

FALKIRK COUNCIL

Subject: ERECTION OF EFFLUENT TREATMENT PLANT AND
INSTALLATION OF EFFLUENT TRANSFER PIPE AT
CHRISTIE TIMBER SERVICES, NEW VICTORIA SAWMILLS,
BRIDGENESS ROAD, BO'NESS, EH51 9SG, FOR
CALEDONIAN PRODUCE - P/11/0077/FUL

Meeting: PLANNING COMMITTEE
Date: 20 April 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bo'ness and Blackness
Councillor Ann Ritchie
Councillor Adrian Mahoney

Community Council: Bo'ness

Case Officer: David Paterson (Planning Officer), ext. 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site is located at the north side of Bridgeness Road, Bo'ness, measuring 0.86 hectares in area. The site includes the former Christie Timber Services site, part of an existing footpath running in a north-south direction between Bridgeness Road and the River Forth foreshore and part of the foreshore land which runs between said footpath and the existing Caledonian Produce site at Carriden.
- 1.2 It is noted that Caledonian Produce are the new operators of the former Christie Timber Services building. It is proposed to use the premises for food preparation (Class 4) purposes.
- 1.3 This application proposes to erect a water effluent treatment plant at the former Christie Timber Services site, and install a pipe at land forming part of an adjacent footpath and land at the River Forth foreshore, to transfer the treated water effluent to an existing storage facility at the existing Caledonian Produce site at Carriden. The treated water effluent would then be discharged into the River Forth in a controlled manner, with the approval of the Scottish Environment Protection Agency.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application partly relates to land in the ownership of the Council at the River Forth foreshore, and under the Council's amended Scheme of Delegation, such applications require the consideration of the Planning Committee.

3. SITE HISTORY

- 3.1 F/2004/0962 - erection of sawmill - granted 20 March 2005.
- 3.2 06/0258/FUL - erection of sawmill - amendment to planning permission F/2004/0962, comprising reduction of the office area from two storey to single storey, relocation of building on site, and revised building dimensions - granted 21 August 2006.
- 3.3 P/07/0124/LA - engineering works to foreshore flood prevention scheme and formation of pedestrian/cycle path - granted 19 September 2007.
- 3.4 P/10/0734/FUL - extensions and alterations to existing portal shed - granted 2 February 2011.

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised no objections. However, it is advised that steps be taken to ensure that the proposed development would have no impact on the River Forth flood defences and to ensure that a photographic survey is taken of any affected footpaths prior to the commencement of development. Any subsequent damage to footpaths should be made good to a standard which is satisfactory to the Council.
- 4.2 The Environmental Protection Unit has advised that contamination can be addressed by condition.
- 4.3 Scottish Water has raised no objections.
- 4.4 The Planning and Environment Unit also advises that a footpath photographic survey would be required prior to commencement of development. Furthermore, steps should be taken to ensure that appropriate directional signage relating to footpath availability is displayed to the satisfaction of the Council during the development.
- 4.5 The Scottish Environment Protection Agency has raised no objections.
- 4.6 Scottish Natural Heritage has raised no objections. It is confirmed that an appropriate assessment is not required.

5. COMMUNITY COUNCIL

- 5.1 No objection has been received from the Bo'ness Community Council.

6. PUBLIC REPRESENTATION

- 6.1 No objections or representations received.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.4 ‘Coastal Planning and Flooding’ states:

“The Council will apply the following general principles with regard to coastal planning and flooding issues:

- (1) There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications.”*

7a.2 It is not considered that the proposed development would have any impact in terms of flood risk. The proposal would not prejudice the integrity of the existing River Forth flood defences.

7a.3 It is not considered that the proposal would have an impact in terms of nature conservation, landscape impact or water pollution.

7a.4 The proposed development accords with Policy ENV.4.

7a.5 Policy TRANS.1 ‘Core Path Networks’ states:

“The Council through consultation will identify a network of strategic paths and core path networks based on the main communities of the area. In particular the Council will make provision for the identification, safeguarding and development of the following:

- (1) National Cycle Network route between Edinburgh and Stirling through the Falkirk Council area;*

- (2) *Strategic walking and cycling routes utilising the Union and Forth and Clyde Canal towpaths; and*
- (3) *Local Core Path networks in line with the Council's Countryside Access Strategy.*

The Council in its Local Plans will contain policies that protect identified paths from development and ensure that wherever possible new development proposals create linkages and strategic routes to the identified core path network."

- 7a.6 The proposal would not have any significant impact on the local strategic footpath at the River Forth foreshore. The footpath would remain open for recreational use.
- 7a.7 The proposed development accords with Policy TRANS.1.
- 7a.8 Accordingly, the proposed development accords with the Falkirk Council Structure Plan.

Falkirk Council Local Plan

- 7a.9 *Policy EP2 – 'Land for Business and Industrial Use' states:*

"In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:

- (1) *The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) *The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only and the Glasgow Road Camelon Industrial Area which may include a food retail element to meet local needs as part of the mix.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business/industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies."

- 7a.10 It is noted that the former Christie Timber Products site, which forms part of the application site, is an existing Class 4 site. The proposed development would not prejudice the retention of the site for Class 4, 5 or 6 use.
- 7a.11 The proposed development accords with Policy EP2.
- 7a.12 Policy EQ28 'The Coastal Zone' states:

"The Council will promote an integrated approach to the management of the coastal zone, and will support the provisions of the Forth Integrated Management Strategy. Development and other land management proposals within the coastal zone will be assessed in terms of:

- (1) *Impacts on the amenity, ecology and water quality of the coastal environment (see Policies EQ 24 and EQ25);*

- (2) *The requirement to safeguard the undeveloped coast, as defined on the Proposals Map, from further development unless it is proven that the development is essential, a coastal location is essential, and no suitable sites exist within the developed coast;*
- (3) *Long-term flooding risk (see Policy ST12), and compatibility with existing coastal defence strategies, including the desirability of working with natural coastal processes where possible and the need to recognise the wider impacts where intervention is unavoidable; and*
- (4) *Appropriate promotion of the recreational potential of the coastal zone, including the development of the Forth Foreshore Path and linked coastal access networks, providing it is compatible with Policy EQ24 and the protection of coastal habitats and species.”*

7a.13 It is not considered that the proposed development would have an impact upon the amenity, ecology or water quality of the River Forth coastal zone.

7a.14 It is not considered that the proposal would have any impact in terms of flood risk.

7a.15 The proposal would not prejudice the integrity of the River Forth flood defences.

7a.16 The proposal would not have a significant impact on the Forth Foreshore local strategic footpath. The footpath would remain open for recreational use.

7a.17 The proposed development accords with Policy EQ28.

7a.18 Policy EQ29 - ‘Outdoor Access’ states;

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on opportunities specified on the Proposals Map other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements; other areas of proven demand as identified through community consultation; and the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25; the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed. Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above. Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7a.19 The availability of the Forth Foreshore local strategic footpath for recreational use would be secured during the proposed development.

7a.20 It is noted that there is an existing footpath link from Bridgeness Road to the River Forth foreshore footpath adjacent to the former Christie Timber Products site. It is accepted that there would be some disruption at the footpath link during construction. It is considered that safeguarding access to the Forth Foreshore footpath can be addressed by the identification of an alternative route during construction with appropriate signage, by condition.

7a.21 The proposed development accords with Policy EQ29.

7a.22 Policy ST1 - 'Core Path Network' states:

"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."

7a.23 The line of the Forth Foreshore local strategic footpath would be secured during the proposed development. The footpath would remain open for recreational use.

7a.24 The proposed development accords with Policy ST1.

7a.25 Policy ST2 - 'Pedestrian Travel And Cycling' states;

"New development will be required to provide an appropriate standard of pedestrian and cycle infrastructure. This will consist of on- and where appropriate off-site measures that allow pedestrian and cycle movements within and beyond developments, and ensure that those wishing to use pedestrian/cycle networks are not dissuaded from doing so through the absence of suitable infrastructure.

- (1) All pedestrian and cycle routes will comply with the standards set out in the Design Guidelines and Construction Standards for Roads in the Falkirk Council Area. Where appropriate, infrastructure supporting the two modes will be combined.*
- (2) Pedestrian and cycle facilities in new developments should offer appropriate links to existing networks in surrounding areas, to other amenities and community facilities and support objectives in agreed Travel Plans where relevant.*
- (3) Pedestrian and cycle movement within developments should be allowed for via direct routes without barriers.*
- (4) Pedestrian and cycle links should be provided that offer connections to public transport connections in the surrounding area. For guidance, in new developments, no pedestrian should have to walk more than 400m to the nearest bus stop.*
- (5) Where practical, no pedestrian route should be obstructed by features that render it unsuitable for the mobility impaired.*
- (6) The surfacing, lighting, design, maintenance and location of pedestrian and cycle routes should promote their safe use. Particular emphasis should be given to the provision of suitable lighting, and the provision of suitably designed and located crossing facilities where routes meet the public road network.*
- (7) Pedestrian and cycle routes for school journeys should be provided in residential development where a need to do so is identified. In all cases, the aim should be to provide an overall walking/cycling distance between home and school of not more than 2 miles wherever practical, or not more than 1 mile for pedestrian journeys to primary school.*
- (8) Cycle parking should be provided in accordance with the standards set out in Falkirk Council's Design Guidelines and Construction Standards for Roads in the Falkirk Council Area."*

- 7a.26 The line of the Forth Foreshore local strategic footpath would not be obstructed or be rendered unsuitable for the mobility impaired during, or as a result of, the proposed development.
- 7a.27 The proposed development accords with Policy ST2.
- 7a.28 It is noted that proposal TR.BNS.03 of the Falkirk Council Local Plan - 'Coastal Path Creation/Upgrading' highlights the opportunity to improve the Forth Foreshore footpath route along the Bo'ness eastern foreshore through coastal defence works. It is noted that the coastal defence works at the Bo'ness eastern foreshore has been completed and that a footpath route is incorporated. The proposed development would not prejudice the integrity of the flood defences or the availability of the footpath for recreational use.
- 7a.29 The proposed development accords with Opportunity TR.BNS.03.
- 7a.30 Accordingly, the proposed development accords with the Falkirk Council Local Plan.
- 7a.31 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

- 7b.1 Material considerations are consultation responses, Supplementary Planning Guidance Note (SPG) 'Development of Land Affected by Contamination' and The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Consultation Responses

- 7b.2 It is noted that both the Roads Development Unit and the Planning and Environment Unit have advised that a survey of the condition of any affected footpath should be carried out prior to the commencement of development. Measures to ensure that the development is not brought into use until any damage to any footpath is made good to the satisfaction of the Planning Authority can be secured by condition.
- 7b.3 It is noted that the Environmental Protection Unit has advised that contamination can be addressed by condition.
- 7b.4 The Planning and Environment Unit has advised that an alternative footpath connection from Bridgeness Road to the River Forth Foreshore footpath be identified on site by means of signage to be agreed with the planning authority, prior to the commencement of the development.

Supplementary Planning Guidance Note (SPG) 'Development of Land Affected by Contamination'

- 7b.5 The SPG states that a key element of the 'suitable for use' approach is the responsibility of the planning authority to ensure that land is made suitable for the proposed development/use. The planning authority therefore requires that applications include appropriate contamination remediation measures. Where contamination may be present at an application site, but it is felt that the contamination risks can be dealt with through various remedial measures, then a contaminated land condition may be placed on the planning permission. This is felt to be a fair procedure and ensures that unnecessary financial burdens are not faced by the applicant, and minimises delay.
- 7b.6 It is noted that the Environmental Protection Unit has advised that contamination can be addressed by condition in this case.
- 7b.7 The proposed development accords with the SPG.

The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

- 7b.8 The Direction sets out circumstances in which planning authorities must notify Scottish Ministers where they are intending to grant planning permission in relation to Planning Authority interest developments. In this case the planning authority has an interest in the proposal as part of the application site is owned by Falkirk Council and the Council is likely to receive remuneration to allow the proposed pipe to be installed in the Council owned land. However, it is noted that the proposed development is not contrary to the Development Plan. In these circumstances, the application would not have to be notified to Scottish Ministers.

7c Conclusion

- 7c.1 The proposed development accords with the Development Plan and Supplementary Planning Guidance Note 'Development of Land Affected by Contamination'.
- 7c.2 The proposed development would not have an impact on the structural integrity of the River Forth flood defences or prejudice the availability of the Forth Foreshore local strategic footpath for recreational use.
- 7c.3 It is noted that issues raised by consultees can be addressed by condition, i.e. contamination, integrity of the condition of footpaths affected by the proposed development and access to the Forth Foreshore local strategic footpath.
- 7c.4 The proposed development is a development in which the planning authority has an interest under the terms of the Town and Country Planning (Notification of Developments) (Scotland) Order 2009. However, should planning permission be favoured, the application would not be required to be notified to Scottish Ministers.

8. RECOMMENDATION

8.1 It is recommended that planning permission be granted subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.**
- (2) No development shall commence on site unless otherwise agreed with the Planning Authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assess must be approved in writing by the Planning Authority.**
- (3) Where contamination (as defined by Part 11A of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority, demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks caused by the contamination. The scheme must be approved in writing by the Planning Authority.**
- (4) Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.**
- (5) Prior to the commencement of work on site, the applicant shall submit to the Planning Authority a photographic record of the footpaths coloured yellow on the drawing bearing the Planning Authority's reference 01A for the written approval of the Planning Authority.**
- (6) The development shall not be brought into use until such times as the Planning Authority has agreed in writing that the condition of footpaths coloured yellow on the drawing bearing the Planning Authority's reference 01A are in a condition satisfactory to the Planning Authority.**
- (7) There shall be no commencement of work on site until such time as an alternative footpath link from Bridgeness Road to the Forth Foreshore local strategic footpath has been agreed in writing by the Planning Authority, and that appropriate signage, also to be agreed by the Planning Authority, is suitably displayed.**

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard environmental amenity.
- (5-6) To safeguard the condition of footpaths affected by the proposed development.
- (7) To ensure that there is adequate access to the Forth Foreshore Footpath during the proposed development.

Informative(s):-

- (1) For the avoidance of doubt, the plans to which this consent refers bear our reference(s) 01A, 02 and 03.
- (2) If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Environmental Protection Unit.

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Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

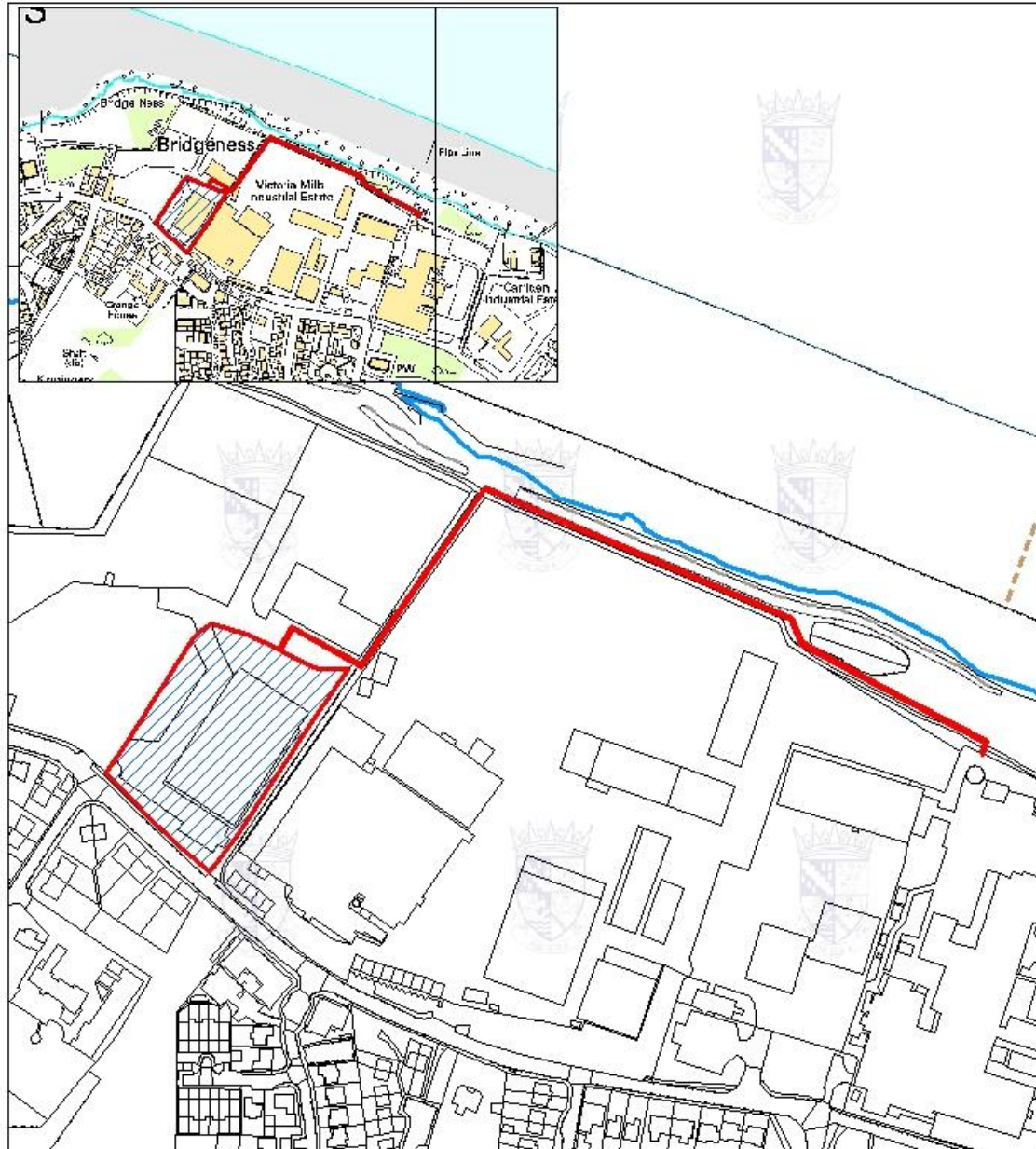
1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Supplementary Planning Guidance Note 'Development of Land Affected by Contamination'.
4. The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson, Planning Officer.

Planning Committee

Planning Application Location Plan P/11/0077/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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