

WEST DUNBARTONSHIRE COUNCIL

Report by Strategic Lead- Regulatory

Planning Committee: 28th August 2019

DC19/046: Erection of fabrication building, yard area and ancillary office building with access road, parking, gatehouse and associated infrastructure at the former Carless Oil Terminal, Erskine Ferry Road, Old Kilpatrick by Malin Group Properties 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 within, and to the north of, the former Carless Oil Terminal, located on the north bank of the River Clyde, approximately 500m upstream and east of the Erskine Bridge. The site is bounded to the north by a disused railway corridor and existing access from Erskine Ferry Road and to the south by the River Clyde. The site comprises 5 hectares of the western part of the wider 18 hectares Carless site which is under the same land ownership. The site is largely level with some localised variations and the southern boundary of the site slopes down to the River Clyde. The remainder of the 13 hectares site would be subject to subsequent phases of re-development to be facilitated by a masterplan approach.
- 3.2** The site is accessed from the north-west via Erskine Ferry Road and it is shared with the neighbouring industrial premises (Subsea7 and Logitech). Access and egress for construction traffic, staff and visitor traffic would be via Erskine Ferry Road.
- 3.3** The site was originally a fuel storage site for the Admiralty in 1916 and during the Second World War the Royal Navy used it as a depot and oil terminal. It was used by 'Carless' as an oil refinery and associated storage until 1992 when operations ceased. The site has been vacant since then, with most above ground structures associated with the previous use demolished although parts of the jetties on the banks of the River Clyde and areas of reinforced concrete hardstanding remain on site. As a result of this former use, the site is subject to contamination by hydrocarbons. This has been addressed as part of a previous

separate planning application (DC18/245) which was approved by Planning Committee in April 2019 and specifically sought to address remediation of the site including the extraction and treatment of contaminated soils and groundwater.

- 3.4** The foreshore of the site abuts and forms part of the European and National designations of the Inner Clyde Special Protection Area (SPA), Ramsar wetland site and Site of Special Scientific Interest (SSSI) with the wintering (non-breeding) redshank as being the designated species of interest. Additionally the site is bounded to the north by a disused railway corridor which is designated locally by the Council as a Local Nature Conservation Site.
- 3.5** The proposed development seeks to establish a specialist marine engineering service on the site associated with the fabrication of shipping vessels. The buildings would comprise of a Marine Fabrication Hall Building of 3,300sqm floorspace with ancillary staff/office accommodation of 714sqm Class 4 floorspace. The Marine Fabrication Hall Building has been designed to accommodate the marine services which require a clear working area of 60m x 40m and a clear head height of 30m below two heavy duty cranes. This results in the main building being 68m x 48m in area and 43m in height. The building would be clad with a mix of treatments with solid grey and black cladding panels across the majority of the elevation of the building and translucent cladding for the upper sections including the crown and parapet to reduce its mass and bulk. Ancillary accommodation comprises of a two storey adjoining building along the full length of the north-east elevation of the main fabrication building to include a main public entrance, office space, staff canteen and a workshop area. External finishes of this extension are of the same palette as the main building. A single storey detached gatehouse is located at the site entrance to provide security control. External finishes of the gatehouse would be cast stone masonry (steel grey colour) with matching flat roof and yellow aluminium trim around the window openings to replicate the palette used on the main fabrication building.
- 3.6** The development also includes a Western and Eastern yard area for materials delivery, fabrication and storage, 80 staff parking spaces, electricity substation, landscaping, perimeter fencing and gates and lighting columns. In terms of employment opportunities, it is forecasted that the development will lead to the creation of 119 jobs as part of the construction phase and an additional 78 jobs as part of the operational phase.
- 3.7** The proposal is subject to an Environmental Impact Assessment (EIA) covering the following topics: ecology, landscape and visual impact, cultural heritage, transport and flood risk and socio-economic impacts and these are discussed in section 7 below.

4. CONSULTATIONS

- 4.1** The Scottish Environmental Protection Agency (SEPA) has no objection to the proposal on flood risk grounds subject to appropriate conditions relating to land raising. The Contaminated Land Officer has also been involved in the remediation proposals for the

site and has recommended remediation and verification conditions to be applied to any permission for this development.

- 4.2** West Dunbartonshire Council Environmental Health Service has no objection to the proposal subject to conditions relating to the contaminated land remediation, noise, construction hours, lighting and dust control.
- 4.3** Scottish Natural Heritage (SNH) has no objection to the proposal subject to adherence with recommended conditions to ensure reduced disturbance to the wintering redshanks and thus avoid adverse effects on the integrity of the Special Protection Area.
- 4.4** Marine Scotland has no objections and will address matters relating to the protection of the water environment in their assessment of the pending and separate Marine Licence application.
- 4.5** Glasgow Airport has no objection to the proposal subject to a condition requiring the submission of a Bird Hazard Management Plan and specific details of water and soft landscaping.
- 4.6** Historic Environment Scotland (HES), Transport Scotland, Scottish Water, Clyde Port Authority, Health & Safety Executive, West of Scotland Archaeological Service (WOSAS) West Dunbartonshire Council Roads Service, Renfrewshire Council, Old Kilpatrick Community Council Royal Society for the Protection of Birds (RSPB) have no objection to the proposed development.

5. REPRESENTATIONS

- 5.1** Two letters of support were received in relation to this application. Both of these are from the Clyde Docks Preservation Initiative (CDPI) and have indicated the following:
- EIA assessment is appropriate in scope and detail for the proposed development.
 - Appropriate mitigation measures proposed to address site constraints.
 - Effective engagement and consultation with statutory consultees and the members of the public.
 - Brownfield site appropriate for proposed industrial and commercial development and use.
 - Local Plan, Local Development Plan and wider planning framework supports the development.
 - Significant investment and commitment to the remediation of a heavily contaminated site that previously formed a barrier to development on the site.
 - Employment opportunities both directly and indirectly as part of the development.
 - Re-introduction of shipbuilding and maritime use and development to Clyde.
 - Contemporary Landmark building which will stimulate further development which will signify and symbolise the proud maritime industrial regeneration of the Clyde.
 - Landscape improvements and improvements to appearance of the area and site.

- Regeneration of existing maritime features e.g. quayside, dry docks, jetties etc.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Clydeplan Strategic Development Plan (2017)

6.1 The policies relevant to the application are as follows:

- Policy 1 – Placemaking
- Policy 5 – Strategic Economic Investment Locations
- Policy 12 – Green Network and Infrastructure
- Policy 13 – Forestry and Woodland
- Policy 16 – Improving the Water Quality Environment and Managing Flood Risk

6.2 The Vision for Clydeplan sets out a Compact City Region as its Spatial Land Use Model. The vision supports the recycling of previously developed land and directing development to sustainable brownfield locations and the creation of high value jobs as well as promoting investment in the Strategic Economic Investment Locations. The proposed fabrication building and associated works are in line with these aspects. These objectives are particularly emphasised for the Clydeplan Development Corridor including Clyde Waterfront, which this site falls into. Development of this site to bring it back into economic use is fully in accordance with the vision and strategy for Clydeplan. The development proposals are also supported by the relevant Clydeplan policies as they take account of the criteria as detailed in the Placemaking Principle and also include enhancements to the Glasgow and Clyde Valley Green Network, retain existing trees and protect the water environment.

West Dunbartonshire Local Plan 2010

6.3 The majority of the former Carless site is identified as a mixed use redevelopment opportunity with the eastern portion of the site identified as an Industrial Opportunity Site where Policy LE1 states that there will be a presumption in favour of uses which extend the permanent employment of the site. Policy LE6 also identifies much of the site as a Strategic Employment Location. The redevelopment of the site is supported by these policies.

6.4 Policies SUS1 and GD1 relate to principles of good development control and sustainability and strive to promote high quality developments that respect the character and amenity of the area whilst at the same time strive to be as sustainable as possible to not compromise the areas future well-being and environment. The development is considered to comply with the design principles of these policies through its design strategy.

6.5 Policies E2A and E2B indicate that any development with potential to have an adverse impact upon a Natura 2000 site (i.e. Inner Clyde Special Protection Area) or a Site of Special Scientific Interest site will only be allowed if there would be no adverse impacts on the nature conservation interest, or where there are imperative reasons of overriding

public interest. SNH are satisfied with the proposals subject to conditions to mitigate potential impacts and the proposed redevelopment of the site is considered to be in accordance with these aforementioned policies.

- 6.6 The Disused Railway Line to the north of the site is a Local Nature Conservation Site. It is considered that the proposed development would not have any permanent detrimental effects on this designation subject to mitigation measures and is therefore in accordance with Policy E3A.
- 6.7 Policy T4 sets out transport requirements for developments. Policy F1, F2 and F3 relates to Flood Prevention and supports development within the functional flood plain which is for essential infrastructure or regeneration priorities and which cannot be located elsewhere. A Flood Risk Assessment (FRA) has proposed a range of mitigation measures including land raising and compensatory storage provisions. SEPA is satisfied that the redevelopment will not raise any flood risk issues subject to compliance with their recommended conditions and mitigation measures. It is considered that the proposals comply with the above relevant policies of the adopted Local Plan.

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 Duntiglennan 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 redevelopment opportunities are identified which includes remediation, a range of uses including industrial/business and housing development, green network enhancements and access improvements. The proposed redevelopment would seek to regenerate the site and bring the site back into productive use and therefore accords with the Council's long term aims and strategy for this site. Policies GD2, LE1 and LE6 also support the redevelopment of the site for business and industrial uses.
- 7.3 Policy BH3 which is similar to policies BE2 in the adopted plan and BE2 in the proposed plan (2018) seeks to consider setting and offers specific considerations for the special interest, character and setting of listed buildings and structures. Policy BH2 and BH1 relate to other protected and sensitive designations including scheduled monuments, archaeological sites and heritage sites. These considerations have been assessed in full as part of the EIA assessment and Historic Environment Scotland (HES) have confirmed that the setting of each of these will not be adversely affected by the development.

- 7.4** Policies GN3, DS2, DS6 and DS7 relate to nature conservation, greenbelt, flooding and contaminated land. The content of these policies is similar to the policies of the adopted local plan and Proposed Plan 2018 and are discussed in Section 7 below.
- 7.5** Policy SD1 relates to the transport network associated with such developments and outlines the redevelopment strategy for the site in particular with access improvements seen as a key part of any site-wide redevelopment. Policy DS3 requires that significant travel generating uses be located within 400 metre of public transport networks. The access road is proposed to be upgraded, the nearest bus stop to the site is on Dumbarton Road and the site is adjacent to national cycle route 7. The proposals are therefore in accordance with these policies. This is discussed further in section 7 below.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.6** 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.
- 7.7** 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 are supported on the site. The proposed development is in accordance with Carless Policy 1, 2 and 4 as it would not only regenerate this part of the site specifically but also assist in unlocking the future redevelopment of the site.
- 7.8** Policies ENV1, GB1, ENV5, ENV6, ENV8 and ENV9 are also relevant and noting the site constraints and they relate to nature conservation, greenbelt, flooding and contaminated land. Policy ENV10 specifically requires developments to implement mitigation measures contained within the relevant environmental reports and relating to appropriate assessments. The content of these policies seeks to protect the ecological and water environment and amenity of the area and is similar to the policies of the adopted local plan. Subject to mitigation measures, the development of this site is therefore in accordance with the relevant policies of the Proposed LDP2.
- 7.9** Policy CP3 requires developers to take a masterplan approach and Policy CP4 requires relevant projects to be referred to the Place and Design Panel and take outcomes of the Panel to be taken into account. Policy WD1 outlines criteria for development proposals which are adjacent to the River Clyde and other watercourses to foster a positive relationship and frontage. The design of the frontage is orientated towards the waterfront, and the requirements for access to the jetty demonstrate an active frontage to show compliance with this policy.
- 7.10** Policy CON1 requires that significant travel generating uses are designed to encourage sustainable transportation including electric vehicular charging points and Policy CON4 requires that development proposals install the necessary infrastructure to enable connection to fibre optic networks. Compliance of the development to these policies can be ensured through appropriate planning conditions.

- 7.11** Policy CON3 which is broadly similar to Policy R5 and Policy GN8 of the proposed plan focuses on retaining and/or improving a high standard of accessibility and permeability as part of developments. The proposal is considered to comply with this policy.
- 7.12** Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process whilst policy ENV9 requires all potentially contaminated sites to be remediated where necessary to ensure that the site is suitable for the intended use. Mitigation measures have been provided to address the potential issues and statutory consultees have advised that these are acceptable. Subject to appropriate planning conditions, the development is compliant with these policies.

Principle of Development

- 7.13** The applicant wishes to expand their current business into larger scale contracts for bigger and more complex vessels and marine equipment. Currently the applicant operates from a Business Park in Renfrewshire. To meet their requirements, the applicant has selected the Carless site as having the potential to further develop their manufacturing capacity in a single comprehensive riverside site which has direct access to the River Clyde and coastline.
- 7.14** The site is identified as a strategic redevelopment opportunity site capable of supporting a range of uses in the relevant adopted and local plans which promote a vision and strategy for a mixed industrial site that will result in the wider remediation and regeneration of the site.
- 7.15** The marine fabrication business is a positive use for this site and would form phase 1 of the re-development of the overall site. It is estimated that this would unlock future phased development that would lead to employment and labour opportunities in the area. It is hoped that the marine fabrication enterprise would attract further interest and investment from complimentary businesses and form a Marine Technology Park, thus bringing enhanced potential for more investment and job opportunities to West Dunbartonshire.

Site Layout and Arrangement

- 7.16** The site layout and configuration of the marine fabrication complex have been informed and designed to accommodate the process orientated nature of the development ensuring ease of access to the river and the existing marine infrastructure (jetties, docks etc.).
- 7.17** The design seeks to accommodate and facilitate a practical work flow approach through the facility with operations moving from a western to eastern part of the site. The process begins with raw materials being delivered to the west yard and then to and from the main fabrication building/hall located centrally within the site. Completed or partially completed vessels and equipment will then leave the fabrication unit/hall and will thereafter be transferred to the east yard for finishing and for transportation by river or road. The proposed buildings on the site including the gatehouse, the substations and the ancillary

extension which is to be attached to the main fabrication hall are all considered to be acceptable.

Built Form and Design of Buildings

- 7.18** The fabrication building by virtue of the processes which will occur in the space (design, fabrication and maintenance of large marine engineering products and vessels) is a sizeable structure and will constitute a notable feature within the wider locality. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the EIA in order to understand its relationship to natural and built structures in the surrounding area. This includes its interaction and influence on the Kilpatrick Hills, Mountblow residential area, the Erskine Bridge Hotel and the Erskine Bridge which is a category A listed structure and in close proximity to the site.
- 7.19** The fabrication building will occupy a central location and serve as the main hub on site with ancillary and servicing features accommodated adjacent to it. Dictated by operational and functional processes, the scale and mass of the hall is unavoidable and as such its layout seeks to recognise and acknowledge this by becoming the focal point and landmark within the site and for the wider area. The appearance of this building which is predominantly made up of various cladding treatments has been amended to reduce its overall massing and scale. This has involved the removal the solid black cladding panels around the upper rim/section of the building and its replacement with a translucent band of cladding above the crane zone to visually reduce its overall mass. This is considered to represent an improvement that will reduce its visual effects in terms of its context within the overall landscape. The marine fabrication building will sit in close proximity to the recently "A" listed Erskine Bridge. Historic Environment Scotland (HES) have indicated no objection to the proposed development.
- 7.20** In terms of the other buildings and structures within the site, including the gatehouse and the extensions, these adopt a similar palette of materials and are designed as to compliment the main fabrication hall. It is noted however that due to the scale and mass of the main building and the existing and proposed screening proposed, that these will only be visible from very limited viewpoints within the locality. Elements of sustainability are also evident through a number of design features including; zero carbon technology in the form of roof mounted photo voltaic panels on the main fabrication building; the use of natural lighting provided primarily from rooflights and the use of LED lighting internally and externally on the main building.

Place & Design Panel

- 7.21** In November 2018, the proposed development was presented to the Place & Design Panel. The Panel concluded that on principle the proposal represented an exciting development which could lead to positive investment in the area. Noting its location, the Panel felt that its introduction and presence provided an opportunity to create a landmark feature which could in turn act as a catalyst, setting a benchmark to stimulate the regenerate of a long neglected and vacant site within Old Kilpatrick.

- 7.22** The Panel acknowledged the need and justification for the scale and massing of the building and that it was unavoidable. They indicated that it was important that the building represented a bold, distinctive and unashamed structure which did not necessarily try to blend into the landscape. They also complimented the approach for a clean, uncluttered structure with a limited palette of materials.
- 7.23** The Panel did raise some particular aesthetical points which they felt could allow the fabrication hall to better relate to the surrounding area whilst at the same time reduce the perceived massing. Instead of utilising vertical emphasises where variations to cladding tones and finishes were proposed, it should take cues from the horizontal nature of the key surrounding structures and features including the nearby Erskine Bridge and the layering of landscape elements. The applicant has revised the treatment to the exposed elevations with the incorporation of a horizontal illuminated 'halo' band and a revision to the hanger door to match the overall dark building colour rather than stand out in yellow. The revisions made to adopt a horizontal cladding approach of the building represent improvements from the previous proposals in front of the Panel at this time. It is considered that the applicant has met the recommendations of the Panel.

Natural Environment and Ecology

- 7.24** Since the site was decommissioned, it has over time provided a habitat for various forms of wildlife and the site is adjacent to the Inner Clyde Special Protection Area (SPA). The site itself is not subject to any specific environmental designations and the site is allocated for redevelopment in the various local plans. A number of assessments have been undertaken both as part of the EIA and as separate supporting submissions. The outcome of these stipulates that noting the ecology presence within the site and surrounding area, a range of design and mitigation measures are required to minimise potential effects. These mitigation measures include provisions for both the construction and the operational phases of the development, including a Construction Environmental Management Plan (CEMP).
- 7.25** Assessment of the proposals has also been made by SNH regarding the impact on the Special Protection Area. SNH consider the proposal would not have an adverse impact on the SPA, subject to suitable mitigation being implemented such as the appointment of a qualified ecologist to be retained to oversee construction works, the erection of visual screens where necessary to reduce visual/noise disturbance to wading birds (redshank) in the Clyde and limitations on access to the SPA for vegetation clearance, machinery, equipment and restrictions to night lighting arrangements. These issues can be addressed through the use of appropriate conditions and will also mitigate against potential impacts on the Ramsar and SSSI designations.
- 7.26** A Habitat Regulations Appraisal Assessment has also been undertaken by the Planning Authority. The outcome of this appropriate assessment demonstrates that any adverse effect on the integrity of the site can be avoided subject to mitigation measures being in place and secured through appropriate conditions. SNH have agree with this assessment.

Landscaping and Green Network

- 7.27** The site is identified as a strategic opportunity for enhancement of the Glasgow and Clyde Valley Network and Green Infrastructure where there is prospect and opportunity to both protect and deliver habitat, access, green and open space enhancement through development. Whilst this strategy and aspiration applies across the wider Carless site, specific measures have been adopted as part of this development to meet this requirement and in particular the terms of Carless Policy 4 of the Proposed Plan 2 (2018). Measures proposed include the retention and reinforcement of the natural screening of the site along the Clyde Corridor and enhancements to the tree belt at the western edge of the site.
- 7.28** Given the scale of the primary building, it is recognised that there are no practicable means of reducing the impacts of the building through planting or landscaping. However it is still considered that the landscaping both retained and provided as part of the proposals will play an important role for the site and that its inclusion and integration will be of benefit to the overall setting of the development and will assist in integrating the development with the surrounding area with the dense tree belts and woodland areas being an established characteristic along this stretch of coastline. This would support the aspiration of maintaining and enhancing the green network along this part of the Clyde which is advocated in Clydeplan and the local development plans.
- 7.29** The site was selected by the applicant due to its proximity to the river and the ability through certain upgrades to harness a number of existing assets including the docks and jetties. These features will be used directly as part of the daily operation of this marine facility and on this basis it is not considered feasible to deliver a public riverside walkway envisaged in Local Development Plan 2 as there would be a conflict with the use/ activities carried out and public safety. There are still however alternative opportunities to provide public access and improve connectivity to the waterfront that links with the tow path/National Cycle Route 7 to the north. Whilst a masterplan has not been provided as part of this application, this will be required as part of any future phases of development. The development strategy of LDP2 sets out a need for a comprehensive master-planned approach to the wider Carless site. At this time, such matters including alternative waterfront links through the site and further enhancements to green networks will be addressed by the future masterplan.

Roads, Access and Transport matters

- 7.30** Access and egress to the site is from Erskine Ferry Road and this is shared with the neighbouring industrial premises. This proposal provides an opportunity to ensure that the immediate and local road networks within the site is brought up to current technical standards. The upgrades and re-alignment to the existing access track on the eastern boundary are acceptable and this can be addressed as part of planning conditions.
- 7.31** Whilst the spatial and development strategies for Carless as detailed in Proposed Plans 2016 and 2018 indicates an aspiration for site-wide infrastructure improvements as part of the re-development of this site including a new access on Dumbarton Road and enhancements to Erskine Ferry Road. These wider changes are not proposed nor are they required by the Councils Roads Service on the basis that the existing access

arrangement is sufficient at this time to support the development under consideration. These more significant infrastructure improvements will require to be addressed through the future phases of development and the masterplanning of the wider Carless site.

- 7.32** In terms of parking, 80 parking bays are proposed with the car park to be positioned to the north of the main fabrication hall buildings with an additional 31 spaces proposed for cycle parking. Under Policy CON1 of Proposed Plan 2018, electric vehicle car charging points are stipulated as a requirement for all major developments and this can be addressed by condition. The parking proposed is considered to be acceptable in this case. An Active Travel Plan to encourage the use of public transport including utilising the nearby Old Kilpatrick Train Station and bus stops on Dumbarton Road will be required to be submitted.

Technical Considerations

- 7.33** The profile and land levels of the site require to be raised to 5.27m AOD in order to mitigate the development from flood risk. No details have been provided as part of the application specifying how this will be achieved including the level of importation of materials required to deliver this. In absence of this information, these requirements can be addressed through planning conditions. To mitigate the loss of flood storage, a compensatory storage scheme is also proposed to address the loss of part of the flood plain, with this to be provided on land within the wider Carless landholding (southern margins of the wider site). Whilst this area identified sits out with the application site for this phase of development, it is owned and within the control of the applicant and its implementation as part of this development can be secured by planning conditions.
- 7.34** SEPA are satisfied that the development can be accommodated subject to a number of specific and prescriptive conditions as outlined above which include: the provision of land raising as previously outlined to provide a sufficient freeboard for the buildings and safe pedestrian access/egress and also the implementation of the proposed compensatory flood storage scheme in accordance with the details set out in the Flood Risk Assessment and EIA provided.
- 7.35** Given the sites history the Contaminated Land team from Scottish Environmental Protection Agency (SEPA) and the Council's Environmental Health Section has also been heavily involved, as a consultee, in the remediation proposals for Carless and before the submission of the application. Whilst much of the detailed aspects of this have already been addressed through the previous application DC18/245, both of these consultees have recommended remediation and verification conditions to be applied to this permission if granted which either overlap or follow on from those previously imposed.
- 7.36** The applicant has provided a desk-based archaeological assessment and West of Scotland Archaeological Service conclude that the site has low archaeological potential and no designated or known heritage assets exist on the site or would be affected by the proposed remediation.

Pre-application Consultation

- 7.37** As the proposal constitutes a major development, statutory pre-application consultation was carried out prior to submission of the application. Following submission of the Proposal of Application Notice a public event was held in Old Kilpatrick during November 2017 and local community councils were contacted about the proposal and relevant organisations and landowners were invited to attend and comment. A statutory notice was published in the local press advertising the public event.
- 7.38** The applicant has submitted a Pre-Application Consultation Report which highlights that 25 people attended the public event. It indicated that a number of people who attended the event were unsupportive of any development on the site and for the land to become a nature reserve. Others attending were pleased to see employment and life back to a disused area.

8. CONCLUSION

- 8.1** There is strong policy support for this development through Clydeplan and local planning policies. This is a very exciting development for the area as it will bring shipbuilding back to this part of the Clyde. The development also has the potential to unlock the remaining part of the site which will remove a derelict waterfront site and bring wider socio-economic benefits to the wider area.
- 8.2** The development by its nature with the large scale fabrication building will become a landmark feature on the Clyde and the surrounding area. The business associated with this development has a long standing history associated with Clyde shipbuilding and this development will be a statement celebrating the return of marine based industry back into West Dunbartonshire. There are strong tangible benefits for both the site and the surrounding area including the physical regeneration of a long standing redundant site and also boosts for the local economy through the investment and creation of employment opportunities. It is hoped that this development will stimulate other associated development in the remaining part of the area.

9. CONDITIONS

- 1. The main Marine Fabrication Hall Building proposed as part of this development alongside the associated adjoining ancillary extension shall be completed in accordance with approved plan 'Amended Elevations as Proposed (Drawing No. 402 REV E)' and comprise of the following external finishing materials, unless otherwise agreed in writing by the Planning Authority:**
 - Kingspan KS1000RW composite insulated cladding (Colour: Black RAL 9005).**

- Everlite Danpalon Multicell polycarbonate translucent cladding panels (Colour: Sunflower Yellow BS 10 E55).
 - Cast stone masonry (Colour Steel grey with matching mortar).
 - Everlite Danpalon Multicell polycarbonate translucent panels (Colour: Clear with opaque film to rear face).
2. No development (other than investigative works) shall commence on site until such a time as an assessment of the risks from contamination 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 Planning Authority prior to development works commencing on site. The report (if required) shall be prepared by a suitably qualified person and the works thereafter will be carried out in full accordance with the remediation strategy/ plan.
 3. No development (other than investigative works) shall commence on site until such time as a detailed remediation scheme for the development site has been submitted to and approved in writing by the Planning Authority in accordance with the requirements of associated planning permission DC18/0245. The scheme shall be prepared by a suitably qualified person and shall detail the measures necessary to bring the site to a condition suitable for its intended use and purpose.
 4. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. The Planning Authority shall be notified in writing of the intended commencement of remediation works no less than 14 days before the works commence on site. Upon completion of the remediation works, a verification report which demonstrates the effectiveness of the completed remediation works shall be submitted to and approved in writing by the Planning Authority.
 5. Prior to the occupation of the main Marine Fabrication Hall Building associated with the development, a Remediation Statement, as defined in Section 78H (7) of Part IIA of the Environmental Protection Act 1990, in relation to approved associated planning permission DC18/245 shall be submitted and approved by the Planning Authority. This statement will detail the remediation actions that are being, have been, or are expected to be, carried out and fulfilled across the entire site as well as the time periods within which these actions are being/will be done.
 6. If the remediation plan requires it, then a monitoring and maintenance scheme (including the monitoring of the long term effectiveness of the proposed remediation) shall be submitted to and approved in writing by the

Planning Authority. Any actions/measures ongoing shall be implemented within an agreed timescale with the Planning Authority in consultation with Environmental Health. Following completion of the actions/measures identified in the approved remediation scheme a further report which demonstrates the effectiveness of the monitoring and maintenance measures shall be submitted to and approved by the Planning Authority.

- 7. The presence of any previously unencountered contamination that becomes evident during the development of the site shall be reported to the Planning Authority in writing within one week, and work on the affected area shall cease with immediate effect. 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 re-commencement of works in the affected area. The approved details shall be implemented as approved.**
- 8. If there is a requirement to either re-use site won material or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being re-used or imported. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours.**
- 9. No works shall commence on the area identified for the Flood Compensatory Storage Area (as set out within Figure 6.2 of the approved Flood Risk Assessment (Stage 3, March 2019)) until such time as a report detailing the nature and extent of any contamination on this area of the site has been submitted to and approved in writing by the Planning Authority. The report shall be prepared by a suitably qualified person and shall include the following:**
 - a) A detailed site investigation identifying the extent, scale and nature of contamination on the site (irrespective of whether this contamination originates on the site).**
 - b) An assessment of the potential risks to groundwater and surface waters.**
 - c) If the risk assessment identifies any unacceptable risks, a further remediation strategy/plan will be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.**
- 10. No development shall commence on site until such time as an updated noise/vibration impact assessment has been submitted to and approved in writing by the Planning Authority. This assessment shall include an assessment of the potential for the proposed use to cause noise/vibration nuisance affecting nearby properties. Where potential disturbance is identified, proposals for the attenuation of that noise/vibration shall be**

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

11. 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.
12. During the period of construction, all works and ancillary operations (including piling) which are audible at the site boundary (or at such other place (s) as may first be agreed in writing by the Planning Authority), shall be carried out between the following hours unless otherwise approved in writing by the Planning Authority:
 - Monday to Fridays: 08.00-18.00
 - Saturdays: 08.00-13.00
 - Sundays and public holidays: No working
13. 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 Vibrations in Buildings'. It shall detail any procedures which are proposed to minimise the impact of noise and vibration on the occupants of surrounding properties. This statement shall be prepared by a suitably qualified person, and the piling works shall thereafter be carried out in accordance with the approved method statement.
14. Prior the commencement of development on site, an external lighting scheme and strategy shall be submitted for the written approval of the Planning Authority. The scheme shall take into account all of the lighting needs associated with the development during operational hours and shall demonstrate the minimum required to perform the relevant lighting task. It

shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and into the sky and to avoid dazzle or distract drivers on nearby road networks. The lighting scheme shall be implemented as approved and it shall remain in force for the life of the development unless otherwise agreed in writing by the Planning Authority.

15. Prior to the commencement of development on site, 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 the 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 agreed in writing by the Planning Authority.
16. Prior to the commencement of development on site, an updated air quality impact assessment shall be submitted to and approved in writing by the Planning Authority. This assessment shall be in accordance with the Environmental Protection UK guidance document 'Development Control: Planning for Air Quality 2017'. The approved assessment and the associated findings shall thereafter be implemented fully prior to the development commencing on site or within a timescale agreed by the Planning Authority.
17. Prior to the commencement of development on site, details of an adequate sized grease trap shall be submitted to and approved in writing by the Planning Authority. The details approved shall thereafter be installed prior to the development being operational and shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
18. Prior to the commencement of development on site, details of the flue and extraction system for the development shall be submitted to and approved in writing by the Planning Authority. The submitted information shall include details of the noise output and the filter arrangements for the systems. The approved flue/extraction system shall be implemented prior to the use and development being operational and shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.
19. Prior to the commencement of any construction works on site associated with the main Marine Fabrication Hall Building as part of this development, land raising of the site shall be provided to a minimum of 5.27m AOD in accordance with the details set out in Section 5.2.5 of the approved Flood Risk Assessment (Stage 3: March 2019) to provide a development ground level which offers a freeboard and a safe pedestrian access/egress within the site and shall be maintained thereafter unless otherwise agreed in writing by the Planning Authority.

- 20. Prior to the commencement of any construction works on site associated with the main Marine Fabrication Hall Building as part of this development, the Compensatory Storage Scheme as detailed in Section 8.8.11 and Table 19.1 (Summary of Proposed Mitigation Measures) of the approved Environmental Impact Assessment Report (Volume 1, March 2019) shall be implemented in accordance with these details in the area and location identified on Figure 6.2 of the approved Flood Risk Assessment (Stage 3: March 2019). Once installed, the compensatory storage area shall be maintained as such thereafter unless otherwise agreed in writing by the Planning Authority.**
- 21. The development shall connect to the public sewer when future phases of the development have been approved and, prior to their occupation; the temporary private sewerage system shall be thereafter disconnected and removed from the site.**
- 22. Prior to the commencement of development on site, a Bird Hazard Management Plan shall be submitted to and approved in writing by the Planning Authority. The details shall comply with Advice Note 3 and Note 8 'Potential Bird Hazards from Amenity Landscaping' and 'Building Design'. The submitted plan shall include details of:**
- Full details of soft and water landscaping including details of the location and design of the Sustainable Urban Drainage System (SUDS), the Flood and Compensatory Storage Areas as well as the species, number and spacing of trees and planting within the site.**
 - Management of building including details for the management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds.**

The Bird Hazard Management Plan shall be implemented as approved at a timescale to be agreed with the Planning Authority. It shall remain in force for the life of the development and no subsequent alterations to the plan shall take place unless firstly approved in writing by the Planning Authority in consultation with Glasgow Airport.

- 23. Prior to the occupation of the main Marine Fabrication Hall Building associated with the development, the developer shall install the necessary infrastructure to enable the development to be connected to the existing fibre optic network, where available in West Dunbartonshire, and in accordance with the relevant telecommunications provider's standards.**
- 24. Prior to the commencement of development on site, details of location, design and number of electric vehicle charging points/units within the site shall be submitted to and approved in writing by the Planning Authority. The**

electric charging points/units shall thereafter be installed on site prior to the occupation of the main Marine Fabrication Hall Building and shall be maintained in accordance with the details approved.

- 25. Notwithstanding the approved plans, four car parking spaces shall be identified, constructed and designed for use by a disabled badge holder only and shall be in place prior the occupation of the main Marine Fabrication Hall Building associated with the development.**
- 26. Prior to the commencement of development on site, details of the location and design of of the cycle parking provision within the site shall be provided to and approved in writing by the Planning Authority. The cycle parking provision and arrangements as approved shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with the development and shall be maintained as such unless otherwise agreed in writing by the Planning Authority.**
- 27. Prior to the commencement of development on site, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority. The CTMP submitted shall take account of all vehicular activity and movements associated with the importation of materials for the land raising and profiling of the site as outlined in condition 20 above. The approved CTMP shall be implemented and thereafter maintained for the duration of construction and shall apply to all vehicular traffic associated to the development.**
- 28. Unless otherwise agreed in writing, no development shall commence on site until a Travel Plan including details promoting sustainable travel information to be provided to the staff and employees of the business associated marine fabrication complex and elsewhere within the site is submitted for the written approval of the Planning Authority. The Travel Plan shall include details of all of the measures and proposals as set out within Sections 7.1, 7.2, 7.3 of the Approved 'Transport Assessment (PBA and Stantec, March 2019) and shall also comply with Planning Advice Note 75 (PAN75). The approved Travel Plan shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with the development and maintained as such unless otherwise agreed in writing by the Planning Authority.**
- 29. Prior to the commencement of development on site, full details and specifications of the upgrades proposed to the existing track/access road located along the north east and eastern perimeter of the application site shall be submitted to and approved in writing by the Planning Authority. This shall include details of both re-surfacing materials and the re-alignment arrangements to the road. The approved upgrades and roads details shall be implemented prior to the occupation of the main Marine Fabrication Hall Building associated with this development and shall be maintained as such unless otherwise agreed in writing by the Planning Authority.**

- 30. Prior to the commencement of development on site, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the details of all measures as set out within Point 20 of the Schedule of Mitigation provided in Table 19.2 of the approved Environmental Impact Assessment Report (March 2019). The approved CEMP shall be implemented on site for the duration of all construction period of the development and will remain in place until the entire construction period/phase of the development has been completed.**
- 31. No works, between the months of September to March inclusive, shall commence until a screening barrier has been installed along the southern boundary of the water/foreshore edge boundary of the works area, to provide screening against visual and noise disturbance of the designated Inner Clyde Special Protection Area (SPA). Details of the proposed screen barrier including its location, extent, design and height shall be submitted to, and approved in writing by, the Planning Authority and implemented as approved. These details shall be combined with confirmation of the retention of as well as of any additional appropriate reinforcement planting for the existing tree belt situated along the western and northern perimeters of the site boundary as part of this screening.**
- 32. Further to condition 31 above, no additional or reinforcement planting shall be proposed or undertaken to the section of tree belt located within the area designated as part of the Inner Clyde Special Protection Area (SPA) as identified and designated on approved plan 'Amended Phase 1 Proposed Site Layout (Drawing No. 111 Rev I)'.**
- 33. No works, between the months of September to March inclusive, including access for plant or machinery shall be taken through or within the designated Inner Clyde Special Protection Area (SPA).**
- 34. No lighting, between the months of September to March inclusive, in excess of '1 Lux' shall illuminate areas of the inter-tidal habitat or the Inner Clyde Special Protection Area (SPA). All lighting within the site shall adhere to the recommendations of the approved Environmental Impact Assessment Report (Volume 1, March 2019) and the approved Appendix 9.3 of the Environmental Impact Assessment: 'Lighting Design Brief Note'.**
- 35. No development shall commence on site 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 Natura site. The Planning Authority shall be notified in writing once this person has been appointed. The Ecological Clerk of Works shall**

remain in place until all works associated with the construction of the development have been completed on site.

36. Further to condition 35, prior to appointing the ECoW in accordance, 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 kept adequately informed of all construction scheduling proposals for the lifetime of the construction build of the development.
- Have the capacity to halt/postpone any construction works taking place during the sensitive over-wintering months (i.e. from September to March inclusive) until such time as they believe the operations concerned will not result in any redshank (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).

37. Any clearance of ground vegetation, prior to the main remediation works being undertaken, shall be carried out by hand during the winter months. The vegetation clearance shall be overseen by the Ecological Clerk of Works with a view to retaining as much vegetation on site as possible while still facilitating the construction works – particularly where such retained vegetation can retain and enhance the screening of the development from the Inner Clyde Special Protection Area.

38. Prior to the commencement of development on site, full details of all hard surfaces shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of the main Fabrication Hall Building associated with the development.

39. Prior to the commencement of development on site, full details of the design and location of all walls and fences to be erected on site shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in accordance with the approved details prior to the occupation of the main Fabrication Hall Building associated with the development.

40. Prior to the commencement of development on site, a detailed landscape scheme shall be submitted to and approved in writing by the Planning Authority. These details shall include a full planting schedule and maintenance arrangements. Once approved, this shall be implemented no later than the next appropriate planting season after occupation of the development. The landscaping arrangements as approved shall thereafter be maintained in accordance with these details unless otherwise agreed in writing by the Planning Authority.

Peter Hessel
Strategic Lead- Regulatory
Date:
15th August 2019

Person to Contact: Pamela Clifford, Planning & Building Standards Manager
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Appendix: Site Location Map

Background Papers:

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

Wards affected: Ward 6 (Clydebank waterfront)