2025, Phase 2a :2028, Phase 2b:2030 and Phase 2C: 2032 onwards. The proposed phasing ensures that the most heavily contaminated areas of the site are remediated in the earliest phases of the development. The proposed upgrade of the existing Erskine Ferry Road access will be undertaken during the later phase of the development, but Phase 1 will include a temporary access road to connect the fabrication complex to the heavy lift quay until Phase 2a is developed out and a permanent access route is delivered. An emergency access into the site will be delivered prior to the

occupation of Phase 2C. Where appropriate there may be potential to bring later phases of the development into publicly accessible space following remediation to include wildflower planting and temporary paths with access to the Clyde and SuDS storage area.

Landscaping and placemaking

- 7.18** The site is identified as a strategic opportunity for the enhancement of the Glasgow and Clyde Valley Green Network and as such the site is required to deliver habitat, access, green and open space enhancements. The disused railway corridor which runs along the northeast boundary of the site is a Local Nature Conservation Site and is identified as an area with the opportunity of Green Enhancement. The masterplan takes cognisance of the existing network, protecting and enhancing where appropriate with key considerations - the proximity of the disused railway corridor, natural screening and wildlife corridors on the riverside and canal, provision of greenspaces and safe public access and recreation. Three distinct character zones will be developed to exemplify this connection utilising-built form, materials, and landscaping. The first character zone –
- Destination: The Café, Arrival and Collaboration Hub - a campus area to provide a sense of arrival and the public facing area and will comprise smaller Research and Development and Incubator units, and academic research facilities. Buildings will be smaller in scale and incorporate more natural materials with the opportunity for the use of green roofs and timber cladding. The “arrival zone” will be located outwith the secure fabrication yard area providing unrestricted access from the public realm.
 - The Public Riverside Access Route- This high-quality landscaped area at the east edge will provide enhanced public access to the waterfront and create an attractive landscaped setting adjacent to the Auchentoshan Burn to the adjacent bonded warehouses. There is an opportunity for a creche/nursery to serve the needs of the park as it expands. This new amenity space could be connected to the canal towpath, a national cycle route and to the wider pedestrian/cycle network.
 - Erskine Ferry Road- This will be introduced to create an attractive gateway to the Marine Technology Park. New landscaping introduced on one side of the road with a regime of formal tree planting to create an avenue from access taken to the Park with the potential for seating areas to enhance the public realm and. The north side of the road bounded by the existing disused railway line, the Local Nature Conservation Site is already mature planting and will provide a distinctive backdrop to the Marine Park.
- 7.19** Naturescot in their consultation response recognised that this is an important and strategically located site that is currently vacant and derelict, and they would encourage the developers to explore design opportunities and the natural assets of the site and its surroundings in their proposed Landscape and Ecological Management Plan. For the coastal interface areas and along the southern edge of the site in particular, they advise that the planting mixes used should utilise site-appropriate native species, if at all possible, while avoiding non-native species which may be invasive and problematic - such as sea buckthorn (*Hippophae rhamnoides*) particularly. When establishing maintenance specifications for any planting/landscaping it will be necessary to

be mindful of the role and value of any remaining semi-natural habitats on the site, ensuring their protection where necessary. They agree that the new large buildings offers the opportunity for further positive effects for biodiversity to be realised – for example through the use of green roof treatments.

Ecology, biodiversity and protected species

- 7.20** In assessing the application for planning permission in principle, the impact on ecology, biodiversity and protected species has been considered in detail and informed by a number of assessments both as part of the Environmental Impact Assessment (EIA) and via separate supporting submissions, including a Habitat Regulations Appraisal, Shadow Habitats Appraisal, Appropriate Assessment and surveys relating to specific species of Badgers, Bats and Otters. The site is partly within and adjacent to a number of ecological designations including the Inner Clyde Special Protection Area (SPA); the Ramsar site; and Site of Special Scientific Interest (SSSI). Nature Scot have been in discussions with the Council over the proposals to remediate and redevelop the site for a number of years and have had a number of opportunities to provide advice on the natural heritage issues that need to be addressed as part of these proposals.
- 7.21** The site is immediately adjacent to the Inner Clyde European Special Protection Area (SPA) classified for its population of non-breeding (wintering) redshank qualifying interest and it is generally considered that a 150m disturbance distance threshold can apply to all redshank activity. The proposals are likely to have a significant effect on the qualifying population of over-wintering redshank of the Inner Clyde SPA however if the proposal is undertaken in accordance with the mitigation measures which can be addressed by conditions to the grant of any planning permission the proposal will not adversely affect the integrity of the site. Although a very small part area of the SPA's habitat falls with the application site, no infrastructure is proposed within this area. There are indirect impacts on the SPA via site drainage however a Construction and Environment Management Plan could demonstrate compliance with the relevant SEPA guidelines and this should not result in any adverse habitat impacts.
- 7.22** The two main potential sources of disturbance to the redshank population as a result of development works are visual disturbance arising from development activity on site and noise/acoustic disturbance from the operation of plant and machinery. Redshank are susceptible to disturbance/ displacement as a result of both visible human activity and from associated noise. The applicant has indicated that this could be addressed through the provision of a physical screening barrier which would be in place throughout the months of September to March inclusive and would be installed prior to the birds arriving on site in autumn and remain in place until the birds depart again in Spring. Nature Scot have indicated with the implementation of additional mitigation measures it should be possible to ensure that there are no adverse impacts on the birds arising from construction noise. They have requested as far as operationally possible attempt to confine those elements of the construction works with the highest potential for noise disturbance within the SPA to the period of the

summer months when the redshank is not present in the area. However where unforeseen delays causing work to extend into the sensitive winter months NatureScot are pleased that the applicant proposes to appoint an Ecological Clerk of Works, whose role will be to oversee the various ecological mitigation measures proposed. NatureScot also welcome the commitment within the applicant's Shadow Habitats Regulation Appraisal that light spilling onto the SPA is kept at or below a threshold of 1 Lux – this being the level of light during a natural clear full moon.

Therefore, NatureScot in their consultation response, concluded the site could be developed in a way which would not have an adverse impact on the integrity of SPA and other relevant ecological designations such as the SSSI, subject to the suitable mitigation measures proposed being in place and a range of planning conditions addressing a variety of matters. Therefore, the proposals meet the terms of Policy 4 of NPF4, E2A ,E2B of Adopted Local Plan and ENV 10 of LDP2.

- 7.23** Turning to protected species, the original protected species survey work to inform the EIA was undertaken in September/October 2017 with update surveys carried out in 2022. In their consultation response, NatureScot go on to provide general advice on protected species. Given the mobile nature of most protected species NatureScot consider species survey data to be out of date, however in this particular case given the scant evidence of suitable habitat on the site for protected species and the precautionary mitigation measures proposed by the applicant they are content on this occasion that the protected species information on which the EIA is based is adequate. Some evidence of badgers, bats and otters commuting /foraging across the site was recorded in 2017 and 2022. However, the only sites of rest/shelter used by any protected species that were recorded where two otter couches/lie-ups on the water's edge in front of the lagoons between the old landing area (site of proposed new quay) and the upstream limit of the site in 2022. These places were unconfirmed, but a precautionary approach should be applied in the circumstances and therefore an otter development licence is likely to be required to facilitate development in this location. Given that it is not explicitly stated that these protected species locations will be entirely protected from disturbance nor mitigation measures to offset the impacts of their loss put forward an Otter Protection Plan should be produced prior to the determination of the application as per Scottish Minister's guidance on European Protected Species and the planning system.

In noting the advice from NatureScot, the relevant Chief Planner's letter highlights that it is not appropriate to grant planning permission without the planning authority having satisfied itself that the proposed development either will not impact adversely on any European protected species on the site or that, in its opinion, the tests for the grant of a licence can be satisfied. The letter further highlights that planning authorities fully ascertain whether protected species are on site and what the implications of this might be before considering whether to approve an application or not. Evidence of commuting and foraging otter was recorded in the two previous surveys with the potential for places of rest/shelter identified. The potential presence of otter is therefore fully understood. NatureScot highlight that the current proposal would appear to

suggest that the areas where otters presently lie-up could be maintained, although this is not specifically stated. The current application is considered in principle only. The detail of any proposal will come forward via future application for matters specified by condition (AMSC). Notwithstanding the advice of NatureScot, it is considered that the correct time to consider species protection plans is at the AMSC stage in the context of the full details of the development proposals and in the context of further up-to-date survey data to inform this stage. A condition can also ensure that the areas where otter presently lie-up are maintained in the detailed design of the development. There is nothing in NatureScot's response that suggests that a licence could not be granted, nor do they object on this basis. It can therefore be concluded that the potential presence of otter is understood and that there is nothing to suggest that the site could not be developed in a suitable way to ensure their protection.

In addition to the above approach, it is also appropriate to ensure pre-construction checks for all relevant protected species are undertaken prior to the commencement of construction works to record the presence of any places of rest/shelter for such species and relevant species protection plans produced to support the necessary licence applications.

7.24 In addition to the above protected species there is potential for harbour porpoises to be present in the Clyde estuary and these are a European Protected Species. If present, there is a possibility that this species could be impacted by the loudest aspects of the development for example any piling required for the new quay. Even out to a distance of 3 km. Therefore, NatureScot recommend the implementation of a "soft start" piling methodology where noise and vibration is built up slowly to allow time for marine mammals to move away from the area. A number of bird species are recorded by the applicant as breeding on the site and it is advised that all vegetation clearance works required to facilitate this development are either undertaken outwith the main bird breeding season of March to July inclusive or are preceded by nesting bird checks with steps taken to protect any active nest sites identified. Both matters can be addressed by condition.

7.25 The application site is bounded to the northeast by a Local Nature Conservation Site, as protected by Policy E3A of the West Dunbartonshire Local Development Plan (LDP2). While not entirely clear from the drawings presented, it would appear possible from the post-development site layout plan that is currently proposed that this site (or much of it) could be lost to development as it largely becomes the area's new access road. If this is indeed the case the developers should be required to submit details of how they intend to safeguard features of local nature conservation value in accordance with the Local Development Plan policy. Where new planting is proposed for screening or landscaping, site appropriate native species should be used wherever possible. The applicant's proposal to produce a Landscape and Ecological Management Plan is welcomed for the occupation phase of the development – one of the aims of which should be to maximise the retention or enhancement of biodiversity on the site post-development. The Council's Biodiversity Officer has also highlighted the potential of the Saltings Local Nature Reserve which is probably the best location in the West

Dunbartonshire area for amphibians in terms of both population numbers and species diversity. This is reflected in the amphibian's results found on this site. Common toad and Common and Palmate newts are widespread across the site, having taken advantage of the ponds formed in the old infrastructure. Whilst not afforded the protected status of Great Crested Newts, mitigation efforts should be made to reduce the impact of the development on these locally important populations. The Biodiversity Officer further indicates that there is potential here for some meaningful biodiversity enhancements which continue the habitat corridor to benefit these species. Two local businesses adjacent to the site have been working with the Council's Greenspace Service to try and expand the amphibian habitat which borders the Local Nature Reserve. Measures such as rain gardens, swales, long grass areas, hibernacula ponds with shallow edges can all assist with the provision of suitable habitat and could be addressed at the detailed landscaping stage together with timing of the works to reduce impact on the amphibians. Breeding season is typically March to June with young leaving the water by October.

- 7.26** Overall, subject to the approach set out above and the imposition of appropriate conditions, the impact upon ecology, biodiversity and protected species within and adjacent to the site remains acceptable.

Roads, transport and sustainable access

- 7.27** The submitted Transport Assessment provides a detailed consideration of the likely effects of the proposed development on traffic, transport and access at construction and operational stage. The outcome concludes that the construction and operational phases of the proposed development, subject to mitigation, are not likely to generate traffic flows of a level that would trigger significant traffic effects. Both a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) are proposed in relation to the impacts of traffic disruption during the construction phase.
- 7.28** Access to the development will be from Erskine Ferry Road and prior to the occupation of Phase 2C of the development the existing private section of Erskine Ferry Road will be upgraded and widened to facilitate two-way traffic with a 2-metre continuous shared footpath/cycleway on one side of the new road. Short sections of single carriageway (with passing place) may be provided where it is considered desirable to encourage lower traffic speeds together with traffic calming. Internal access includes an extension of the existing road to the east to provide a link to the south-eastern corner of the site. Four junctions would provide internal access into the site with three T-intersections and roundabout providing the access point to the Café, Arrival and Collaboration Hub, a turning point for buses and the connection point for the possible future bridge link across the canal for potential residential development. From the new road a pedestrian/cycle connection will be formed in the south-eastern corner of the site creating a new connection to the existing footpath which currently provides a connection to the canal towpath and cycle route. An emergency access into the site will be delivered prior to the occupation of Phase 2C via a corridor connecting to the Dalmuir bonded warehouses which will be a minimum width of 3.7m and will be for emergency use only. Car parking including

disabled parking, EV charging, and cycle parking would be provided as per the proposed use and at the detailed stage. The development and implementation of Construction Traffic Management Plan (CTMP) will be submitted for approval of each phase of development which will include phasing/construction programme, working days/hours, timing of deliveries, type of construction vehicles, confirmation of wheel washing facility, etc. and will be secured by condition.

7.29 An objection from Scottish Canals raises concerns about the limited capacity of Erskine Ferry Swing Bridge for road traffic suggesting a weight restriction of 7.5 tonnes which would be an unacceptable increase in the volume of use, and they suggest that it is brought up to an adoptable standard in order to support the principle of the proposed development. Scottish Canals own the bridge and Erskine Ferry Road, which traverses it, is adopted and maintained by West Dunbartonshire Council. Scottish Canals are responsible for the maintenance of the bridge, and there is no bridge maintenance arrangement in place with the Council. The Roads Service has confirmed that there is currently no weight restriction on the bridge and there is no signage in place to this effect. The understanding of the Roads Service is that 7.5 Tonnes restriction from 2001 relates to the footway section only and these areas have been protected against vehicle loading. The Roads Service are only responsible for the road construction element of the bridge. The reference to a weight limit of 7.5T is based on an extract from Millennium Link H&S File extract (2001) – a Scottish Canals document, which states: "The existing structure was assessed for 7.5 tonne live loading and repaired and refurbished as necessary". Arcadis "Condition Survey" 2022: noted deterioration to main girders and recommendation for "urgent" structural assessment. No subsequent action has been taken to remedy this. A meeting has taken place with Scottish Canals and the applicant to try to resolve this matter. The applicant has advised that having reviewed the information available, the weight limit of 7.5 tonnes referred to by Scottish Canals is based on an assessed rather than tested capacity, in 2001. Any essential works to upgrade the bridge remains the responsibility of the owner/operator/and roads authority in respect of the adopted road. Several existing businesses including the Council's recycling facility and consented (implemented) uses rely upon the adopted road over the bridge as the point of access. Whilst there is no dispute that the bridge may inherently require upgrade works in future, this is undefined by the owner at present. The current position in respect of this proposal is that it currently meets the thresholds of assessment as relevant to this application for planning consent and the Council's Roads Service has raised no objections.

7.30 Pedestrian and cycling access to the site will be gained from the proposed extension of Erskine Ferry Road running parallel to the north boundary of the site. A new pedestrian access is proposed at the southeast corner of the site connecting to the existing Forth & Clyde Canal towpath, providing a traffic free route into the site. The new road will incorporate footpaths and inclusion of a cycle path will be explored in the road design and subject to the agreement with the owner of disused railway (British Rail Paths). It is intended to form accesses in appropriate locations between the development site and the existing informal path networks and the National Cycle Route 7. In terms of public transport both

the bus and train services are frequent with the nearest bus service is in proximity on either side of A814 Dumbarton Road with a bus stop and shelter to travel to Glasgow or to Dumbarton. The nearest train station is at Old Kilpatrick which is on the Dalmuir Line. A site wide Travel Plan will be implemented to encourage travel by sustainable modes and encourage a reduction in single occupancy vehicle trips.

- 7.31** Overall, it is concluded that the design and layout of the development from a roads, transport and sustainable access perspective is acceptable and meets the policy requirements of NPF4, adopted Local Plan and LDP2.

Remediation and Ground Condition Matters

- 7.32** The site comprises of industrial land associated with the former use as an oil terminal and Ministry of Defence (MOD) fuel storage area and refinery. Several large bunded depressions, which once contained the cylindrical tanks, are visible across the site which have become flooded and overgrown. This area is referred to as the Tank Farm. A former processing area north of the jetty, includes a pump house, sump and associated pipework is referred to as the Process Area and soils and groundwater are known to be heavily contaminated with hydrocarbons. The Process Area overlaps the Marine Fabrication Complex (MFC) and PPIp boundaries. The Carless landholding is designated as contaminated land under Part 11A of the Environmental Protection Act 1990(as amended). The central area of the Carless landholding is designated under the same legislation as a Special Site (the special site status is a result of the land use in the central area being designated as an oil refinery). The primary reason for these designations is the known presence of hydrocarbon contaminants and known pathways for contamination in groundwater to migrate into the River Clyde.
- 7.33** The wider Carless site is divided into two areas – the western area which includes the Marine Fabrication Complex (DC19/046) and the east area or Planning Permission in Principle area (PPIp). The consented remediation works (DC18/245) encompasses the western area and the contaminated former Process area which overlaps with the PPIp application boundary. Through collaborative working with the Council's and SEPA 's Contaminated Land Officers the Remediation Strategy has developed which facilitated an initial commencement phase of remediation under Condition 1 of DC18/245. While some initial ground investigation comprising 46 trial pits with sampling and analysis in the PPIp area has been carried out, the assessment and interpretation of the trial pits data is still to be undertaken. The remaining Tank Farm part of PPIp site will be subject to further investigation and detailed remediation proposals including an updated remediation strategy. Where required, it is intended that the remediation of the Tank Farm part of PPIp area will be undertaken as part of the earthworks and construction phases of the masterplan development. The phasing plan of the Remediation is likely to be updated as the next iteration of the Remediation Strategy which is a "live" document incorporating the findings of the Commencement Phase is submitted to Environmental Health.

- 7.34** Environmental Health in their consultation response have advised that they have not agreed a finalised remediation strategy for the original application (DC18/245) and they have not received any information on the ground conditions for the former tank bases in the eastern area and how the area will be remediated. With regards to the Environmental Assessment there are several statements that they would not necessarily agree with however they note that it is stated within the EIA that a detailed investigation of the majority of the PPiP application area is still to be done and that for now any remediation of this area will be limited to the clearing out of contamination from the process area under DC18/245. It is also acknowledged that the site baseline conditions for the PPiP are based on the remediation covered under DC18/245 having been completed. The timing and scope of intrusive SI and subsequent remediation within the eastern part of the site will be in part informed by the future intended use of this land.

Flood Risk/Sustainable Surface Water Drainage

- 7.35** The site is bounded to the south and east by the River Clyde and the Auchentoshan Burn respectively. The SEPA Flood map indicates that the majority of the development site is at risk from a 1 in 200-year coastal flood event. A minimum ground floor level of 5.27m AOD will be set in line with the consented Phase 1 mitigation requirements in response to flood risk. A compensatory flood storage basin which forms part of the consented Phase 1 application has been constructed in the southeast corner of the site to mitigate any loss of flood capacity as a result of the raised ground levels proposed and SuDS will be integrated within the design of the site area.
- 7.36** The marine aspects of the masterplan are viewed as “water compatible” uses or “essential infrastructure”. The exceptions to this are office development, and café/hub which would be least vulnerable and a nursery which would be most “vulnerable”. Policy 22 of NPF4 part a) exceptions i), ii) and iv) are applicable which relates to essential infrastructure, water compatible uses and the redevelopment of an existing site for an equal or less vulnerable use. The consideration of flood risk by SEPA is based on the best available information and this is the Tidal Clyde Flood Model. SEPA agreed with the minimum finished floor level proposed for the least vulnerable and most vulnerable uses. This is 6.23m AOD and equates to the level of 0.5% AEP plus climate change and an allowance of freeboard. Uses that fall under the categories of essential infrastructure and water compatible uses can have lower levels due to their level of vulnerability and the operational needs associated with the proposed platform level of 5.27m OD. The level of 5.33mOD will be required for safe access and egress and needs to be achieved through either land raising or elevated structures connecting to higher ground. SEPA have indicated that they would not object to the proposed development provided a condition is imposed that the appropriate minimum finished floor levels are adopted for use as outlined in the submitted Flood Risk Assessment and safe /egress is provided for any elements of the development on site that is not “water compatible” or essential infrastructure. This would allow the proposed uses and masterplan to comply with Policy 22. It also follows that the site could be developed without conflict to Policy 10 of NPF4.

- 7.37** Scottish Canals have raised issues regarding the Drainage and SuDS arrangements for the site. The redevelopment of the site and regrading of the ground will include a new surface water drainage network. In terms of the Drainage and SuDS Strategy report, there is no proposed SuDS pond and surface water would be collected and treated using permeable paving and swales prior to discharge to the River Clyde. A Pollution Prevention Plan will be written to be included with the CAR licence, which will be required for construction activities on site. This will ensure that there will be no detrimental impact on the water environment.

Built and cultural heritage

- 7.38** The proposed development site is in close proximity to the potential impacts on the setting of the scheduled monuments, category A listed building and section of the World Heritage Site in the vicinity of the proposed development:

- Forth and Clyde Canal: Old Kilpatrick – Linnvale (SM 6778)
- Frontiers of the Roman Empire: Antonine Wall
- Erskine Bridge (LB 52482)

The proposed development will infill a currently vacant area between the Marine Fabrication Complex and the Auchentoshan bonded warehouses. It will be seen across the Clyde in combination with these and in succession with the bridge. In terms of both the Antonine Wall World Heritage Site and the Forth and Clyde Canal it will be barely visible from the Scheduled Monuments and has no potential to result in additional or greater cumulative effects. Historic Environment Scotland in their consultation response consider that the methodology used is appropriate for the interests and welcome the visualisations and that the Managing Change in the Historic Environment guidance note on setting and the advice in their EIA Handbook is referenced. The assessment provides an appropriate level of detail and includes useful consideration of setting, including such issues as key views of and from historic environment assets, as well as wider landscape character. It is considered that the proposals as part of the masterplan would not be a significant adverse effect on the setting of the World Heritage Site, category A listed building and the scheduled monuments in the vicinity and comply with NPF4 and local planning policies. In terms of archaeology a written scheme of investigation and programme of works agreed via this condition is recommended as part of any grant of planning permission. No further archaeological matters arise.

Other Environmental Effects

- 7.39** The proposed surface water drainage network servicing each zone of the proposed development will comprise of a network draining surface water runoff from roofs and other impermeable areas to SuDS features such as permeable paving in car parking areas and three swale features located in the open space area within the southern end of the site, in front of plot 14 and 9 alongside the access road. These features will provide treatment of surface water prior to discharge to the River Clyde. The proposed foul drainage will comprise a gravity closed pipe system located in the roads, hardstandings, verges and open space on site discharging to the Scottish Water combined

sewer network in the southeast of the site. Any connection to the pipe system for adjacent uses would be a matter between the applicant and adjacent uses.

- 7.40** The external Lighting Strategy would generally involve lighting being placed at 8m high when attached to buildings, on 6m columns for lighting the car park and on 12m high columns elsewhere to light the yard areas. The lighting layouts and Lux Levels have been developed in consultation with the Project Ecologists and is designed to minimise overspill to sensitive ecological designations and neighbouring properties. A Lighting Strategy will be developed during the detailed design phase to ensure it meets operational requirements, whilst limiting the light spill onto the designated areas adjacent to the site.
- 7.41** The assessment of noise and vibration will be addressed at the detailed application stage through a noise and vibration assessment. Details of future tenants are not available at this stage and an assessment of noise egress from the proposed uses is not possible. However, it is anticipated that noise egress from the proposed industrial operations would be controlled through the appropriate specification of the building envelope which would provide adequate sound insulation for most operations. The Construction Environmental Management Plan (CEMP) would set out the construction mitigation measures to be implemented during the construction phase and mitigation measures to discharge other legislative requirements. The air quality assessment will also be provided at the detailed stage both for the construction and operational phases. The requirements of the CEMP and noise and vibration assessment and air quality report can be secured by condition.

Socio-Economic Benefits

- 7.42** The implementation of the proposed remediation works will either directly or indirectly help to unlock the use of the wider Carless site for productive economic uses. The regenerative effect is likely to increase inward investment, result in industrial co-location, including supportive enterprise and stimulate local economic activity through indirect and induced economic effects. The delivery of industrial floorspace as part of Marine Fabrication Complex and Heavy Lifting Quay covered by DC19/046 will support the establishment of a wider centre of marine technology in this location. This development will form phase 1 of the Scottish Marine Technology Park and will provide a catalyst for initial job creation and attracting businesses to this and the wider development proposed in Phase 2. It is estimated that it will create 471 gross temporary construction jobs per year and 763 net additional FTE operational jobs in Scotland. This will help support the Clyde Mission objectives of bring economic success to the Glasgow City Region and Scotland whilst stimulating investment to help build a wellbeing economy.

Public Consultation and Pre-Application Processes

- 7.43** The application constitutes a National Development; statutory pre-application consultation was carried out prior to the submission of the application and the proposals have been subject to a Proposal of Application Notice (PAN) process. An in person public consultation event took place in Old Kilpatrick

Bowling Parish Church on 1st March 2022 and a virtual consultation event was made available between 28 February and 11 March. The applicant has submitted a pre-application consultation (PAC) report which summarises all of these proceedings. The views expressed by those who participated in the events have been captured in detail within the Planning Application Consultation Report submitted and include welcomed employment opportunities, development of unsightly disused site, concern about the access, maximise the waterfront location and involving local groups. The responses have been appropriately addressed through the Environmental Statement and other supporting information accompanying the submission.

- 7.44** A number of Stakeholder meetings were held including the Roads Service to discuss future access arrangements, the Planning Service to discuss Placemaking, NatureScot to discuss the PPIp, ecology surveys, remediation and LVIA and Planning, Contaminated Land Officer and SEPA to discuss the approach to the remediation of the wider Marine Technology Park and Planning and SEPA regarding the compliance with NPF4 Policy 22. The applicant also engaged with Old Kilpatrick Community Council, and the MP and MSP.

Elected Members Briefing

- 7.45** Prior to the submission of the application, an Elected Members Briefing was held on 20th June 2023. This briefing provided Members with update on the proposed development and the forthcoming application. Members were afforded the opportunity to highlight any issues which they considered the forthcoming application submission required to consider or address. The feedback received was positive about the development of a longstanding brownfield site and clarification was sought on any interest from occupiers, the remediation and development phasing timelines and what is the Gross Value added by the proposed development. These points are addressed in the development details and the assessment above.

8. CONCLUSION

Environmental Impact Assessment (EIA) Conclusions

- 8.1** The EIA considers alternatives and design evolution, and, in this instance, the proposal is considered acceptable as it would result in the redevelopment of a large, vacant and currently contaminated brownfield site to the edge of the River Clyde, and within the Clyde Mission area as defined by NPF4. It is accepted that no alternative sites require to be considered.
- 8.2** The EIA concludes that the proposed development will result in positive benefits to the local economy and employment creation. Once embedded mitigation measures are taken into account, including the provision of an updated remediation strategy, the development will also assist in addressing the significant ground contamination within the site. Upgrades to the local road access and travel networks are also identified as being beneficial. Matters relating to flooding and water quality, noise and vibration, and cultural heritage are identified as not being significant.
- 8.3** It remains, however, that the EIA has identified some adverse effects which relate to both the construction and operational phases of the development. These include locally significant landscape and visual effects arising from the new development with no practical means of reducing the scale and massing of the larger buildings identified. This must be balanced, however, with the positive benefits of developing the site. Potential effects on ecology and the qualifying species of the Inverclyde SPA/SSSI are identified although with embedded mitigation measures and enhancement, the impacts both during the construction and operational phases of the development are reduced to not being significant.

Whilst there may be minor adverse impacts associated with the development, these are not considered to be significant overall and to the extent that refusal of the application would be merited.

Overall Conclusions

- 8.4** The Scottish Marine Technology Park represents a unique opportunity to create a maritime innovation hub within an enhanced setting. The regeneration of a vacant brownfield site will provide a range of high value employment opportunities in a sustainable development which will respect and protect existing natural habitats and forge links with the local community. The additional advantage is that it will regenerate a vacant and contaminated brownfield site. This strong vision for the site will result in the creation of local high-quality jobs whilst reinvigorating shipbuilding and renewable industries in the community on the banks of the Clyde.
- 8.5** There is clear policy support for the principle of the development with Clyde Mission at a national level and LDP2 through the development strategy for the site supporting redevelopment comprising business and industrial units with green network and biodiversity enhancements. The site features a number of habitats together with the Inner Clyde SPA/SSSI Updated ecology and protected species surveys are acceptable. The potential impact upon the

overwintering birds within the SPA/SSSI remains a sensitive issue and further details in terms of protection and mitigation can be addressed by condition,

- 8.6** It is considered that the proposals accord with the provisions of NPF4, the adopted West Dunbartonshire Local Plan and proposed West Dunbartonshire Local Development Plan 2. The delivery of this ambitious development proposal is welcomed which seeks to bring the large waterfront former oil terminal site back into use with new sustainable development proposals to support the local economy.

9. CONDITIONS

1. Prior to the commencement of works associated with any part of the development (apart from remediation works approved under DC18/245) and unless otherwise agreed in writing by the Planning Authority, applications for the approval of matters specified in conditions shall be accompanied by:

- a) All proposed development platform(s).
- b) Full site layout details showing the position of all buildings, roads, access arrangements, parking areas, footpaths, green corridors, open space, boundary treatments (inclusive of any walls, fences and gates) and drainage infrastructure.
- c) Notwithstanding (b) above, full details of the upgrade to Erskine Ferry Road within the application site boundary.
- d) Block and layout plans showing existing, proposed and finished floor levels and elevations of each building, showing dimensions, and palettes of external materials.
- e) Details of existing and proposed site levels.
- f) Any submissions that include proposals for buildings will provide details of all parking provision associated with them inclusive of electric vehicle charging points, cycle parking, shelter and storage provision, shower, changing and drying facilities and any other facilities and measures which promote and support active and sustainable travel.
- g) Landscape and streetscape plans showing the locations and species of all proposed trees, shrubs, hedges, palettes of hard landscaping materials and street furniture.
- h) Details of the management and maintenance of all landscaping and planting identified in (g) above.
- i) Details of all existing trees or hedging to be retained.
- j) Surface Water Drainage arrangements and Sustainable Drainage arrangements.
- k) Details of the disposal of sewerage.
- l) Full details showing the connection of all proposed buildings to fibre optic networks.
- m) Sustainability Implementation Plan.

2. Prior to the submission of the first application for the approval of matters specified in condition submitted under Condition 1 above, a design guide to establish the principles for the design and locations of buildings/structures, street furniture, railings, bollards, signage, bins, substations, generators and cycle parking shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, each application for approval of matters specified in conditions submitted under Condition 1 above shall demonstrate adherence to this design guide. For the avoidance of doubt, this shall include adherence to the design principles of the approved Design and Access Statement dated June 2023.
3. All applications for the approval of matters specified in condition details submitted under Condition 1 above shall follow the approach of the masterplan and phasing plan approved under this permission unless otherwise agreed by the Planning Authority.

Notwithstanding condition 3 above, all applications for matters specified by condition submitted under Condition 1 above shall include an up-to-date phasing plan for the entire application site showing the relevant phases and anticipated timescales for the development of each phase, and the inter-relationship of the phases.

4. The uses hereby permitted within the application site are Use Class 4 (business and light industry and Use Class 5 (general industry), together with ancillary Use Class 3 (Food and Drink) and Use Class 10 (restricted to an interpretation centre and a nursery/creche only). For the absolute avoidance of doubt, the approved uses within Use Classes 4 and 5 of the Town and Country (Use Classes) Scotland Order 1997 (as amended) and as may be subsequently amended or superseded, relate solely to marine engineering and marine renewables fabrication, research and development, and associated uses (water compatible or essential infrastructure) and are as specified in Section 3.3.1 of the submitted Planning Statement dated October 2023. Any changes in the approved use within the specific Use Class Order or to other classes of the Use Classes Order will require the submission of a further application for planning permission.
5. In terms of Conditions 1 and 5 above, the appropriate minimum finished floor levels shall be as outlined in the submitted Flood Risk Assessment (FRA) (dated October 2023) for the proposed uses unless otherwise agreed by the Planning Authority. The proposed uses which are assessed as water compatible or essential infrastructure shall be at a lower elevation – likely to be 5.27m AOD. The appropriate finished floor level which are assessed as non-water compatible or essential infrastructure uses and equates to the 1:200 plus climate change plus

freeboard level of 6.17m AOD. Safe access/egress shall be provided for any elements of development on site that is not assessed as 'water compatible' or 'essential infrastructure' i.e. the interpretation centre, nursery/creche and café and any other use within Class 3 and 10 of Use Classes (Scotland) Order 1997 shall be provided at an elevation of >5.33m AOD.

6. As part of any application for the approval of matters specified in conditions, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Planning Authority. This Plan shall include works to enhance the Local Nature Reserve and the timing of works to negate the impact on amphibians. The approved Landscape and Ecological Management Plan including any measures which shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for this approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
7. Unless otherwise agreed in writing by the Planning Authority, as part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, a supporting report which evidences how the relevant development proposals complies with and delivers the requirements and aims of the 'Landscape and Ecological Management Plan' section of the Design Guide, approved under Condition 2 above.
8. As part of any application of the approval of matters specified in condition, unless otherwise agreed with the Planning Authority, a Construction and Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include measures aimed at ensuring that the areas of Special Protection Area adjacent to the application site boundary are not adversely affected by pollution, run-off both during and after the construction phase of the development. The CEMP shall also set out details of the schedule of works, including how it will be sought to schedule all work, and especially those elements of construction with the highest potential for noise and vibrational disturbance eg piling to the least sensitive summer period from 16 March to 15 September. The timetable shall set out how the construction works will be programmed to minimise noise and vibration generation during the months of September to March inclusive and associated disturbance on wintering redshank and other qualifying features of the Inner Clyde Special Protection Area. The agreed mitigation measures of CEMP shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CEMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

9. No development shall be undertaken on site between the months of September to March inclusive until an acoustic/visual screen barrier has been installed along the boundary between the Inner Clyde Special Protection Area (SPA) and the area proposed for development works within the application site. Prior to its erection, details of the proposed screen barrier including its location, extent, design and level of obscurity shall be submitted to, and approved in writing by the Planning Authority. The approved screening barrier shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved screening barrier shall remain in place and maintained for when construction works are taking place within the part of the site impacting the SPA. For the avoidance of doubt, these barriers shall be sufficient to ensure that site operatives working on site are fully screened from any wader species feeding within the SPA boundary out to a distance of 150 metres from the works.
10. Notwithstanding the terms of Conditions 9 and 10 above, where work is unavoidably during the sensitive wintering period of the months of September to March inclusive and it is not practical or possible to pre-install acoustic and visual screen barriers between the works and SPA then a suitability qualified independent Ecological Clerk of Works shall be appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Inner Clyde Special Protection Area and other ecological designations. The Planning Authority shall be notified in writing once this person has been appointed. Thereafter, the ECoW shall remain in place for the duration of the construction works associated with that part of the development and shall be kept adequately informed of scheduling proposals and will be invested with sufficient authority to halt or postpone any and all relevant works until such times as they have confirmed no Redshank or other wildfowl are feeding on the SPA out to a distance of 150 metres of the works concerned, unless otherwise agreed with the Planning Authority.
11. Prior to the submission of the first application for the approval of matters specified in conditions submitted under Condition 1 above, a Lighting Strategy shall be submitted to and approved in writing by the Planning Authority. Thereafter, all application for the approval of matters specified in conditions submitted under Condition 1 above shall demonstrate compliance with the approved Lighting Strategy. The Lighting Strategy shall provide specific confirmation that night lighting will be avoided during the months of September to March inclusive where such lighting would illuminate areas of inter-tidal habitat of the Inner Clyde Special Protection Area (SPA) to levels in excess of 1 Lux (i.e. the maximum natural night-time background light level). It 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 or distract drivers on nearby roads. The approved strategies and lighting scheme, including any mitigation measures shall be implemented on site and shall remain in place for the duration of the construction and operational phase of the full re-development of the site, and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved strategies shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

12. No development or construction activity including the temporary use of plant or storage of materials shall take place within the application site boundary which overlaps with the SPA or at any location within the SPA designation.
13. As part of any applications for approval of matters specified in conditions submitted under Condition 1 above, and with regard to the requirements of condition 1 above, up-to-date ecology surveys inclusive of all protected species insofar as required in relation to the area of proposed development and associated ecological features shall accompany development proposals within the site. These surveys shall be carried out by a suitable qualified ecologist at the appropriate time of year and will be provided to update the baseline information provided through the Environmental Statement and ecological surveys provided as part of this application. Furthermore, should the results of such surveys show them to be necessary, any such applications shall also be accompanied by the relevant species protection plans to identify any license requirements.
14. As part of the submission of any application for approval of matters specified in condition under Condition 1 above, it shall be demonstrated that the areas where otter are identified to lie-up are maintained in the detailed design of the development.
15. Unless otherwise agreed in writing by the Planning Authority, as part of the submission of any application for approval of matters specified in condition under Condition 1 above an Otter Protection Plan shall be submitted to and approved by the Planning Authority and any mitigation measures arising from the Plan shall be implemented as approved.
16. Prior to the commencement of any piling on site, a method statement setting out how a 'soft start' piling methodology will be implemented on site in order to ensure that marine mammals, particularly harbour porpoises, are not impacted by 'full impact strikes'.

17. No removal of trees and vegetation shall take place during the bird nesting season March to September inclusive unless first agreed in writing by the Planning Authority, and a nesting bird survey shall be undertaken not more than 48 hours prior to the commencement of site clearance works, the findings of which shall be submitted and agreed by the Planning Authority.
18. As part of the first application for the approval of matters specified in conditions under Condition 1 above, an Energy Strategy for the site shall be submitted for the approval of the Planning Authority. The Energy Strategy shall include details for the delivery and implementation of on-site low carbon and renewable energy solutions, building specific technologies and features alongside any other measures aimed at increasing energy efficiency on the site. The approved strategy including any agreed measures shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved. All subsequent applications for matters specified by condition under Condition 1 above shall demonstrate adherence to the agreed approach.
19. As part of any application of the approval of matters specified in condition 1 above, unless otherwise agreed with the Planning Authority a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The approved CTMP including any mitigation measures shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CTMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
20. Prior to the occupation of any part of the site, a site wide Travel Plan including measures to minimise the impact of traffic and to promote sustainable and active travel choices for staff and visitors shall be submitted to and approved in writing by the Planning Authority. The approved Travel Plan including any agreed measures shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved Travel Plan shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
21. Prior to the occupation of any part of Phase 2C on the approved phasing plan, the works associated with the upgrading and widening of the existing private section of Erskine Ferry Road to facilitate two-way traffic with a 2 metre continuous shared footpath/cycleway on one side of the new road shall be fully

completed. An emergency access shall also be formed along southern east boundary of the site with the Dalmuir bonded warehouses and fully completed to the satisfaction of the Planning Authority prior to the occupation of any part of Phase 2C.

22. Prior to submission of any application for the approval of matters specified in conditions a detailed report on the nature and extent of any contamination for that phase shall be 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:
 - 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.

23. That unless otherwise first agreed in writing by the Planning Authority, no development (other than investigative works) shall commence on any phase until such time as a detailed Remediation Scheme for that phase 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 its intended use. The scheme shall include method statements with 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 completion of the remediation works shall mitigate the risks that resulted in the site being identified as contaminated land under Environmental Protection Act 1990 Part IIA in relation to the intended use of the land after remediation.

24. The approved Remediation Scheme shall be carried out in accordance with its terms prior to the commencement of any 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, 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

25. Prior to development of each phase an updated Remediation Statement, as defined in Section 78H(7) of Part IIA of the EPA 1990, shall be submitted and approved by Planning Authority and by SEPA as the Enforcing Authority of the Special Site. This statement will confirm that the remediation proposed under DC18/245 has been completed and will also detail the remediation actions that are being, have been, or are expected to be, done across the remainder of site as well as the time periods within which these things were/are being/will be done.
26. 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 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 by the Planning Authority.
27. 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 by the Planning Authority prior to the recommencement of works in the affected area. The approved details shall be implemented as approved.
28. 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 within landscaped areas 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.

29. Unless otherwise agreed by the Planning Authority, no works shall take place on site until such time as a noise / vibration impact assessment has been submitted to and approved in writing by the Planning Authority. This assessment shall include an assessment of the potential for the proposed use to cause noise / vibration nuisance affecting nearby properties. Where potential disturbance is identified, proposals for the attenuation of that noise / vibration shall be submitted to and approved in writing by the Planning Authority. Any such approved attenuation scheme shall be implemented prior to the works

commencing and shall thereafter be retained in accordance with the approved scheme. Should the approved attenuation scheme impose restrictions upon the way in which operations on the site are carried out, the site shall be operated in this manner unless otherwise approved in writing by the Planning Authority. The assessment and any recommendations in respect of attenuation measures shall be prepared by a suitably qualified person.

30. Unless otherwise agreed by the Planning Authority. 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 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.

31. During works and any ancillary operations (including piling) which are audible at the site boundary (or at such other place(s) as may first be agreed in writing with 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

32. 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 of the piling on surrounding properties, taking into account the guidance contained in BS 6472: '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.

33. 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.

34. Unless otherwise agreed by the Planning Authority, and prior to the commencement of development on site an air quality impact assessment in accordance with the Environmental Protection UK guidance document “Development Control: Planning for Air Quality 2017” shall be submitted to and approved by the Planning Authority. The findings of the assessment shall be implemented prior to the development commencing on site or within a timescale agreed by the Planning Authority.
35. Prior to the commencement on any development on site, details of measures to protect retained trees and areas of woodland on the site during construction shall be submitted to and approved in writing by the Planning Authority. The details shall include specific details for the establishment of buffer zones for the protection of trees and area of woodland along and within the site boundary. Thereafter, unless otherwise agreed in writing by the Planning Authority, the approved measures shall be implemented and shall remain in place for the duration when construction works are taking place on site.
36. Any application for matters specified by condition submitted under Condition 1 above that proposes buildings or structures exceeding 15 metres in height shall specifically identify full details of the location, height, layout, form and materials of any such buildings and structures exceeding 15 metres above ground level to allow a full assessment of these details in consultation with Glasgow Airport.
37. As part of any application of the approval of matters specified in condition 1, unless otherwise agreed with the Planning Authority a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of: 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 Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.
38. No development shall take place in any phase until full details of soft and water landscaping works shall be submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 ‘Potential Bird Hazards from Amenity Landscaping & Building Design’ (available at www.aoa.org.uk/publications/safeguardingasp). These details shall include:
- The species, number and spacing of trees and shrubs.
 - Drainage details including SUDS – Such schemes must comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)

(available at www.aoa.org.uk/publications/safeguarding.asp).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The scheme shall be implemented as approved.

39. No buildings shall be constructed within the Health and Safety Executive consultation zone associated with the adjacent Dalmuir bonded warehouses.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 17th April 2024

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
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Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Consultation responses
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
6. Representations
7. Planning permission DC18/245, DC19/046

Wards affected: Ward 3 (Dumbarton)

