

WEST DUNBARTONSHIRE COUNCIL**Report by Planning, Building Standards and Environmental Health Manager****Planning Committee: 14th February 2024**

DC23/202/FUL: **Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) in relation to Condition 17 (approach to risk assessment and any associated required remediation strategy/plan) attached to Planning Permission in Principle reference DC20/088 at land at the former Dunglass Oil Terminal, Dumbarton Road, Bowling by West Dunbartonshire Council.**

1. REASON FOR REPORT

- 1.1** This application seeks to vary a condition previously agreed by the Planning Committee as part of the approval of an earlier planning permission in principle (ref: DC20/088). 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 below.

3. DEVELOPMENT DETAILS

- 3.1** The application site extends to approximately 56 hectares and is located on the northern bank of the River Clyde. It is bounded by the River Clyde, the Glasgow to Dumbarton and Helensburgh railway line and the A82 Trunk Road. The national cycle route - NCN7 runs along the northern boundary of the site and cuts across the western part of the site. The cyclepath provides a local route to Bowling and Dumbarton as well as onto Glasgow and Balloch beyond.
- 3.2** Two Category B listed buildings comprising Dunglass Castle and Obelisk Memorial to Henry Bell are also found within the site. The Inner Clyde Special Protection Area (SPA), Ramsar Site (Wetlands of international importance) and the Milton Burn Sites of Special Scientific Interest (SSSI) overlap and border the site to the south, along the River Clyde foreshore.
- 3.3** The majority of the site comprises land of the former Dunglass Oil Terminal which was previously occupied by and currently remains under the ownership of Exxon Mobil and Esso Petroleum Company Limited. This was historically used as a fuel distribution terminal from the 1920s until the 1990's. While the majority of the site comprises the former oil terminal, there are other sections of land within the application site under separate ownership.

The application site also extends beyond the former oil terminal to include surrounding, existing road infrastructure. The former terminal has been vacant and unused since decommission and clearance was completed in 2001. Other land subject to the application includes fields and strips of land under private ownership and the Council is progressing the purchase of the whole application site. An extensive programme of remediation of parts of the former oil terminal site was granted planning permission in 2019 (ref: DC18/013). This comprises of works for areas known as Centerfield, Garden, Northfield and Westfield. A further planning permission was granted in December 2020 (ref: DC20/182) for an alternative revetment solution along the Centrefield frontage. The Eastfield area of the site has previously been remediated in 2014 under planning permission DC11/218. Esso and EXXON Mobil are currently undertaking the remediation works granted under the DC18/013 permission. It is currently expected that this work will be concluded by March 2024 although there is a subsequent monitoring period thereafter.

3.4 In December 2020, planning permission in principle was approved (ref: DC20/088) for the re-development of the site comprising a mixed use development through a masterplan approach consisting of:

- Up to 44,450m² of commercial and industrial development comprising a mix of storage, distribution, industrial, business and office space;
- a new spine road with associated drainage and lighting infrastructure;
- Upgrades to the public road network;
- A new junction on the A82 at Dumbuck with closure of the existing junction;
- A remodelled junction on A82 at Dunglass;
- An enhanced routing of a section of the National Cycle Network Route 7;
- A new underbridge of the Glasgow-Dumbarton Railway at the western access to the site;
- A new railway overbridge at the eastern access to the site;
- Flood mitigation works;
- Site drainage works;
- Landscaping, green corridors and green open space;
- Environmental mitigation works;
- Establishment of platforms for development across the site.

3.5 In January 2024, a Matters Specified in Conditions application (ref: DC23/113/MS) for conditions 1(a & d), 12, 23, 24 and 30 of the above Planning Permission in Principle Permission (ref: DC20/088) was approved by Planning Committee. This addresses the details relating to the road infrastructure, development platforms and associated works and details.

3.6 The redevelopment of the site forms part of the Council's City Deal project. The development will provide a platform for major industrial and commercial development whilst, at the same time, providing road and infrastructure improvements to relieve pressure and provide an alternative route to the A82 through Milton. The development of the site will be progressed through 4 phases as follows:

- Phase 1 – road infrastructure work covering the eastern junction works at Dunglass, western junction works at Dumbuck, the eastern railway overbridge, western railway underbridge and the new spine road through the site.
- Phase 2 - creation of three development platforms (East, Central and West).
- Phase 3 – landscaping, utilities and energy infrastructure facilities.
- Phase 4 - on-site buildings, Dunglass Castle and Henry Bell Obelisk works.

3.7 Condition 17 of the Planning Permission in Principle (ref: DC20/088/FUL) states that:

“No development (other than investigative works) shall commence on site until such time as an assessment of the risks to all new receptors, such as people and buildings, that this development will introduce has been undertaken. If the risk assessment identifies any unacceptable risks, a remediation strategy/plan will be submitted to and approved in writing by the Council as Planning Authority prior to development works commencing. The report shall be prepared by a suitably qualified person”.

3.8 The applicant seeks to vary Condition 17 to allow Phases 1 and 2 of the development to commence without first having to submit and receive approval of an assessment of the risk to all new receptors across the whole site. The proposed variation to Condition 17 seeks to instead require the submission of a document outlining the approach to undertaking a new receptor risk assessment prior to the commencement of development on site. The risk assessment would then to be undertaken in accordance with the approved approach. The proposed variation to Condition 17 as suggested by the applicant reads as follows:

“No development (other than investigative works) shall commence on site until an approach to undertaking a new receptor (e.g. people and buildings) risk assessment has been submitted to and approved in writing by the Planning Authority. The approach must be prepared by a suitably qualified professional(s). Any new receptors risk assessment shall then be undertaken in accordance with the approved approach unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt, should any risk assessment identify unacceptable risks, a remediation strategy shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on the affected part of the site”.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Environmental Health's Contaminated Land Officer have no objections but request some changes to the wording of the proposed variation to Condition 17.

5. REPRESENTATIONS

- 5.1** No representations received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** As the principle of development has already been established through the earlier planning permission in principle (ref: DC20/088), the policies referenced below only relate to those works which are within the scope of works and development associated with Condition 17.

National Planning Policy 4 (NPF4)

- 6.2** National Planning Framework 4 (NPF4) did not form part of the adopted development plan at the time the application for Planning permission in principle was determined. Whilst the granting of planning permission in principle is not revisited in the context of NPF4, it is now part of the adopted development plan against which the current, and any future applications for the site, are required to be assessed against.
- 6.3** Policy 1 relates to tackling the climate and nature crises and states that when considering all development proposals significant weight will be given to the global climate and nature crises.
- 6.4** Policy 4 sets out requirements to be met when development affects Special Protection Areas/Sites of Special Scientific Interest (in this case the Inner Clyde SPA). Policy 7 addresses the historic environment and requires development proposals to fully assess the impact on historic assets or places, including listed buildings. This is relevant to Dunglass Castle and Henry Bell Obelisk which are listed buildings within the site.
- 6.5** Policy 9 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings. Criterion (c) requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 6.6** Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Criterion (b) advises that development proposals will be supported where they are consistent with the six qualities of successful places, which includes 'Healthy'.

- 6.7** Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage and promote and facilitate development that improves health and wellbeing. Criterion (b) states that development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.
- 6.8** It is considered that the application proposal being assessed complies with the relevant policies of NPF4 and is assessed fully in Section 7 below.
- West Dunbartonshire Adopted Local Plan 2010
- 6.9** Policy GD 1 advises that new development is expected to be of a high quality of design and to respect the character and amenity of the area in which it is located. Development proposals are required to assess and address environmental pollution and ensure that suitable remediation measures are undertaken on contaminated sites.
- 6.10** Policy BE2 relates to protection of Listed Buildings and seeks to ensure that there are no adverse impact on their character, appearance and setting. Policy BE4(5) specifically encourages the rejuvenation and restoration of Dunglass Castle and improvements to the setting of the castle will aid in this regard.
- 6.11** Policies E1, E2A and E2B relate to the Council's biodiversity duty and nature conservation matters.
- 6.12** It is considered that the application proposal being assessed complies with the relevant policies of the adopted Local Plan and is assessed fully in Section 7 below.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.1** On 15 March 2023, the Planning Committee took a decision that the Council would not adopt Local Development Plan 2. The Proposed Local Development Plan 2 (LDP2), incorporating the recommended modifications of the Examination Report received on 22 April 2020, which were accepted by the Planning Committee of 19 August 2020, remains the Council's most up to date spatial strategy and is therefore afforded significant weight in the assessment and determination of planning applications, subject to compatibility with NPF4. The Scottish Ministers' Direction relating to the adoption of LDP2, dated 18 December 2020, is also a material consideration, although it does not directly affect the development proposal under consideration.
- 7.2** Policy CP1 seeks to ensure that new development takes a design led approach to creating sustainable places which put the needs of people first and demonstrates that they contribute towards creating successful places by having regard to the six qualities of a successful place (distinctive, adaptable, resource efficient, easy to get to/move around, safe and pleasant, and welcoming).

- 7.3** Policy ENV1 relates to nature conservation. Similar to the other plans, this policy stipulates that development with potential to have an impact upon on ecological designations like a SPA or SSSI 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.
- 7.4** Policies ENV5, which relates to the water environment, advises that the quality and enjoyment of the water environment will be protected and improved minimising pollution of all waterbodies and ground water resources.
- 7.5** Policy ENV9 requires developers to establish the nature of any contamination on any potential development site. Where contamination is present and risks to key receptors are identified, then remediation will be required to ensure the site can be made suitable for its future use.
- 7.6** It is considered that the application proposal being assessed complies with the relevant policies above as set out in the following assessment below.

Principle of Development and Section 42 applications

- 7.7** The principle of development on this site has already been established through the granting of planning permission in principle (ref: DC20/088) and is not being revisited as part of this application. Detailed permission (AMSC) was also recently granted for the road infrastructure, development platforms and associated works.
- 7.8** The advice from the Scottish Government (contained in Annex H of Circular 3/2022 – Development Management Procedures) is that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. As such, this application considers only the proposed variation to Condition 17 of the planning permission in principle in terms of the approach to risk assessment and any associated required remediation strategy/plan.

Ground Contamination/Remediation - Condition 17

- 7.9** Contaminants from the former oil storage facility are being addressed via the remediation undertaken by Esso and EXXON Mobil prior to the site being taken over by the Council. The Eastfield area of the site, which extends to approximately 5 hectares, was remediated in 2014 by permission DC11/218. In assessing the application for planning permission in principle (ref: DC20/088), both SEPA and the Council's Environmental Health Service were content that the remediation strategy would successfully mitigate the contamination on site from the oil terminal use and enable its re-development.
- 7.10** As part of the planning permission in principle (ref: DC20/088), Condition 17 was attached to ensure that an assessment of the risks to all new receptors, such as people and buildings, was carried out and a remediation strategy submitted.

- 7.11** While it is noted that no new receptors are applicable to Phases 1 and 2, the condition does not allow for these Phases to progress until an assessment of the risks to all new receptors, which only apply to Phases 3 and 4, has been undertaken. Some initial assessment works may, however, be required prior to the creation of the development platforms.
- 7.12** Further to the approval of Matters Specified in Conditions (ref: DC23/113/MS), which relates to Phases 1 and 2 of the development, the applicant is keen to commence development works on site. This application aims to enable works to progress by varying Condition 17 so that the submission and approval of an assessment of the risks to all new receptors is not required prior to the commencement of development on site. The proposed variation, set out below, requires the submission of a document outlining the approach to undertaking a new receptor risk assessment prior to the commencement of development. This approach will be expected to address the requirements for any initial assessment works prior to the commencement of the development platforms together with the risk assessment is to be undertaken in relation to Phases 3 and 4 where new receptors will occur. The risk assessment is then to be undertaken in accordance with the approved approach. The Council's Contaminated Land Officer has no concerns regarding the amendment to the condition to allow the alternative approach as the same requirements and commitments in terms of assessing risks and identifying any remediation requirements will still apply and ensure any requirements are fully addressed. The revised approach allows for greater flexibility in allowing the site to progress in a way which satisfies all parties. The Council's Contaminated Land Officer, however, sets out an alternative wording for an amended condition that they consider is required to ensure that the matter is satisfactorily addressed. It is considered that this wording, whilst very similar to the applicant's suggested approach, ensures the condition is enforceable whilst allowing flexibility for all parties. This wording of the proposed variation to Condition 17 is:

"Unless otherwise agreed in writing by the Planning Authority, no development shall commence on site until the approach to undertaking an assessment of the risks to all new receptors, such as people and buildings, that this development will introduce has been submitted to and agreed in writing by the Planning Authority. The assessment of the risks to all new receptors shall then be undertaken in accordance with the approved approach unless otherwise agreed in writing by the Planning Authority. If the risk assessment identifies any unacceptable risks on any part of the site then a remediation strategy will be submitted to and approved in writing by the Council as Planning Authority prior to development works commencing on that part of the site. The report shall be prepared by a suitably qualified person".

- 7.13** The proposed variation to Condition 17 raises no concerns with respect to human health, climate change, the natural environment or listed buildings within the site. While the variation would allow Phases 1 and 2 to progress without a site wide assessment of the risks to all new receptors, this would have a neutral effect in practice as no new receptors are identified for these phases.

The variation, by requiring that the approach to undertaking a new receptor (e.g. people and buildings) risk assessment be submitted to and approved in writing by the Planning Authority prior to the commencement of works, would still ensure that an assessment of the risk to all new receptors at Phases 3 and 4 is undertaken. Furthermore, the variation would ensure that should any risk assessment identify unacceptable risks, a remediation strategy shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development on the affected part of the site.

- 7.14** In light of the above, it is considered that the proposed variation to Condition 17, subject to some minor wording changes beyond the applicant's suggestion, is acceptable as it would enable Phases 1 and 2 of the development to progress while ensuring that an assessment of risks to all new receptors is undertaken and appropriate remediation carried out, where required. The applicant is aware of the wording changes suggested by Environmental Health and raises no concerns.

8. CONCLUSION

- 8.1** The acceptability of the re-development of the site is already established, with the granting of planning permission in principle (ref: DC20/088). This Section 42 application considers the proposed variation to Condition 17 of the planning permission in principle. The proposed variation, subject to some minor wording changes, is acceptable as it would enable Phases 1 and 2 of the development to progress while ensuring that an assessment of risks to all new receptors is undertaken and remediation carried out, where required. The Council's Land Contamination Officer has raised no concerns to this approach.
- 8.2** As the effect of granting planning permission for a Section 42 application is such that a new and separate standalone permission exists for the development, all other conditions associated with the planning permission in principle (DC20/088) are re-imposed to this permission, including Condition 17, as varied.

9. CONDITIONS

- 1.** Prior to the commencement of works associated with any part of the development (apart from remediation works), an application(s) for approval of detailed design matters shall be submitted for the written approval of the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, all applications for the approval of matters specified in conditions shall be accompanied by:
 - a)** Development platforms and site layout plans showing the position of all buildings, roads, access arrangements, parking areas, footpaths, waterfront walkway, green corridors, open space, boundary treatments and drainage infrastructure.
 - b)** Block and layout plans showing existing, proposed and finished floor levels and elevations of each building, showing dimensions, and palettes of external materials.

- c) Applications that include proposals for buildings, will provide details of cycle parking, shelter and storage provision, electric car charging points, shower, changing and drying facilities and any other facilities and measures which promote and support active and sustainable travel.
 - d) Landscape and streetscape plans showing the locations and species of all proposed trees, shrubs, hedges, palettes of hard landscaping materials and street furniture. Where applicable, all trees and planting shall be sited at least 10 metres in distance from the railway boundary located within the application site. Where it is agreed for trees, shrubs are to be planted adjacent to the railway boundary located within the application site, these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height.
2. Any applications(s) for approval of matters specified in conditions for any phase or part of the development submitted under Condition 1 shall also accord with the elements of approved 'design and construction' and 'operational phase' management plans and strategies associated with Conditions 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 16 that are relevant to the development being proposed.
 3. Prior to the submission of the first application for the approval of matters specified in conditions, a Phasing Plan including details for the subsequent delivery for each phase of the development alongside timescales for implementation of the various phases shall be submitted to and approved in writing by the Planning Authority. The Phasing Plan shall contain a strategy for the submission of a series of future detailed applications as under Condition 1 above including the delivery and implementation of the approved zones (including the waterfront walkway, green spaces and green network corridors). The approved Phasing Plan including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates of the approved phasing plan shall be subject to the written approval of the Planning Authority and implemented thereafter as approved.
 4. Prior to the submission of any application for matters specified in Condition 1 (parts B, C or D), a design strategy to establish the principles for the design and locations of street furniture, railings, bollards, signage, bins, substations, generators and cycle parking shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, each application for approval of matters specified in conditions submitted shall adhere to the principles and requirements approved through the design strategy.
 5. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any application for matters specified in Condition 1 (A, B, C or D), a Preliminary Options Appraisal Report including a condition survey and scheme of repairs for the conservation, repair and reuse of Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk in both in the short term and long term shall be submitted to and approved in writing by the Planning Authority. Prior to the occupation of any buildings to be located within Zones A

and B as identified on Parameters Plan (Drawing No. 30953/4504/002 Rev F), details of the final chosen option for Dunglass Castle (including the house, garden and castle walls) and the Henry Bell Obelisk shall be submitted to and agreed in writing Planning Authority. These details shall include a programme of works including timescales for obtaining relevant permissions alongside timelines for the delivery and completion of the works for the Dunglass Castle (including the house, garden, walls) and the Henry Bell Obelisk. Thereafter this shall be implemented as approved in accordance with the approved final strategy.

6. Prior to the submission of the first application for the approval of matters specified in conditions, a Soil Management Plan and Earthworks and Materials Movement Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), these submissions shall include:
 - Details of the assessment criteria and sampling frequency that would adequately demonstrate suitability for use.
 - A Waste Management and Recycling Strategy to address on-site waste and materials.

The approved plans and strategies shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. These shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

7. Prior to the submission of the first application for the approval of matters specified in conditions, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the CTMP shall include details of measures for minimising the disruption of the construction works on existing local bus services along the A82 and A814. As part of such details it shall also demonstrate continuity of access along the A82 and A814 at all times, to allow for the continued operation of local bus services, except where otherwise agreed by the Planning Authority. The approved CTMP including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the duration of the construction phase of the full re-development of the site. Any modifications or updates required for the approved CTMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
8. Prior to the submission of the first application for the approval of matters specified in conditions, a Flood Risk Management Plan, a Construction Flood Response Plan and a Construction Drainage Plan shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved

'Environmental Statement Volume 1 Main Text (Dated: September 2019), the Construction Drainage Plan shall include confirmation that all foul drainage installed within the application site shall discharge into the public sewer network at all times. The approved plans including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved plans shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

9. Prior to the occupation of any part of the site, all measures agreed in accordance with Condition 8 above which are associated with addressing flood risk shall be implemented. This shall also include those measures set out in Section 5.3.5 of the approved 'Environmental Statement Non-technical Summary (September 2019)' and Chapter 7 and figure 7.2 'Conceptual Flood Mitigation Strategy' of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019)'. Once implemented, all of these measures shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.
10. Prior to the submission of the first application for the approval of matters specified in conditions, a Lighting Strategy and an Otter Mitigation Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the Lighting Strategy shall provide specific confirmation that night lighting will be avoided during the months of September to March inclusive where such lighting would illuminate areas of inter-tidal habitat of the Inner Clyde Special Protection Area (SPA) to levels in excess of 1 Lux (i.e. the maximum natural night-time background light level). The approved strategies, including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for these approved strategies shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
11. Prior to the submission of the first application for the approval of matters specified in conditions, a Landscape Framework and Strategy shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the Landscape Framework and Strategy shall be prepared in accordance with the approved 'Landscape Framework Objectives' document (Dated October 2020) and shall update the approved masterplan and parameters plan for the site. The approved Landscape Framework and Strategy including any measures therewithin shall be implemented on site and unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for this approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

12. Unless otherwise agreed in writing by the Planning Authority, as part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, a supporting report which evidences how the relevant development proposals complies with and delivers the requirements and aims of the 'Landscape Framework and Strategy' approved under Condition 11 above.
13. Prior to the submission of the first application for the approval of matters specified in conditions, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. Beyond the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), the CEMP shall also include a timetable and programme for all noise and vibration generating works associated with the construction of the development including the use of plant and machinery and vehicle movements. The timetable shall set out how the construction works will be programmed to minimise noise and vibration generation during the months of September to March inclusive and associated disturbance on wintering redshank and other qualifying features of the Inner Clyde Special Protection Area. Any noise generating works and/or operations agreed in consultation with the Planning Authority as being unavoidable during the period specified shall be accompanied by a schedule of mitigation detailing the measures that will be put in place to mitigate those impacts that will be caused by noise generating works and operations. The approved CEMP including any measures there within shall be implemented on site and shall remain in place for the duration of the construction phase of the full re-development of the site, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved CEMP shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
14. Prior to the submission of the first application for the approval of matters specified in conditions, a Written Scheme of Archaeological Investigation and Programme of Archaeological Works shall be submitted to and approved in writing by the Planning Authority. Notwithstanding the details and scope set out in in Chapter 15 (Schedule of Mitigation and Monitoring) of the approved 'Environmental Statement Volume 1 Main Text (Dated: September 2019), this investigation shall be subject to a full Risk Assessment considering all areas of the site not previously covered by permission DC18/013 for the Remediation Strategy for the site. If required by the Risk Assessment, the scope for the Written Scheme of Archaeological Investigation shall be extended beyond the boundary of Zone F of the site and may include other areas. The approved written investigation and programme of works including any measures there within shall be implemented on site and shall remain in place for the duration of the construction phase of the areas subject to the investigation, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved written investigation and programme of works shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
15. Prior to the submission of the first application for the approval of matters specified in conditions, an Energy Strategy shall be submitted to and approved in writing

by the Planning Authority. Further to the approach and overarching aims set out in the approved 'Energy Masterplan' (Dated, May 2020) document, the Energy Strategy shall include details for the delivery and implementation of on-site low carbon and renewable energy solutions, building specific technologies and features alongside any other measures aimed at increasing energy efficiency on the site. The approved strategy including any measures there within shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved strategy shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

16. Prior to the occupation of any part of the site, a Travel Plan including measures to minimise the impact of traffic and to promote sustainable and active travel choices for staff and visitors shall be submitted to and approved in writing by the Planning Authority. The Travel Plan shall include the details and requirements as set out in Section 7 of the approved 'Transport Assessment (Dated April 2019). The approved Travel Plan including any measures there within shall be implemented on site and unless otherwise agreed in writing by the Planning Authority and shall remain in place for the lifetime of the development. Any modifications or updates required for the approved Travel Plan shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.
17. Unless otherwise agreed in writing by the Planning Authority, no development shall commence on site until the approach to undertaking an assessment of the risks to all new receptors, such as people and buildings, that this development will introduce has been submitted to and agreed in writing by the Planning Authority. The assessment of the risks to all new receptors shall then be undertaken in accordance with the approved approach unless otherwise agreed in writing by the Planning Authority. If the risk assessment identifies any unacceptable risks on any part of the site then a remediation strategy will be submitted to and approved in writing by the Council as Planning Authority prior to development works commencing on that part of the site. The report shall be prepared by a suitably qualified person.
18. Unless otherwise agreed in writing by the Planning Authority, prior to the submission of any approval of matters specified in conditions applications (AMSC), a full Site Investigation and Risk Assessment for areas of the AMSC site not previously covered by the Remediation Strategy to be undertaken in accordance with permission DC18/013 shall require to be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented as approved.
19. In the event that contamination, which has not previously been identified and assessed, becomes evident at any time during the development of the site, it shall be reported in writing to the Planning Authority within 1 week. If such contamination can be dealt with without departing from the principles and outcome of an already approved remediation strategy then works can continue on the affected part of the site. If the contamination would result in a departure

from the principles and outcome of the approved remediation strategy and if requested by the Planning Authority, works shall cease and/or an investigation and risk assessment shall be undertaken and an amended remediation strategy shall be submitted to the Planning Authority for approval. The amended remediation strategy, once approved in writing by the Planning Authority, shall be implemented as approved prior to the recommencement of works in the affected area.

20. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of Dunglass Roundabout Junction of the A82 (T) with the A814 to traffic signal control shall be constructed in accordance with approved plan 'Eastern Access' (Drawing No. 30953-STN-00-XX-DR-D-0021 Rev P01).
21. Prior to the occupation of any part of the site and unless otherwise agreed in writing by the Planning Authority, the proposed upgrade of the Dumbuck signalised junction of the A82 (T) with the A814 shall be constructed in accordance with approved plan 'Western Access' (Drawing No. 30953-STN-00-XX-DR-D-0020 Rev P01).
22. Development proposals affecting the route of NCN7, shall include arrangements for the temporary diversion of the NCN7. Such details shall be accompanied by measures which seek to mitigate the impact of the diversion such as the provision for wayfinding signage and the use of distinctive materials alongside other measures of route design required to ensure that the diverted route remains clear, attractive and intuitive to users. Thereafter the approved temporary diversion and associated mitigation measures shall be undertaken in a timescale agreed in writing by the Planning Authority. The mitigation measures shall be maintained on site for as long as the temporary diversion of the NCN7 remain in place.
23. Development proposals that propose to alter the route of NCN7 shall include details for the final arrangement of post-development reconfiguration of NCN7 at the western end of the site. These details shall include the final route and positioning of NCN7. Thereafter, the approved details shall be implemented as approved in a timescale agreed in writing by the Planning Authority.
24. Any development proposals that will permanently affect the route and function of existing bus stops shall be accompanied by a report assessing and reviewing the impact of the proposed road layout upon existing bus stop locations (including those stops situated along the A82 and A814). If required, the report shall include details for any new bus stops required or details for relocation of existing bus routes. The approved report, including any identified findings and measures shall be implemented in a timescale agreed in writing by the Planning Authority.
25. Prior to the commencement of any development on site, a trespass proof fence of minimum 1.8 metres in height shall be installed along the boundary of the railway line within the application site. Prior to its installation, details of the proposed trespass fencing including its location and design shall be submitted to, and approved in writing by the Planning Authority. The approved trespass

fence shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved trespass fence shall remain in place for the duration of when construction works are taking place on the part of the site impacting the railway.

26. No development shall take place, between the months of September to March inclusive, until an independent Ecological Clerk of Works (ECoW) or on-site Ecologist (with ornithological experience) has been appointed by the developer/applicant to oversee, monitor and ensure the effectiveness of all ecological mitigation measures to protect the integrity of the Inner Clyde Special Protection Area and other ecological designations. The Planning Authority shall be notified in writing once this person has been appointed. Thereafter, the ECoW shall remain in place for the duration of the construction works associated with that part of the development, unless otherwise agreed with the Planning Authority.
27. Further to Condition 26, prior to appointing the ECoW, a 'scope of works' and 'terms of reference' for that person shall be submitted to and approved in writing by, the Planning Authority. This specifically shall detail the role and remit of the ECoW and the circumstances and timescales during the construction phase whereby they will require to be present within the application site. As a minimum, this shall detail that the ECoW shall:
 - Be kept adequately informed of and ensure compliance with the construction timetable and programming (including any variations to such details) to be agreed under the terms of approved CEMP alongside all other ecological mitigation measures and proposals which are to be in place for the lifetime of the construction work associated with the redevelopment of the site.
 - Have the capacity and authority to halt/postpone any construction works taking place during the sensitive over-wintering months (i.e. from September to March inclusive) and until such time as they believe the operations concerned will not result in any redshank, cormorants, goldeneye, oystercatchers, red-breasted merganser (or any other notified bird species) being displaced from feeding or roosting within the identified Inner Clyde Special Protection Area or within the designated Site of Special Scientific Interest (SSSI).
28. No development shall commence, between the months of September to March inclusive until a screening and protective barrier has been installed along the boundary between the Inner Clyde Special Protection Area (SPA) and the area proposed for development works within the application site (southern boundary of the water/foreshore edge boundary of the works area). Prior to its erection, details of the proposed screening barrier including its location, extent, design and level of obscurity shall be submitted to, and approved in writing by the Planning Authority. The approved screening barrier shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the approved screening

barrier shall remain in place for when construction works are taking place within the part of the site impacting the SPA.

29. Further to Condition 28 above, in the event that any such screening barrier is to be replaced by more permanent screen planting, details of such proposals shall be submitted to and approved in writing by the Planning Authority prior to the removal of the screening barrier (between the months of September to March inclusive). Such proposals shall include details for planting along the edge of the development site area (referred to as the 'Green Corridor' on the approved Masterplan and Parameters Plan) combined with tree/scrub retention and appropriate reinforcement planting along the route of the new/upgraded road and along the edge of the existing railway line. The approved screen planting details shall thereafter be implemented as approved in a timescale agreed in writing by the Planning Authority.
30. As part of any applications for approval of matters specified in conditions, and with regard to the requirements of condition 1 above, up-to-date protected species surveys insofar as required in relation to the area of proposed development and associated ecological features shall accompany development proposals within the site. These surveys shall be carried out by a suitable qualified ecologist at the appropriate time of year and will be provided to update the baseline information provided through the Environmental Statement and ecological surveys provided as part of this application. Furthermore, should the results of such surveys show them to be necessary, any such applications shall also be accompanied by the relevant species protection plans to identify any license requirements.
31. Prior to the commencement on any development on site, details of measures to protect retained trees and areas of woodland on the site during construction shall be submitted to and approved in writing by the Planning Authority. The details shall include specific details for the establishment of buffer zones for the protection of trees and area of woodland along and within the site boundary. Thereafter, unless otherwise agreed in writing by the Planning Authority, the approved measures shall be implemented and shall remain in place for the duration when construction works are taking place on site.

Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 14th February 2024

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Appendix: Location Plan

Background Papers:

1. Application forms and plans
2. Consultation responses
3. National Planning Framework 4
4. West Dunbartonshire Local Plan 2010
5. Proposed West Dunbartonshire Local Development Plan 2 2020, as amended
6. Planning applications DC11/218, DC18/013, DC20/182, DC23/113/MS
7. Planning permission in principle DC20/088
8. Application for matters specified by condition DC23/113/MS

Wards affected: Ward 3 (Dumbarton)