

Agenda



Planning Committee

Date: Wednesday, 20 March 2019

Time: 10.00

Venue: Civic Space,
Council Offices, 16 Church Street, Dumbarton

Contact: Craig Stewart, Committee Officer
Tel: 01389 737251, craig.stewart@west-dunbarton.gov.uk

Dear Member

Please attend a meeting of the **Planning Committee** as detailed above. The business is shown on the attached agenda.

Yours faithfully

JOYCE WHITE

Chief Executive

Distribution:-

Councillor Jim Finn (Chair)
Bailie Denis Agnew
Councillor Jim Brown
Councillor Gail Casey
Councillor Karen Conaghan
Councillor Diane Docherty (Vice Chair)
Councillor Douglas McAllister
Councillor Marie McNair
Councillor John Mooney
Councillor Lawrence O'Neill

All other Councillors for information

Date of Issue: 7 March 2019

PLANNING COMMITTEE
WEDNESDAY, 20 MARCH 2019

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 MINUTES OF PREVIOUS MEETING 5 – 10

Submit for approval as a correct record, the Minutes of Meeting of the Planning Committee held on 27 February 2019.

4 NOTE OF VISITATIONS 11

Submit, for information, Note of Visitations carried out on 26 February 2019.

5 OPEN FORUM

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

6 PLANNING APPLICATIONS

Submit reports by the Strategic Lead – Regulatory in respect of the following planning applications:-

- (a) DC18/013 – Remediation of ground at former oil terminal, including excavation, treatment & replacement of soils, treatment of ground water and installation of a sheet pile wall at Dunglass Oil Depot, Dumbarton Road, Bowling by Esso Petroleum Company Limited.

13 – 24

- (b) DC18/207 – Construction and operation of a 250kW hydro power scheme at Land north west of Gavinburn Farm, Kilpatrick Braes by Scotia Hydro.

25 – 45

- (c) DC18/272 – Erection of 149 flatted dwellings and four commercial units, associated car parking, amenity space and landscaping at Queens Quay, Clydebank by Wheatley Group.

To follow

PLANNING COMMITTEE

At a Meeting of the Planning Committee held in the Council Chamber, Clydebank Town Hall, Dumbarton Road, Clydebank on Wednesday, 27 February 2019 at 10.00 a.m.

Present: Bailie Denis Agnew and Councillors Jim Brown, Gail Casey, Karen Conaghan, Diane Docherty, Marie McNair, John Mooney and Lawrence O'Neill.

Attending: Peter Hissett, Strategic Lead – Regulatory; Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Bernard Darroch, Lead Planning Officer; John Walker, Assistant Engineering Officer (Roads); Nigel Ettles, Section Head – Litigation and Craig Stewart, Committee Officer.

Apologies: Apologies for absence were intimated on behalf of Councillors Jim Finn and Douglas McAllister.

Councillor Diane Docherty in the Chair

DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest in any of the items of business on the agenda.

MINUTES OF PREVIOUS MEETING

The Minutes of Meeting of the Planning Committee held on 19 December 2018 were submitted and approved as a correct record.

OPEN FORUM

The Committee noted that no open forum questions had been submitted by members of the public.

PLANNING APPLICATION

A report was submitted by the Strategic Lead – Regulatory in respect of the following planning application:-

DC18/250 – Erection of residential development comprising 6 flats, 2 three storey town houses and associated parking and landscaping on Main Street, Bonhill, Alexandria by Mr John Ferrier.

Reference was made to a site visit which had been undertaken in respect of the above application. The Planning, Building Standards and Environmental Health Manager was heard in further explanation of the report.

The Chair invited Ms Janice Ross, Bonhill and Dalmonach Community Council, objector, to address the Committee. Ms Ross was heard in respect of the Community Council's representations in regard to the application.

The Chair then invited Mr John Ferrier, applicant, to address the Committee.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in answer to a Member's question, the Committee agreed that it was minded to grant planning permission and that authority be delegated to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 of the report, as detailed within Appendix 1 hereto, and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a contribution towards the green network enhancements.

PLANNING PERFORMANCE FRAMEWORK 2017-18

A report was submitted by the Strategic Lead – Regulatory informing of the recent comments received from the Scottish Government and the peer review regarding the Planning Performance Framework submitted by the Council for 2017-18.

After discussion and having heard the Planning, Building Standards and Environmental Health Manager in further explanation of the report and in answer to Members' questions, the Committee agreed to note the content of the report and the comments received from the Scottish Government and peer reviewer.

VALEDICTORY – BERNARD DARROCH

Councillor Docherty, Chair, informed the Committee that this was the last meeting which Mr Bernard Darroch, Lead Planning Officer, would attend as he was moving to a new post within North Lanarkshire Council.

On behalf of the Committee, Councillor Docherty thanked Mr Darroch for all his hard work, dedication and commitment over 16 years and wished him well in his new role. All of the other Members present thanked Mr Darroch and wished him good luck for the future. In response, Mr Darroch thanked everyone for their kind words and advised that he had enjoyed his time working for West Dunbartonshire Council.

The meeting closed at 10.30 a.m.

DC18/250 – Erection of residential development comprising 6 flats, 2 three storey town houses and associated parking and landscaping on Main Street, Bonhill, Alexandria by Mr John Ferrier.

Minded to GRANT planning permission and that authority be delegated to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the following conditions and to the satisfactory conclusion of a legal agreement or other suitable mechanism to secure the payment of a contribution towards the green network enhancements:-

1. Exact details and specifications of all proposed external materials shall be submitted for the written approval of the Planning Authority prior to any work commencing on site and the development shall thereafter be completed in accordance with the approved details. The external materials to be submitted shall include details of the facing brick to be used on the external walls and the roof covering. No render shall be used within this development.
2. Prior to the commencement of works, full details of all hard surfaces shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.
3. Prior to the commencement of works, full details of the design and location of all walls and fences to be erected on site shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details.
4. Prior to the commencement of development details of the design and location of the bin stores, cycle storage and lighting shall be submitted for the further written approval of the Planning Authority and the development shall thereafter be completed in accordance with the approved details prior to the occupation of any of the approved properties, unless otherwise agreed in writing with the Planning Authority.
5. No house/flatted unit shall be occupied until the vehicle parking spaces associated with that house/flatted unit have been provided within the site in accordance with the approved plans. The spaces shall thereafter be kept available for parking at all times.
6. Prior to the commencement of development full details of the foul and surface water drainage system shall be submitted for the written approval of the Planning Authority. The drainage system shall incorporate the principles of Sustainable Urban Drainage Systems within its design, and thereafter shall be implemented prior to the occupation of any of the residential properties.

7. A landscaping scheme for the site shall be submitted to and approved by the Planning Authority prior to commencement of development on site and shall be implemented not later than the next appropriate planting season after occupation of the first property. The landscaping shall thereafter be maintained in accordance with these details.
8. The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, if requested, a comprehensive contaminated land investigation shall be carried out and any remedial actions shall be implemented within a timescale agreed with the Planning Authority.
9. During the period of construction, all works (including piling and deliveries) and ancillary operations which are audible at the site boundary, or at such other places that may be agreed with by the Planning Authority shall be carried out between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays.
10. 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 6472:1984 '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. The 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.
11. 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 shall be 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.
12. 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.

13. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed with the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken.

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PLANNING COMMITTEE

NOTE OF VISITATIONS – 26 FEBRUARY 2019

Present: Councillors Jim Brown, Jim Bolland, Ian Dickson, Diane Docherty, John Millar, Jonathan McColl, Lawrence O'Neil and Sally Page.

(The above lists Members who attended at least one site visit).

Attending: Pamela Clifford, Planning, Building Standards and Environmental Health Manager; Jim McAloon, Strategic Lead – Regeneration; Michael McGuinness, Economic Development Manager; Victor Franciso-Suarez, Capital Projects Manager; Pat Hoey, Sarah Hamill, Contaminated Land Officer; and Bernard Darroch, Lead Planning Officer.

SITE VISITS

Site visits were undertaken in connection with the undernoted planning applications:-

(1) Dunglass oil Depot, Dumbarton Road, Bowling, G60 5AG

DC18/013 – Remediation of ground at former oil terminal, including excavation, treatment & replacement of soils, treatment of ground water and installation of a sheet pile wall by Esso Petroleum Company Limited.

(2) Main Street, Bonhill

DC18/250 – Erection of residential development comprising 6 No. Flats, 2 three storey town houses and associated parking and landscaping by John Ferrier.

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 20 March 2019

DC18/013: **Remediation of ground at former oil terminal, including excavation, treatment & replacement of soils, treatment of ground water and installation of a sheet pile wall on land at the former Dunglass Oil Depot, Dumbarton Road, Bowling by Esso Petroleum Company Limited.**

1. REASON FOR REPORT

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

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1 The application relates to land located within the the former Bowling oil terminal, and comprises the areas known as Centrefield, Garden, Northfield and Westfield. In total, these areas cover a combined area of approximately 36 hectares and consist of vacant land. No works are proposed for the Eastfield area of the site which extends to approximately 5 hectares as it has previously been remediated in 2014 under planning permission DC11/218. The former oil terminal land is bounded by the River Clyde to the south, a railway line to the north, the former Scott's Yard site at Bowling Harbour to the east and the Dumbuck Warehouses to the west. Located 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 and the site is adjacent to the European designation of the Inner Clyde Special Protection Area with the overwintering redshank.

- 3.2** The Bowling oil terminal was developed in the 1920s and was decommissioned in 1997 and has largely been unused since that date. Much of the site was built upon reclaimed land which necessitated the formation of a river wall, some of which still exists on site. The facility was at its largest and most active during the 1960s and early 1970s, with a wide variety of petroleum products being processed, stored and distributed. As a result of this former use, the site is subject to contamination by hydrocarbons, and the current site owner proposes to remediate the site in order to address this contamination.
- 3.3** The present remediation works involves clearing the site of vegetation before excavating the existing soils to allow appropriate treatment works to be undertaken. Fundamental to the whole remediation strategy is the need to achieve a remedial target which has been agreed between all interested parties. 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 thermal treatment techniques. During this process, the soil would be treated in order to break down and remove contamination to an acceptable level. Once the soil had been treated to an agreed remedial target, it would then be backfilled into the excavations 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 and taken to an approved facility.
- 3.4** Whilst the excavations are taking place, recoverable 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. To further enhance the remediation process, a sheet pile wall would be installed adjacent to the River Clyde. The sheet pile wall would be installed on the southern side of the existing river wall, a maximum of 1.5m closer to the centre of the river than the existing river wall. The new wall would allow the ground behind to be excavated and remediated before being backfilled to the original ground levels. The wall would extend to 173m in length. The new sheet pile wall would be the same height as the existing wall, which is in excess of 1m above high tide level. Edge protection in the form of a railing would be installed adjacent to the top of the sheet pile wall following completion of the backfilling. The works are expected to take up to 24 months to complete, and they are not expected to give rise to any significant number of vehicle movements to/from the site since the vast majority of contaminated material will be treated on site.
- 3.5** 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. However, this site forms part of this Council's City Deal project which aims to provide major industrial and commercial development on the site and to create a road to provide an alternative route from A82.

- 3.6** The application is accompanied by a number of supporting documents which include a flood risk assessment, planning statement, ecological report, construction management plan, environmental management plan, a contaminated land and groundwater assessment and a proposal of application consultation report.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service has no objection to the proposal subject to vehicle movements to/from the site avoiding school travel times and that works on site are undertaken in accordance with the Traffic Management Plan.

- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to contaminated land, noise, construction hours and dust.

The Council's Contaminated Land Officer and the applicant have worked closely both prior to the submission and during the processing of the application regarding the agreed method of remediation and the relevant contaminated land targets.

- 4.3** Scottish Natural Heritage have no objection to the proposal subject to a condition which ensures that the development is undertaken in accordance with the submitted documentation and that an ecological clerk of works is employed on site when necessary.

- 4.4** The Scottish Environmental Protection Agency have no objection to the proposal on flood risk grounds. In addition their Contaminated Land Specialist has been closely involved in the assessment of remediation scheme and does not object to the proposal.

- 4.5** The West of Scotland Archaeology Service have no objection to the proposal subject to a condition which requires the implementation of a scheme of archaeological works in accordance with an agreed written scheme of investigation.

- 4.6** Glasgow Airport have no objection to the proposal subject to a condition requiring the submission of a bird hazard management plan.

- 4.7** Historic Environment Scotland and the Health & Safety Executive have no objection to the proposal.
- 4.8** Marine Scotland do not object to the proposal but will require the applicant to apply for a separate licence for the works to the river edge.

5. REPRESENTATIONS

- 5.1** None.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Clydeplan

- 6.1** The Vision for Clydeplan sets out a Compact City Region as its Spatial Land Use Model. The vision supports recycling of previously developed land and directing development to sustainable brownfield locations, which is the objective of the remediation of this site. These objectives are particularly emphasised for the Clydeplan Development Corridor which covers the Clyde Waterfront, and includes this site. Remediation of the site is fully in accordance with the vision and strategy for Clydeplan. It also helps to support the Glasgow and Clyde Valley City Deal which will involve a number of projects aimed at delivering key strategic priorities including the redevelopment of this site.

West Dunbartonshire Local Plan 2010

- 6.2** A significant portion of 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. Policy LE6 also identifies much of the site as a Strategic Employment Location. Whilst it is not currently proposed to bring the site back into any productive use, the planned remediation works supports the above policies. The proposal is therefore in accordance with Policy LE4 and Policy LE6.
- 6.3** Policy E1 indicates that the Council will further the conservation of biodiversity. Policies E2A and E2B indicates that development with potential to have an impact upon a Natura 2000 or a Site of Special Scientific Interest site (the Inner Clyde Special Protection Area) 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. 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. SNH are satisfied with the proposals and accordingly, the remediation of the site is considered to be in accordance with these policies.

- 6.4** Part of the site is also designated as greenbelt and Policy GB1 seeks to prevent any development for which there is no specific site justification and avoid any adverse effects on the landscape character of the local area. The remediation of the site will have little impact on the long term appearance of the site and the proposal complies with this policy. Policy F1 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 and have raised no objection on flood risk grounds.
- 6.5** It is considered that the proposals comply with the above policies and the detailed assessment is set out in Section 7.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** The former oil terminal is identified as a "Changing Place" in LDP1 and potential future redevelopment opportunities are identified which include industrial/business development, a potential link road and green network enhancements. Although it is not currently proposed to bring the site back into any productive use, the proposed remediation works accords with the long term aims of the Council for this site.
- 7.3** Policies GN3, DS2, DS6 and DS7 are also relevant to this application and they relate to nature conservation, greenbelt, flooding and contaminated land. The content of these policies is similar to the policies of the adopted local plan which is discussed in Sections 6.2 – 6.4. It is considered that the proposals comply with these policies and the detailed assessment is set out below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the

Council's most up to date policy position and it is a material consideration in the assessment of planning applications.

7.5 LDP2 identifies a development strategy for the former oil terminal which seeks to encourage the redevelopment of the site to primarily increase the business and industrial opportunities available within West Dunbartonshire. In addition, green network enhancements and a potential link road are supported on the site. The proposed remediation scheme is therefore in accordance with LDP2 and Esso Bowling Policy 1, 2 and 3 which relate to development uses for the site, infrastructure requirements, green network and green infrastructure.

7.6 Policies ENV1, GB1, ENV6 and ENV9 are also relevant to this application and they relate to nature conservation, greenbelt, flooding and contaminated land. The content of these policies is similar to the policies of the adopted local plan which is discussed in Sections 6.2 – 6.4 above. It is considered that the proposals comply with these policies.

Impact on Site- Remediation and Sheet Pile Wall

7.7 The site has been vacant since it was decommissioned and site clearance was completed. Although the site is relatively level there are gradual level changes across the site. However, most of the ground levels are artificial as significant portions of the whole site consist of made-up ground and the current levels are therefore a product of the manner in which the site was previously developed and local ground conditions.

7.8 Much of the site has gradually become overgrown, with a number of self seeded trees and bushes throughout. The works proposed would in the short term involve removal of vegetation and significant excavation, together with the soil treatment activity. This work will be temporary, it is anticipated to have a duration of 24 months and on completion of these works, the site then would be reinstated to approximately its existing ground levels.

7.9 In order to achieve an effective remediation strategy for this site, the Council's Contaminated Land Officer and the Contaminated Land Specialist for SEPA attended several technical meetings and reviewed and commented on several technical reports prior to and following the submission of the planning application. This work has resulted in several alterations to the proposals in order to achieve a robust remediation strategy which is suited to the specific site conditions.

7.10 The proposal also involves the construction of a sheet pile wall adjacent to the River Clyde. The sheet pile wall is required in order to allow the ground to be fully excavated and remediated up to the river edge. Whilst this has the potential to be visually prominent at low tide, its appearance

will be almost identical to the existing river wall, and its location and size are such that it will only be visible to passing boats on the river. At high tide, only a small portion of the wall will actually be visible and overall, its appearance will be little different to the existing wall. The construction of the sheet pile wall is therefore unlikely to have any detrimental impact on the visual amenity of the surrounding area and will enhance the site remediation works that are to be undertaken. A separate licence will be required from Marine Scotland for this work.

- 7.11** Parts of the site are relatively close to residential properties in Bowling. However, the site is separated from these properties by the railway line and it is not anticipated that the type of machinery and vehicle movements associated with the decontamination works will give rise to significant disturbance. Conditions will be attached to limit the hours of work which may create any noise or disturbance.

Environment and Ecology

- 7.12** Since the site was decommissioned, it has provided a habitat for various forms of wildlife and the site is adjacent to the European designation of the Special Protection Area (SPA) with the overwintering redshank. The site itself is not subject to any specific environmental designation and in the long term, the site is allocated for redevelopment. At present there is potential for the site to impact adversely upon the surrounding natural environment due to the contaminants that are currently on site. Assessment of the proposed works has been made by SNH regarding impact on the SPA and it is not considered that the remediation works and the construction of the sheet pile wall will have a detrimental impact on the SPA subject to suitable measures being implemented to minimise the impact of the remediation works on the natural environment. SNH have recommended that noisy works be limited to certain months of the year and that visual screens be erected where necessary to reduce disturbance to wading birds (redshank) in the Clyde. It would also be good practice to ensure that any vegetation clearance is undertaken outwith the bird breeding season. These issues can be addressed through the use of appropriate conditions. The loss of the relatively recent vegetation on the site is considered acceptable by SNH.

Pre-application consultation

- 7.13** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. A public event was held in November 2016 and local community councils were contacted about the proposal and relevant organisations were invited to attend. A statutory notice was published in the local press advertising the public event and submission of the proposal of application notice. The applicant has submitted a pre-application consultation statement which highlights that approximately 15 people attended the public event. The

views expressed were generally supportive of the site remediation and people were encouraged that this might lead to the site being re-developed in the future.

Other Technical Issues

- 7.14** The Council Roads Services have no adverse comments to make regarding the remediation works subject to compliance at all times with the Traffic Management Plan. The Traffic Management Plan will require the provision of wheel wash facilities on site, with lorries using the A82 as opposed to driving through Bowling, ensure adequate signage is erected and provide suitable turning/parking areas. It is anticipated that lorry movements to and from the site will generally be between 25 and 35 per week, as the majority of material will be remediated on site with additional delivery vehicles and cars/small vans on a daily basis. The additional traffic will not have a detrimental impact on the surrounding road network.
- 7.15** SEPA in terms of their flooding responsible is satisfied with the proposed remediation and has not raised any concerns about flood risk since site levels will not be altered significantly as a result of the remediation works.

8. CONCLUSION

- 8.1** The proposed remediation works will assist in addressing the historic contamination issues on this site and reducing the risk of harm to the environment. The applicant has worked very closely with the Council's Contaminated Land Officer and SEPA's Contaminated Land Specialist to get an acceptable remediation strategy for the site. The applicant has also worked with SNH to ensure that the remediation works and the sheet pile wall does not cause adverse impacts on the Special Protection Area or local ecology.

9. CONDITIONS

- 1. No works (other than investigative works) shall commence on site until such time as a detailed implementation scheme, in accordance with the approved remediation strategy, has been submitted to and approved in writing by the Planning Authority. The scheme shall be prepared by a suitably qualified person and shall include method statements for all works to be undertaken, a timetable of works and/or details of the phasing of the works and all other site management procedures relating to the remediation of the site.**

2. Remediation of the site shall be carried out in accordance with the approved remediation strategy and implementation scheme. Any amendments to the approved remediation strategy shall not be implemented unless approved in writing by the Council as Planning Authority.

On completion of all the remediation works a final verification report shall be submitted to and approved in writing by the Planning Authority. This report shall include all interim reports and confirm that all the works have been carried out in accordance with the approved remediation strategy and implementation scheme. The works shall ensure that they have successfully reduced the risks to acceptable levels to ensure that the site will not qualify as contaminated land under Part IIA Environmental Protection Act 1990.

3. The presence of any previously unencountered contamination that is not covered by the Remedial Strategy which becomes evident during the remediation of the site shall be reported to the Planning Authority in writing within one week. 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.
4. During the period that the remediation works are carried out all works and ancillary operations outwith the following hours, shall not exceed background noise levels LA90 (1hour) when measured 3.5 metres from the façade of any residential property.

Mondays to Fridays:	08.00 – 18.00
Saturdays:	08.00 - 13 00
Sundays and public holidays:	No working
5. The Planning Authority shall be informed in writing of any proposed deviation from the operating conditions specified in the Construction Environmental Management Plan (CEMP) V1.3 dated December 2018. All such deviations shall require written approval by the Planning Authority prior to the change in operation.
6. All works on site, deliveries and vehicle movements shall be undertaken in accordance with the Traffic Management Plan

contained in the Outline Construction Environmental Management Plan dated December 2018.

7. All vehicle movements to and from the site shall be scheduled to avoid school travel times (8.15-9.40am and 3.00-4.30pm).
8. The approved remediation works shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of:
 - Management of earthworks
 - Monitoring of any standing water within the site temporary or permanent
 - Reinstatement of grass areas and soft landscaping

The Bird Hazard Management Plan shall be implemented as approved. No subsequent alterations to the plan to take place unless approved in writing by the Planning Authority.

9. The remediation works hereby approved shall be undertaken at all times in accordance with the 'Outline Construction Environmental Management Plan (by WSP dated December 2018).

Notwithstanding the details contained in the 'Outline Construction Environmental Management Plan (by WSP dated December 2018), an Ecological Clerk of Works shall oversee the river wall repair works, installation of visual screen fencing and drainage outfall works, if undertaken between September to April (inclusive) in order to ensure that works adjacent to the river are progressed when redshank are not present.

10. No remediation shall take place within the site until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority. Thereafter the applicant shall ensure that the programme of archaeological works is fully implemented in accordance with the written scheme.
11. During the remediation works being undertaken on site, a regular two monthly meeting shall take place between the applicant and the Planning Authority to appraise of progress of the works.

Peter Hessett
Strategic Lead- Regulatory
Date: 6th March 2019

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Site Location Map

Background Papers:

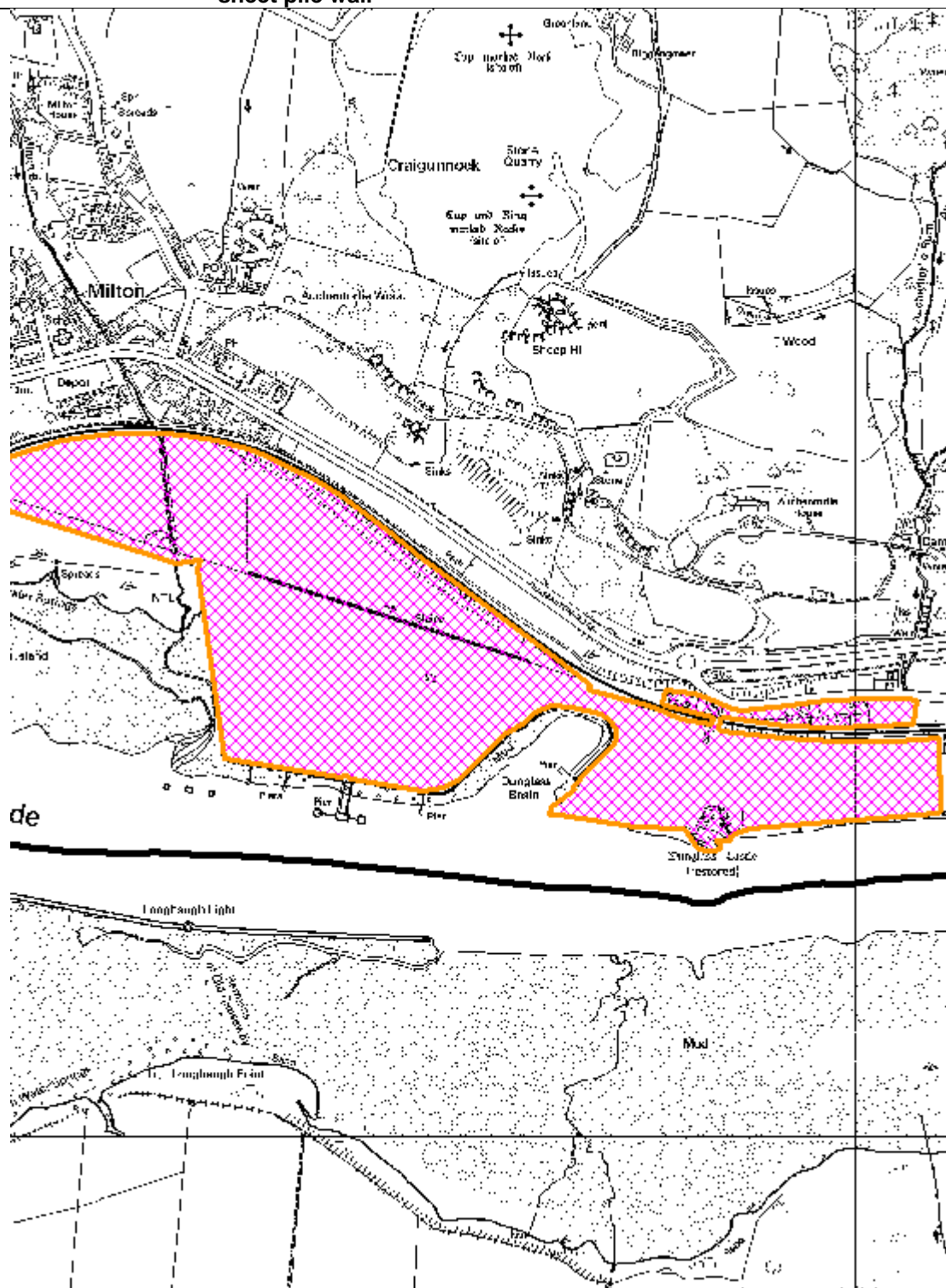
1. Application forms and plans;
2. Consultation responses;
3. West Dunbartonshire Local Plan 2010;
4. West Dunbartonshire Local Development Plan Proposed Plan (LDP 1);
5. West Dunbartonshire Local Development Plan 2 Proposed Plan (LDP 2); and
6. Clydeplan.

Wards affected: Ward 3 (Dumbarton)

DC18/013

**Remediation of ground at
former oil terminal,
including excavation,
treatment & replacement of
soils, treatment of ground
water and installation of a
sheet pile wall**

**Dunglass Oil Depot
Dumbarton Road
Bowling
G60 5AG**



WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 20 March 2019

DC18/207: Construction and operation of a 250kW hydropower scheme and associated infrastructure at Gavinburn Farm, Old Kilpatrick by Scotia Hydro

1. REASON FOR REPORT

- 1.1 The application raises new and significant issues and is subject to objection. Under the terms of the approved Scheme of Delegation it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

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

3. DEVELOPMENT DETAILS

- 3.1 The development site is within the Kilpatrick Hills, north of Old Kilpatrick and the A82. The footprint of the proposed hydro development would cover an area of 3ha whilst the application site is approximate 39ha. The topography of the site steeply slopes away from Loch Humphrey(320 AOD) to the open fields of Gavinburn Farm (11AOD) where the terrain then changes and gently undulates down to the southernmost boundary of the site on the north side of the A82. The landscape of the site varies and is characterised by open moorland, a mix of commercial and natural woodland which then gives way to open farmland at Gavinburn Farm.
- 3.2 The site is within the Kilpatrick Hills Local Landscape Area and in the northernmost section of the Haw Craig Site of Special Scientific Interest (SSSI). Core Paths 87 and 84 go through the site as do numerous forestry tracks currently used by Forestry Commission Scotland to facilitate the felling of timber for commercial purposes. The site contains several small watercourses and drainage channels; most notable is the Glenarbuck Burn and the Gavin Burn which flow through the northern and southern half the site.
- 3.3 The proposal involves the installation of a hydroelectric scheme which would take water from a single point at Loch Humphrey using an existing

conduit (the intake) and it would travel down the slopes of the Kilpatrick Hills through 2700 metres of buried pipeline (the penstock), to a turbine located with a new 'powerhouse' building at Gavinburn Farm. The water would turn the turbine and this would generate electricity for export to the national grid. The water would then discharge via another short section of buried pipeline (the tailrace) to the nearby Gavin Burn that feeds into the River Clyde. The powerhouse would be a single storey, steel frame building measuring approximately 7mx6m in footprint with a ridge height of 5m and would have the appearance of an agricultural shed. A 10 metre wide 'construction corridor' is proposed alongside the route of the pipeline and would include temporary tracks for construction vehicles, areas for storing and separating turves and pipe laydown areas. Four culverts would be installed where the pipeline crosses watercourses. A 250 metre long permanent track to the powerhouse from Gavinburn Farm steading is proposed and would be used for maintenance of the turbine and associated equipment. A temporary site compound would be located adjacent to the powerhouse during the construction phase.

- 3.4 Access during the construction phase would be from three separate entrances: Sheephill Quarry entrance on the A82, Kilpatrick Braes Road north of the A82/ Erskine Bridge junction and the private entrance at Gavinburn Farm (also from the A82). All routes would use existing site tracks to access the development site.
- 3.5 The proposal is subject to an Environmental Impact Assessment (EIA) covering the following topics: archaeology, landscape & visual, noise, ecology, arboriculture, recreation & public amenity, transport, water resources & hydrology and socio-economic impacts.

4. CONSULTATIONS

- 4.1 Scottish Natural Heritage (SNH) has no objection to the proposal subject to conditions relating to the provision of an invasive species management plan and methodology on avoiding disturbance to Peregrine Falcon during construction.
- 4.2 The Scottish Environmental Protection Agency (SEPA) has no objection to the proposal subject to conditions relating to a site specific construction management plan to include a peat contingency plan and a more detailed waste management plan.
- 4.3 West Dunbartonshire Council Roads Service has no objection to the proposal subject to conditions relating to access and egress from the site and measures to control debris from the site.

- 4.4 West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to a noise impact assessment, construction phase hours of work and delivery vehicles time restrictions.
- 4.5 West Dunbartonshire Council Access Officer has no objection to the proposal subject to conditions related to an access management plan and a site restoration plan.
- 4.6 The West of Scotland Archaeology Service (WOSAS) has no objection to the proposal subject to a condition relating to an archaeological watching brief.
- 4.7 Scotways has no objection to the proposal subject to the provision of an access management plan.
- 4.8 Historic Environment Scotland, Scottish Water, Transport Scotland, Network Rail, Scotia Gas Networks and the Health & Safety Executive (HSE) have no objection to the proposal.

5. REPRESENTATIONS

- 5.1 A total of 10 representations have been received in relation to the application. 8 objections are from users of the Kilpatrick Hills footpath network together with 2 local residents. Old Kilpatrick, Bowling and Milton, Dumbarton East and Central, Silvertown and Overtown Community Council's and Clydebelt are supportive of the development in principle and make suggestions on matters that they feel should be considered as part of the application. The points of all representations can be summarised as follows:

Points of objection:

- Weekly vehicular access via Gavinburn Farm to the powerhouse for maintenance purposes is too frequent;
- The existing culvert leading from Gavinburn Farm to the main site compound is not capable of supporting large/heavy vehicles;
- The materials proposed for the powerhouse are not in keeping with the overall farm setting and will result in blight and impact on local wildlife and local flora;
- Noise levels from the powerhouse will adversely affect nearby properties;
- Capacity of the existing culvert at Gavinburn Farm is not sufficient to cope with the discharge of water from the hydro scheme and may result in flooding in the immediate area;

- Using water from Loch Humphrey for a hydro scheme will have a detrimental effect on local wildlife and fish stocks;
- The Kilpatrick Hills are environmentally important and should not be built on;
- The proposal will have a detrimental effect on the recreational amenity of those who use the hills for walking and biking and also Loch Humphry for fishing
- The proposal will permanently change the local landscape, roads, local water, wildlife and biodiversity;
- Closure of the core path network during construction

Points of support and other matters:

- The principle of a hydro-electric scheme which will provide green energy and contribute towards the Scottish Government renewable energy targets, is supported;
- The proposal is supported subject to the following matters being addressed: archaeological watching brief, core paths/access management and protected species (otter and water vole);
- Adequate separation distance between Glenarbus Lodge and powerhouse to mitigate noise;
- Powerhouse should be designed to fit with the locale and consideration of screening/ planting;
- Deter any impacts on water extraction and potential effects on ecology;
- Potential for flooding;
- Access to the hills during construction should be maintained;
- All piping/cables should be buried and ground reinstated to original appearance.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

6.1 Clydeplan

The policies relevant to the application, and on which it has been assessed against, are as follows:

- Policy 10 – Delivering Heat & Electricity
- Policy 13 – Forestry and Woodland
- Policy 14 – Green Belt

- 6.2** Policy 10 states that support should be given, where appropriate, to alternative renewable energy technologies and associated infrastructure; the principle of the proposal accords with this policy. Policy 13 states that development proposals should minimise the loss of existing trees and include, where appropriate, compensatory planting in line with the Scottish Government's Control of Woodland Removal Policy. Policy 14 recognises the importance of the greenbelt and its strategic value which places emphasis on its role in meeting requirements for the sustainable location of rural industries including renewable energy.

The proposal accords with all the policies above and will contribute to delivering the broad vision of a compact city region that is a successful, sustainable, low carbon, natural, resilient and a connected place.

6.3 West Dunbartonshire Adopted Local Plan 2010

The policies relevant to the application, and on which it has been assessed against, are as follows:

- DC6 – Renewable Energy
- GB1 – Green Belt
- RSA1 – Regional Scenic Area
- E9 – Landscape Character
- E2B – National Nature Conservation Site (Sites of Special Scientific Interest)
- E3A – Local Nature Conservation Sites
- E5 – Development affecting Trees
- R5 – Access Opportunities

Policy D6 states that renewable energy development will only be permitted where it can be established without unacceptable detriment to the landscape, natural and built heritage, sport and recreation interests and local amenity. The proposal would not result in a permanent detrimental change to any of the criteria as any potential adverse effects are confined to the construction period, when the pipeline will be laid, and are therefore of a short-term, temporary nature and this is addressed fully in Section 7 of the report.

Policy GB1 seeks to prevent any development for which there is no specific site justification and avoid any adverse effects on the landscape character of the local area. The proposed development is one would expect in a rural area. There would be very little impact on the long term appearance, character and use of the development site. The powerhouse has a technical requirement to be located at Gavinburn Farm and the proposal would also utilise existing infrastructure at Loch Humphrey. The design of the powerhouse is of a standard agricultural building and therefore would be appropriate in this rural location.

Landscape policies relating to the Kilpatrick Hills Regional Scenic Area (RSA) specifically and landscape character in general are covered by policies RSA1 and E9. There is a general presumption against proposals that would be detrimental to landscape quality and character and also the visual amenity or nature conservation value of the RSA. The proposal accords with these policies as it is considered that there is unlikely to be any adverse significant impact in the long term on the RSA or landscape

character subject to suitable mitigation measures and appropriate site restoration being implemented.

Policy E2B relates to Sites of Specific Scientific Interest (SSSI) and requires that the development should not compromise the objectives or integrity of a SSSI or where there are imperative reasons of overriding public interest. The pipeline does not compromise the integrity of the SSSI and can be accommodated within the terms of this policy.

Policy E3A seeks to maintain and enhance the environmental resources of the area by the protection of habitats, species and natural features which are vulnerable and/or specifically protected. Part of the proposal is in the Kilpatrick Braes Local Nature Conservation Area (LNCA) which is designated for its woodland and upland heath. SNH are satisfied that the proposals will not result in any long term adverse effects on the LNCA.

Policy E5 seeks to minimise the loss of existing trees and woodland and as the proposal would result in some tree loss, a tree survey has been undertaken and compensatory planting is proposed. The pipeline does not affect any ancient woodland.

The proposal is located in an area with several Core Paths and Rights of Way and policy R5 seeks to protect Core Paths. It is anticipated that there would be some short term, temporary adverse effects to specific sections of some of the Core Paths and Rights of Way during the construction phase. However, appropriate mitigation and conditions related to access management during construction will be implemented to prevent long term damage.

The proposed development complies with both Clydeplan and the adopted Local Plan and detailed assessment is set out in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

7.1 West Dunbartonshire Local Development Plan: Proposed Plan (2016)

On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report as it recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity. Therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.

7.2 The policies relevant to the application and on which it has been assessed against are as follows:

- DS5 – Renewable Energy
- GN1 - Greenbelt
- GN3 – The Habitat Network & Geodiversity
- GN4 – Landscape
- GN5 – Forestry, Woodland and Trees
- GN8 – Outdoor Access

The Policies contained within the Local Development Plan: Proposed Plan (2016) and Local Development Plan: Proposed Plan (2018) are broadly similar and fully in accordance with SPP are addressed below.

7.3 West Dunbartonshire Local Development Plan 2: Proposed Plan (2018)

On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications. However, the Plan has not been subject to its examination at the time of assessing this proposal.

The policies relevant to the application, and on which it has been assessed against, are as follows:

- RE1 – Renewable Energy Developments
- GB1 – Greenbelt & Countryside
- KH1 – Kilpatrick Hills
- ENV2 – Landscape Character
- ENV1 – Nature Conservation
- ENV4 – Forestry, Trees & Woodland
- CON3 – Core Paths and Natural Routes

7.4 Policies DS5 (LDP1) and RE1 (LDP2) both relate to renewable energy and the content of these policies is broadly similar to policy DC6 of the adopted local plan. However, RE1 (LDP2) differs as it requires proposals to be considered against the relevant criteria contained within Paragraph 169 of SPP whereas DS5 (LDP1) has its own criteria. One of the criteria of LDP 2 is in relation to site decommissioning and restoration. Further details on site decommissioning and restoration would be secured through conditions and while the proposal has not provided any opportunities for energy storage, it is considered that the location and small scale capacity of the proposal would not make energy storage a viable consideration in this particular instance

7.5 Policies GN1 (LDP1) and GB1 (LDP2) both relate to the greenbelt and the content of these policies is broadly similar to policy GB1 of the adopted local plan and the proposed development is considered acceptable in a rural location.

- 7.6** The Kilpatrick Hills which is designated as a Local Landscape Area in both proposed plans. LDP 1 has a specific development strategy for the Kilpatrick Hills which seeks to protect and enhance them, which is consistent with the aims of policy KH1 in LDP2. Both plans require developers to take due cognisance of the Kilpatrick Hills Management Plan (2011) when formulating development proposals. The proposal accords with these policies as it is considered that there is unlikely to be any adverse significant impact in the long term on the Kilpatrick Hills.
- 7.7** Landscape character is covered by policies GN4 (LDP1) and ENV2 (LDP2) whose content is broadly similar to policy E9 of the adopted local plan. Policies GN3 (LDP1) and ENV1 (LDP2) relate to natural heritage and are broadly similar in their requirements with policy E2B and E3A of the adopted local plan. Policies GN5 (LDP1) and ENV4 (LDP2) relate to trees and forestry and are broadly similar with policy E5 of the adopted local plan. Policies GN8 (LDP1) and CON3 (LDP2) relate to access core paths and are broadly similar with policy R5 of the adopted local plan. It is considered that the proposal complies with the above policies subject to the implementation of appropriate mitigation measures and conditions and this is discussed fully below.
- 7.8** Scottish Planning Policy (SPP)
There is strong support for renewable energy development in national policy. The Scottish Government has a target of 30% of Scotland's overall energy demand being generated from renewable resources by 2020 and the equivalent of 100% of electricity demand by 2020. SPP recognises the role of energy in achieving the aim of a low carbon place while also balancing this with the need to protect and enhance Scotland's natural environment. The proposal would make a small contribution to renewable energy targets and subject to the implementation of appropriate mitigation measures and conditions, the proposal is considered to be in accordance with SPP.
- 7.9** Principle of development
The proposed hydro scheme is located within a rural location where the principle of a renewable energy scheme is supported by the policies of the adopted and proposed local plans. A site-specific locational need has been demonstrated as the Kilpatrick Hills provides several advantages for a hydro-electric scheme: it can use existing infrastructure at Loch Humphrey where the water will be abstracted avoiding the need for any new above ground structures. The site represents an optimal level of 'head' (the distance between the intake and the powerhouse) of 309m. The more head, the higher the water pressure across the hydro turbine and the more power it will generate, ensuring the viability of the scheme. The impact on the local landscape has been minimised as the pipeline would be buried for its entirety and routed to work with the site topography,

to reduce impacts on the Glenarbut – Haw Craig SSSI and to avoid areas of Ancient Woodland and known habitats of protected species. The field at Gavinburn Farm provides a sufficient site area to accommodate the temporary construction compound and the permanent powerhouse. As the A82 runs along the southern boundary of the site, it is well positioned to use the road as an existing access route for deliveries. On site, existing forestry tracks would be used for heavy loads while sections of core paths would be used for lighter loads. Temporary tracks would be required alongside the route of the pipeline but would be reinstated post construction to ensure there is no scarring on the landscape beyond the construction and restoration period. The only permanent track proposed is sensitively sited within Gavinburn Farm to access the powerhouse for maintenance. Good practice methodology for reinstating and re-profiling the ground affected by excavation and laying of the pipeline is proposed which will ensure it regenerates effectively.

7.10 Landscape & Visual Impact

Given the location of the hydro development in the Kilpatrick Hills, as a Local Landscape Area, a Landscape & Visual Appraisal was carried out as part of the Environmental Impact Assessment. The appraisal concluded that there would be direct changes to the landscape character associated with construction activities however; these changes would be of short duration and temporary in nature until such time as the disturbed ground regenerates and vegetation cover is re-established. This is considered acceptable. The powerhouse, associated substation and the permanent access track to the powerhouse will not change the landscape character and these structures will be sited sensitively and adequately screened at the corner of the field at northern side of the A82. The proposal would also have no long term adverse visual effects from wider viewpoints of settlements such as Old Kilpatrick within the study area, public roads or recreational routes. Having considered the landscape assessment, it is considered that the impact of the development on the landscape will be short to medium term. SNH are also satisfied that the proposals will not have an adverse visual impact on the landscape.

7.11 Siting/ design of buildings

The powerhouse would be a single storey, steel frame structure on a reinforced concrete slab, formed from 215mm concrete blocks and measure approximately 7mx6m with a ridge height of 5m. The front elevation of the structure faces east towards Gavinburn Farm steading with double doors for access and would be finished externally with dark green profile sheets on the walls and grey steel profile on the pitched roof; louvres would be installed for ventilation. The finish of the powerhouse would be similar to that of a standard agricultural building and therefore would not be out of keeping with the landscape character of this location. Internally, the powerhouse would contain the turbine, generator, power

cabinet and a control panel. A small 'lean to' extension would contain a semi-buried 'pigging' chamber, with an external timber finish, which would enable the pipeline to be cleaned using a 'pig' or 'swab' that can travel through the pipe, clean it and identify any maintenance issues. The hydro scheme would connect into the national grid and a substation would be required; this would be located adjacent to the powerhouse and would measure approximately 5mx5m and 2.5m high. The water carried in the pipe would run through a short section of buried pipe (tailrace) of 750mm diameter from the rear elevation of the powerhouse and reach an above ground concrete outfall at the Gavin Burn, with 20mm steel bar screen to prevent entry of any fish or wildlife through the pipeline. A new permanent access track from Gavinburn farm steading to the powerhouse would be constructed measuring 250m in length and up to 4m wide and would have the appearance of an agricultural farm track with grass central strip. A turning circle would also be provided to allow maintenance vehicles to manoeuvre and exit the field in forward gear. The above ground development is considered to be acceptable from a visual and landscape perspective.

7.12 Access & Recreation

The proposal has the potential to impact upon recreational users of the Kilpatrick Hills. Public Right of Way (SD66) and Core Paths (87) are within the site boundary and would be directly affected by the installation of the pipeline. There would not be a requirement to close either of these routes during the construction period and banksmen would be appointed to manage the safe passage of users together with the appropriate siting of advisory warning signage. Core paths (159, 82, 84 and 87) will be used by construction traffic. The construction period is expected to last for approximately 9 months. It is anticipated that 1-2 HGV vehicles per day would need to use these routes for approximately 4 months. Conditions requiring a Public Access Management Plan and Path Restoration Plan would be attached to any permission requiring the management of the public during construction and details of core footpath restoration specification.

7.13 Natural Heritage

The Site of Special Scientific Interest (SSSI) of Haw-Craig is designated for its rock habitats and upland woodland. Whilst the pipeline passes through the northernmost section of the SSSI, it will not have an adverse impact as the habitats types for which the site is designated, are not present in this area. This has been confirmed by SNH who have no objection to the routing of the pipeline through the SSSI subject to the provision of a management plan to manage the invasive species. The majority of ground habitat within the development site is semi-improved neutral grassland and is not considered to be of significant importance to nature conservation. The exception is some small areas of dry modified

bog which is classed as a sensitive habitat. Impact on this habitat can be mitigated through a turve/soil management plan which will ensure the small areas of affected habitats can be restored post construction.

- 7.14** A badger sett was identified on site through survey and the pipeline has subsequently been moved to avoid the sett. A bat survey was carried out for trees in the area of the southern aspect of the development site and surrounding area. Whilst several trees were identified as having a range of 'medium-low' bat roost potential, none of these trees would be affected by the proposed hydro scheme. A nesting pair of peregrine falcons, which is protected as a Schedule 1 species, was recorded within the development site. Whilst the proposal would have no direct impact on the peregrine nest, there could be indirect impacts during the construction period so SNH has requested a method statement to be provided which outlines good practice methods on how disturbance can be minimised during construction. Peat probing was carried out within the development site and due to the limited evidence of peat habitats, SEPA has requested that a Peat Contingency Plan and this will be addressed by condition. Fish screens will be used to ensure they do not enter the pipeline and this is considered to be good practice.

7.15 Forestry & Trees

Some of the trees on the site are protected by a Tree Preservation Order (TPO) and there is an area of ancient woodland to the south of the site. A tree survey was carried out and the pipeline has been sensitively sited to avoid impacting any trees within the area of ancient woodland to the south of the site. Only 2 trees would require to be felled which are protected by a TPO. The pipeline will be 'micro-sited' at this location to avoid impacting on other trees and their root systems and protective fencing will require to be erected to protect the trees during construction. A total of 450m² of commercial conifer plantation at the north of the site which is owned and managed by Forestry Commission Scotland would be felled as a result of the proposal. A compensatory planting scheme comprising native species across an area of 1.2ha at the western end of Gavinburn Farm will be planted as agreed with the Forestry Commission and land owner.

7.16 Built & Cultural Heritage

The development site lies partially within the buffer zone of the Antonine Wall World Heritage Site. Historic Environment Scotland and West of Scotland Archaeology Service (WoSAS) are both satisfied that the proposal would not have a significant adverse effect on the World Heritage Site with WoSAS requesting an archaeological watching brief by condition.

7.17 Noise

The main noise emitter from the development would be the turbine located in the powerhouse and the nearest properties to the powerhouse

are: Glenarbuck Lodge at 55m, Roman Crescent, Old Kilpatrick at 140m, Glenarbuck House at 260m and Gavinburn Farm at 320m. Potential for noise impact from the turbine is a point of objection in the representations. An initial noise assessment based on a hydro-electric scheme of similar scale, found that it is unlikely that the turbine would result in any significant adverse effects on occupiers of these properties. However, a more detailed noise impact assessment has been requested by the Council's Environmental Health Service and will be required to include mitigation measures, if necessary. Mitigation could include the sound proofing/attenuation of the powerhouse which will be incorporated into the construction to ensure nearby residents are not adversely affected by noise.

7.18 Water Environment

The construction phase is when sedimentation, pollution and contamination of ground water are most likely to occur. SEPA is satisfied by the inclusion of best practice standards and guidance, this will mitigate against potential effects. With regards to the capacity of Loch Humphrey and its associated burn, a separate licence would be required from SEPA for the abstraction of water and engineering works affecting watercourses such as culverts and the tailrace where the water is returned to the Gavin Burn.

7.19 Traffic

Transport Scotland and the Council's Roads Service have no objection to the proposed development as construction traffic will be using existing private tracks. The Council's Roads Service has requested conditions to ensure the proposed access and egress from Sheephill Quarry (large construction vehicles) and Gavinburn Farm (private access from the A82) is unchanged and alternative routes are not used. One vehicle (van) for maintenance purposes will access the powerhouse approximately once on a weekly basis. This is considered to be acceptable.

7.20 Community Benefit

Community benefits in relation to renewable energy are voluntary and vary greatly in how they are delivered and what form they take. Community benefits can include monetary payments (funds) or other voluntary benefits provided to the community such as direct funding of projects, one-off funding, local energy discount scheme or other site-specific benefits. However, the prospect of financial benefit to a community is not a material consideration in the determination of planning applications.

7.21 In this instance the applicant has proposed a community benefit payment of £5000 per MW/year to be paid to Dumbarton & District Pipe Band to teach primary children in West Dunbartonshire bagpipe and drumming skills; this will help provide tuition. An interpretation board at Loch

Humphrey will also be installed which would provide information on the history of the lochs and the hydro-electric scheme. The Applicant has also indicated that they are keen to visit local schools to present information and educate on renewable energy and the Gavinburn scheme.

8. CONCLUSION

- 8.1** National planning policy and the Adopted Plans and Proposed Plans are supportive of renewable energy schemes in principle. This is the first hydro scheme proposed in the West Dunbartonshire area and is to be welcomed. The hydro development is proposed in the Kilpatrick Hills and through proper reinstatement and mitigation, there will be no adverse impacts on ecology, the landscape or on access and recreation. The concerns and issues raised through the consultation process and by representations have been addressed through the details submitted as part of the application or through conditions.

9. CONDITIONS

- 1. No development shall commence on site until an updated Construction Management Plan (CMP) which sets out how the construction phase of the development will be managed. This shall be submitted to and approved in writing by, the Planning Authority.**
 - a) Detailed construction methods for all aspects of the scheme (temporary access tracks, permanent tracks, site compounds, intakes, pipeline, tailrace/ outfall, powerhouse, culverts);**
 - b) Schedule of mitigation**
 - c) Pollution prevention safeguards and sedimentation safeguards;**
 - d) Storage and disposal of materials;**
 - e) Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers;**
 - f) Duration, timing and phasing of works;**
 - g) The width of the working corridor that construction works will be confined to (shown on a plan);**
 - h) Detailed landscape mitigation and restoration techniques for the entire route**
 - i) Detailed habitat mitigation and restoration targets;**
 - j) Treatment and management of peats and turves;**
 - k) Tree felling and tree/ root protection measures;**
 - l) Core path restoration methods and specification;**

- m) Protected species mitigation (including the provision of temporary; ramps in trenches and the capping of pipes at the end of a working day);
- n) Details of toolbox talk for protected species to ensure all personnel are aware of what to do should evidence of species be discovered during construction of the hydro scheme;
- o) Traffic management proposals - to minimise any conflict between construction vehicles and other road users;
- p) Public access management proposals and advisory warning signage strategy and;
- q) Hours of operation on site.

The CMP shall be implemented as approved:

2. The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Planning Authority, all construction activities shall be completed within a 24-month period taken from the start date provided to the Local Planning Authority in accordance with the Notice of Initiation of Development and having regard to any other limitations on work periods set out in any other planning condition.

3. No development shall commence on site, until an invasive species management plan, for scotch broom and rosebay willowherb, shall be submitted for approval in writing, by the Planning Authority and will include:
 - a) Areas to be avoided during construction are to be marked out by an ecologist;
 - b) Ensure careful vegetation management during construction/operational stages to ensure that no seed dispersal or spread by vegetative means occurs;
 - c) Agree a location and methodology for the storage of topsoil;
 - d) Produce a post construction management plan to manage the potential impact of rapid re-colonisation of these (or other) invasive species resulting from the disturbance of the seed bed during the construction and operational phases

The plan shall be implemented as approved within a timescale to be agreed with the Planning Authority.

4. No construction shall commence on site until a Landscape Restoration Plan is submitted to, and approved in writing by, the

- Planning Authority. The plan shall detail proposals for the reinstatement and management of all areas of the scheme and shall include a turve management plan. The details to be provided shall require the pipeline route to be exposed in short sections only (to be defined and agreed) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks. The Landscape Restoration Plan shall be implemented as approved within a timescale agreed with the Planning Authority.**
- 5. No development shall commence on the construction of the power house until a scheme of hard and soft landscaping works for the site of the powerhouse has been submitted to, and approved in writing by, the Planning Authority. The approved landscaping scheme shall be implemented in full prior to the initial operation of the powerhouse. Any trees or plants which within a period of five years from the completion of the development die, or for whatever reason, are removed or damaged shall be replaced in the next planting season with others of the same size and species.**
 - 6. No development shall commence until a detailed Public Access Management Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall include:
 - a) All existing access points, paths, core paths, tracks, rights of way and other routes within and adjacent to the application site;**
 - b) Exact timings, impacts and mitigation for all site vehicle movements and works affecting the Core Path. Works directly affecting the Core Path route shall be programmed to minimise disturbance during peak walking seasons/weekends/days.**
 - c) Use of banksmen to manage the safe passage of users**
 - d) A mitigation communication strategy - local press, businesses and community groups informed of construction operation timetables and likely disturbance to path usage;**
 - e) Advisory construction warning signage strategy;**The approved Public Access Management Plan shall be implemented as approved.**
 - 7. No development shall commence on site until a photographic survey and annotated plan of all core paths that will be used by construction traffic is carried out to ascertain the pre- works standard of the paths and shall submitted for the approval in writing of the Planning**

Authority. Within 1 month of construction being completed all paths shall be re-surveyed and reinstated to the agreed pre-works standard.

- 8. No development shall commence on site until a detailed Woodland Management Plan has been submitted to and approved in writing by the Planning Authority. The Woodland Management Plan shall be prepared by a suitably qualified forestry consultant and include the following:**

- a) Plan showing trees to be felled;**
- b) Plan showing area of compensatory planting;**
- c) Detailed planting specification and timescales;**
- d) Detailed maintenance programme;**
- e) Detailed management/ protection proposals for retained trees along the penstock route;**
- f) Details of forestry consultant responsible for supervision through to establishment.**

The Woodland Management Plan shall be implemented as approved. Within a timescale agreed with the Planning Authority.

- 9. All works shall be carried out in accordance with the approved details of the Aboricultural Impact Assessment and Method Statement (dated December 2018) for the protection of trees on site.**

- 10. No development shall take place until such time as a noise impact assessment has been submitted to and approved in writing by the planning authority. The noise impact assessment shall include an assessment of the potential for the proposed turbine/ powerhouse to cause noise nuisance affecting nearby residential properties. Where potential noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the planning authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. Should the approved noise 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 noise impact assessment and any recommendations in respect of**

attenuation measures shall be prepared by a suitably qualified person.

11. During the period of construction, all works and ancillary operations 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 & public holidays: No working
12. Prior to the commissioning of the scheme an interpretation board containing information relating to the history of the lochs and the approved hydro scheme shall be displayed at Loch Humphrey (or at alternative locations agreed with the Planning Authority) and maintained thereafter.
13. Unless as may otherwise be agreed in writing by the Planning Authority, no works shall commence on the development hereby approved until an independent Ecological Clerk of Works (ECoW) has been appointed by the developer to oversee the implementation of the relevant planning conditions and the Construction Management Plan (CMP) during the detailed design, construction, and restoration phases of the development.
14. Prior to appointing the ECoW in accordance with Condition 13 above, a 'scope of works' for that person shall be submitted to, and approved in writing by, the Planning Authority. As a minimum, the ECoW shall: be present to oversee all in-stream construction works; give advice on micro-siting project elements to protect trees and avoid important habitats, give Ecological 'toolbox talks' on emergency procedures if protected species are identified within or close to the construction corridor; ensure compliance with all wildlife legislation; undertake pre-construction checks for protected species (mammals, fish and birds); oversee implementation of all ecological mitigation, as detailed in the approved CMP; monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved; and have the authority, on and off-site, to halt operations or to alter construction methods if they observe, monitor or otherwise identify that these operations are having adverse impacts on the natural heritage. The Scope of Works shall specify the stages of the process that the ECoW will be present on site for,

and how regularly they will otherwise inspect the site. All works shall be carried out in accordance with the agreed scope of works.

15. Before the commencement of development on site, a Bird Disturbance Method Statement shall be submitted for the approval in writing of the Planning Authority. This shall include pre-construction surveys and timings, identify exclusion zones, method of surveying during construction for signs of disturbance and mitigation if birds are disturbed. The Bird Disturbance Method Statement shall be implemented as approved within a timescale to be agreed with the Planning Authority.
16. Before the commencement of development, a Peat Contingency Plan shall be submitted for the approval in writing of the Planning Authority and shall include:
 - a) A commitment to all construction activity ceasing immediately if deep peat is discovered;
 - b) On site storage options to ensure any peat is kept dry;
 - c) Details of proposed on site and off site use;
 - d) A commitment that SEPA will be contacted to obtain an appropriate level of waste management authorisation as required.The Peat Contingency Plan shall be implemented as approved within a timescale to be agreed with the Planning Authority.
17. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the planning authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief shall be submitted and approved in writing by the Planning Authority prior to the commencement of development on site.
18. No development shall commence on site, until a further survey of the site for badgers is submitted for the approval in writing by the Planning Authority. If any evidence of badgers is identified then any actions arising shall be agreed by the Planning Authority and implemented as approved.

- 19. Notwithstanding the submitted plans, unless as may otherwise be agreed in writing by the Planning Authority, the permanent access track to the powerhouse shall not exceed 2.5 metres in width and shall include a grass central strip.**
- 20. Prior to the commencement of the development, a ‘micro siting’ plan, informed by a topographical survey shall be submitted to, and approved in writing by, the Planning Authority, which shall include details of the precise route of the pipeline through the areas of woodland to the south of the site and the Haw Craig Site of Special Scientific Interest. The plan shall show details of the construction corridor at these locations and shall be implemented as approved.**
- 21. Unless otherwise agreed in writing by the Planning Authority, only the A82 Sheephill Quarry and Gavinburn Farm accesses shall be used by construction vehicles associated with the hydro scheme.**
- 22. A monitoring report shall be submitted to the Planning Authority setting out how the requirements of the Construction Management Plan and all other conditions of the permission are being adhered to on the site, and any issues arising, at the following intervals during the construction phase:**

 - a) Every month for the first 6 months (taken from the start date given in the Notice of Initiation), and**
 - b) Every two months for the remaining period of construction.**

Unless otherwise agreed in writing by the Planning Authority, the monitoring reports shall include an update on construction progress, photographs, and an update from the ECoW.
- 23. Unless otherwise agreed in writing by the Planning Authority, in the event of the scheme not generating electricity for a continuous period of twelve months with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of two years in accordance with the scheme to be submitted to, and approved in writing by the Planning Authority, following the expiry of such a period of cessation or within such timescales as agreed in writing by the Planning Authority. Reinstatement shall include a methodology for the removal of the above ground infrastructures and restoration of the ground and restoration of the natural water regime to normal flows.**

Peter Hissett
Strategic Lead- Regulatory
Date: 7th March 2018

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Site Location Map

Background Papers:

1. Application forms, plans and Environmental Impact Assessment Report (EIAR);
2. Consultation responses;
3. Representations;
4. West Dunbartonshire Local Plan 2010;
5. Glasgow and the Clyde Valley Strategic Development Plan (Clydeplan) 2017;
6. Scottish Planning Policy;
7. West Dunbartonshire Local Development Plan Proposed Plan (LDP1);
8. West Dunbartonshire Local Development Plan Proposed Plan (LDP2);
9. Our Changing Places: Kilpatrick Hills & the Green Network;
10. Green Network Strategy;
11. Renewable Energy Planning Guidance.

Wards affected: Ward

