

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Housing, Environmental and Economic Development

Planning Committee: 6 March 2012

DC11/218: Remediation works to decontaminate the site at Dunglass Oil Depot, Dumbarton Road, Bowling by Esso Petroleum Company Ltd.

1. REASON FOR REPORT

- 1.1** This application relates to works in excess of 2 hectares and which is therefore classed as a major development. Under the terms of the approved scheme of delegation, it requires to be determined by the Planning Committee.

2. DEVELOPMENT DETAILS

- 2.1** The site is part of the former Bowling oil terminal, and comprises an area of the terminal known as Eastfield. This is the easternmost part of the terminal, and extends to approximately 5.3 hectares of disused and overgrown land. It is bounded by the River Clyde to the south, the railway line to the north and the former Scott's Yard site at Bowling Harbour to the east. Directly to the west of the application site is the remainder of the disused oil terminal. At the south west corner of the site, adjacent to the River Clyde, is the B listed Dunglass Castle, which is currently vacant. Within the grounds of Dunglass Castle is an obelisk erected in memory of Henry Bell, which is also a category B listed building.
- 2.2** Bowling oil terminal was developed in the late 1930s and was decommissioned in 1997. Much of the site was built upon reclaimed land which resulted in the formation of the river wall which still exists on site. The Eastfield area previously contained around 20 above ground storage tanks, but is now cleared and overgrown apart from a group of temporary portacabins in its north-west corner. Within these tanks, light end petroleum compounds were stored, and as a result of this former use the site is subject to contamination by hydrocarbons, and the site's owner Esso Petroleum Co. has identified that the level of hydrocarbons in the subsurface within the Eastfield part of the terminal exceeds current guidelines. The company therefore voluntarily proposes to remediate the site in order to address this contamination.
- 2.3** The remediation works would involve clearing the site of vegetation before excavating the existing soils to a depth where the water table would be exposed. The volume of soil to be excavated would be in the region of 82,000m³. Whilst not all of the excavated soil will be contaminated, it is anticipated that approximately 48,000m³ would require to be treated. The excavated soil would then be moved to the part of the old terminal directly to the west of the application site (known as Westfield) for treatment. The precise means of treatment depends to some extent on the nature of the contamination discovered, but it is anticipated that all or most of the contaminated soil would be treated using bioremediation techniques. During bioremediation, the soil would be treated using composting and microbial action in

order to break down and remove hydrocarbons to an acceptable level. The soil would generally be laid in covered rows during treatment and turned periodically to assist the treatment process. Once the soil had been treated and confirmed as acceptable, it would then be backfilled into the excavations in Eastfield with ground levels being returned to similar levels as those currently existing on site. In the event that any soil is found to be too contaminated for treatment or otherwise unsuitable for backfilling it would be removed from the site, but it is not anticipated that this would be the case.

- 2.4** Whilst the excavation in Eastfield is taking place, any free product (i.e. oil) evident in the ground water would be removed by skimming/pumping operations. Any pumped water would be treated on site before discharge. During the excavation period it is necessary to support the existing river defences in order to maintain their integrity and prevent flooding of the site while the polluted soil is exposed. To this end, a sheet pile wall would be installed along the top of the rock armour revetment adjoining the River Clyde. The works are expected to take approximately 18 months to complete, and they are not expected to give rise to any significant number of vehicle movements to/from the site. The application does not include any proposals for the future redevelopment or use of the site which would be the subject of a separate application for planning permission.

3. CONSULTATIONS

- 3.1** West Dunbartonshire Council Roads Service has no objection to the proposal subject to ensuring that no material from the site is dragged onto the public road by vehicles, which can be addressed by conditions.
- 3.2** West Dunbartonshire Council Environmental Health Section has no objection to the proposal subject to a condition requiring the submission of further information relating to the water environment, and to conditions intended to minimise disturbance to nearby residents.
- 3.3** Scottish Natural Heritage has no objection to the proposal subject to SEPA being satisfied that the proposal reduces the potential for contaminants to enter the River Clyde and that the proposal will not interfere with the stability of existing river defences. In addition, they request that conditions be attached to any planning consent in relation to the months of the years that certain works can be carried out on site and the erection of visual screens (in order to minimise disturbance to bird life in the Clyde), to the removal of trees and undergrowth (to avoid disturbance to nesting birds), and to pollution control. These matters are addressed in Section 6.2 of the report.
- 3.4** Scottish Environmental Protection Agency has no objection to the proposal.
- 3.5** Network Rail has no objection to the proposal but requests that the applicant be advised of the need to consult Network Rail before undertaking any works which might affect the railway. This can be addressed by a note attached to the planning permission.

4. REPRESENTATIONS

4.1 One letter of representation has been received from one household of Bowling who object to the proposal on the following grounds:

- The remediation of the site will have a detrimental impact on the appearance and character of the eastern edge of the site due to the loss of trees;
- Detrimental impact on wildlife which use the site;
- The remediation work will result in additional traffic accessing the site and this will have a detrimental impact on the surrounding road network;
- Potential for parking to take place in residential car parks;
- Impact upon residential amenity by way of noise, vibration and dust.

These issues are addressed in Section 6 below.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

West Dunbartonshire Local Plan 2010

5.1 The site is identified as a Specialised Economic Development Site, where Policy LE4 states that there will be a presumption in favour of uses which extend the permanent employment potential of the site. Whilst it is not currently proposed to bring the site back into any productive use, the planned remediation works would help to address one of the potential obstacles to redevelopment of this large site, and as such the proposal would assist in making the site capable of development in the long term. The proposal is therefore in accordance with Policy LE4.

5.2 Policy E1 indicates that the Council will further the conservation of biodiversity. Policy E2A indicates that development with potential to have an impact upon a Natura 2000 site (i.e. the Inner Clyde Special Protection Area adjacent to the site) will only be allowed subject if there will be no adverse impacts on the nature conservation interest, or where there are imperative reasons of overriding public interest. In this case the disruption to wildlife on the site itself during the work is considered to be outweighed by the longer term environmental benefits of dealing with the contamination, and subject to suitable safeguards whilst the work is taking place, the works would not adversely impact upon the protected habitat of the Inner Clyde SPA. Accordingly, the proposal is considered to be in accordance with these policies.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

Appearance and Impact on the Area

6.1 The site has been lying vacant since 2001 when the decommissioning and site clearance was completed. Ground levels across the site vary from approximately 3m AOD to 6m AOD, although these levels are artificial as the whole site is on made ground and the current levels are a product of the manner in which the site was cleared, local ground conditions and the formation of a raised track around the site. The site has gradually become overgrown over the last decade, with a large number of self seeded trees and bushes. The works proposed would in the short term involve removal of vegetation and significant excavation in Eastfield, together with the soil treatment activity on Westfield, but on completion of these works the site

would be reinstated to approximately its existing levels. Unless proposals to redevelop the site emerge in the future the self-seeded vegetation would soon return. The existing trees located on the eastern boundary will not be affected by the work and are to be retained. In the long term the appearance of the site is therefore unlikely to change significantly as a result of the proposal. The site is overlooked by some residential properties in Bowling, but is separated from these by the railway line and it is not anticipated that the decontamination works will give rise to significant disturbance, and conditions can be attached to limit the hours of work.

Environment and Ecology

- 6.2** As the oil terminal site is large and unused, with minimal public access, it has since closure provided a habitat for various forms wildlife, although it is not subject to any specific environmental designation and in the long term the site is allocated for redevelopment. At present there is also the potential for the site to impact adversely upon the surrounding natural environment due to the contaminants that are currently on site. Due to the extent of the work proposed and the proximity of the site to the adjacent Special Protection Area (SPA), it is important to ensure that there is no detrimental impact on the SPA. The purpose of the proposed voluntary remediation is primarily to reduce any risk of an environmental incident. It is therefore considered that the loss of the relatively recent vegetation and the consequential impact on wildlife is acceptable in view of the important environmental benefits of the work. In order to minimise the short term impacts on wildlife, the application was accompanied by an Appropriate Assessment which has been assessed by SNH. SNH have concluded that the proposal is acceptable subject to the appropriate licences being obtained by SEPA and that suitable measures are implemented to minimise the impact of the remediation works. It is desirable that noisy works be limited to certain months of the year and that visual screens be erected to reduce disturbance to wading birds (redshank) in the Clyde, and the vegetation clearance should be carried out outwith the bird breeding season. These issues can be addressed by conditions.

Other Technical Issues

- 6.3** The Council Roads Services have no adverse comments to make regarding the development subject to the provision of rumble strips or wheel wash facilities to ensure that no material is deposited on the public road. With regard to the concerns about traffic and parking raised by the objector, it is not anticipated that the proposal will give rise to significant quantities of either. The applicant indicates that the total number of vehicles visiting the site per day is unlikely to exceed 20, a figure which includes car access by workers.
- 6.4** SEPA is satisfied with the proposed remediation and has not raised any concerns about flood risk.

7. CONCLUSION

- 7.1** The proposed remediation works are to be welcomed as these would help to address the historic contamination problems on this site, reducing the risk of harm to the environment and potentially making the site easier to redevelop in the future. The environmental benefits are considered to outweigh the loss of the self-seeded tress and scrub on the site, and there should be no significant adverse impacts on

local amenity. The works themselves would last for a limited period of around 18 months, after which the site would be returned to its present condition.

8. RECOMMENDATION

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

9. CONDITIONS

- 01. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.**
- 02. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**
- a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);**
 - b) A Notice of Completion of Development as soon as practicable once the development has been completed.**
- 03. For the duration of the development taking place, the developer shall display the sign or signs provided, or copies thereof. Such sign(s) shall be displayed in a prominent place or places at or in the immediate vicinity of the site, must be readily visible to the public and any copies must be printed on a sufficiently durable material to remain legible throughout the period of development. In the event of the sign(s) being lost, damaged or removed whilst the development is ongoing, they shall be replaced at the earliest time practical.**
- 04. No existing trees or undergrowth on site shall be lopped, topped, felled, lifted, removed or disturbed during the period April to July (inclusive) unless it has been subject to a breeding bird survey which has found that no active nests would be disturbed. The deciduous trees and dense gorse mapped in Figure 1A of the Appropriate Assessment Statement shall be retained undamaged throughout the works.**
- 05. During the period of construction, all works and ancillary operations which are audible at the site boundary (or at such other places that may be agreed by the Planning Authority), and all heavy vehicle movements carrying material to or from the site shall take place between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays unless prior agreed with the Planning Authority.**
- 06. Appropriate measures to prevent mud, dirt, dust or stones being carried onto the highway shall be taken and such steps shall include the provision and the use of hard standing areas and a wheel wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site**

07. Prior to the commencement of development on site, details of any measures required to maintain or stabilise the river wall during work on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be implemented as approved.
 08. Works to reinforce the Clyde riverbank at Eastfield (e.g. sheet piling) shall be undertaken outwith September to April inclusive.
 09. Visual screens 1.8m high should be erected outwith September to April inclusive, only along the seaward edge of the Eastfield area and around the head of Dunglass basin, as shown on Figures 1A, 1B and 1C of the Appropriate Assessment Statement. The visual screens must be maintained during September to April inclusive.
 10. Any work undertaken on site from September to April inclusive shall not give rise to greater cumulative noise than that calculated in Table 3.2 of the Appropriate Assessment Statement.
 11. From September to April inclusive, haulage vehicles and other large/heavy plant shall not use the seaward part of Centrefield (south-west of a line between Dunglass Castle and the north-east corner of Dunglass basin), or the west edge of the basin between the River Clyde and the retained vegetation, and should not run any closer than 5m to the visual screen around the head of the basin.
- NB. Pollution control must be implemented throughout the whole works area in accordance with SEPA's pollution prevention guidelines.
- NB. The applicant should contact Network Rail's Asset Protection Engineer (Buchanan House, 58 Port Dundas Road, Glasgow G4 0LQ, 0141 555 4887, AssetProtectionScotland@networkrail.co.uk) prior to the commencement of any work which has potential to impact upon the adjacent railway line, including any changes to ground levels or operation of plant in close proximity to the railway line.

Elaine Melrose
Executive Director of Housing, Environmental
and Economic Development
Date: 22 February 2012

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Clydebank. G811TG.
01389 738656

email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: None.

Background Papers:

1. Application forms, plans and supporting documents;
2. Representation;
3. Consultation responses; and
4. West Dunbartonshire Local Plan 2010.

Wards affected: Ward 3 (Dumbarton)