

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.
- 7.7** Impact on Site- Remediation and Sheet Pile Wall
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.

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Date: 6th March 2019

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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)