

Report To: The Planning Board

Date: 5 October 2022

Report By: Interim Director
Environment and Regeneration

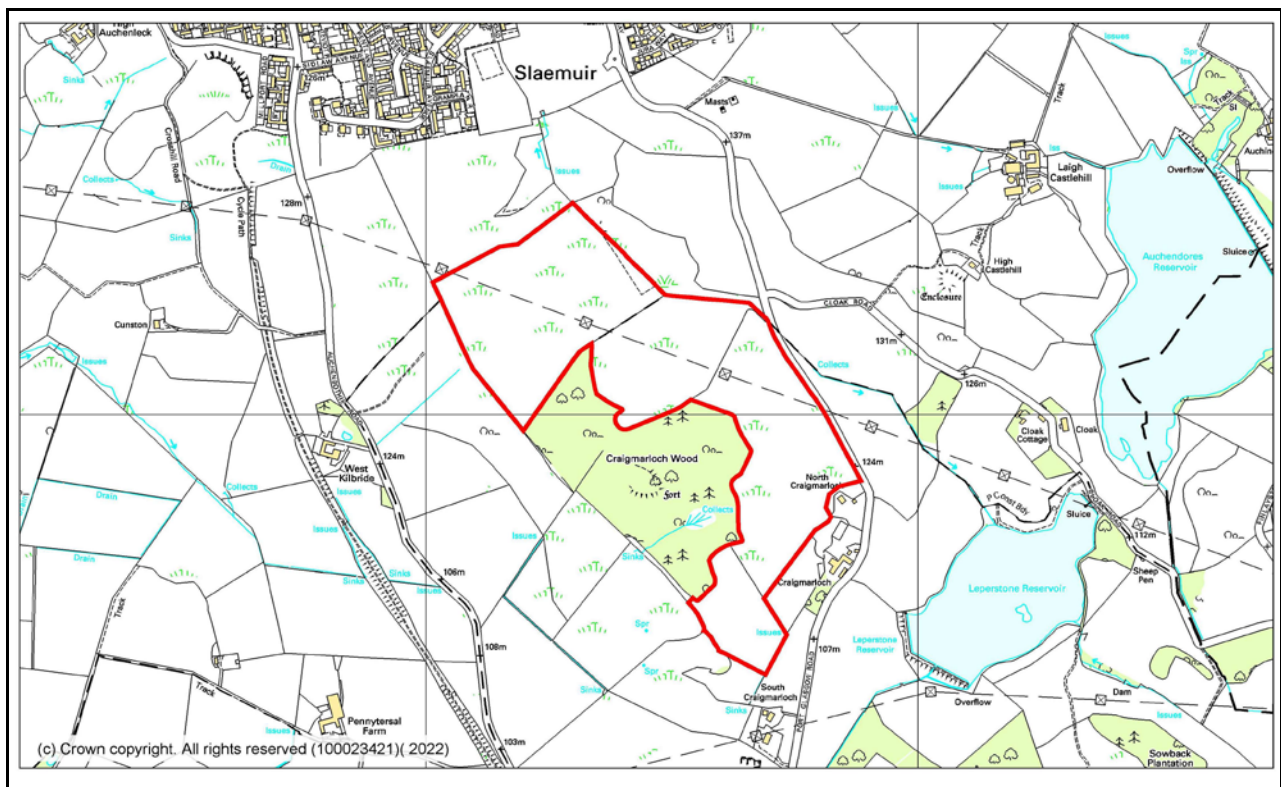
Report No: 21/0021/IC

Local Application
Development

Contact
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Contact No: 01475 712412

Subject: Construction of farm roads and formation of hardstanding area at
land adjacent to Craigmarnloch, Port Glasgow Road, Kilmacolm



SUMMARY

- The proposal accords with the both the adopted and proposed Inverclyde Local Development Plans.
- Representations were received including from two community groups.
- The consultations present no impediment to development.
- The recommendation is to GRANT SUBJECT TO CONDITIONS.

Drawings may be viewed at:

[21/0025/IC | Construction of farm roads and formation of hardstanding area | Land Adjacent To Craigmarnloch Port Glasgow Road Kilmacolm \(inverclyde.gov.uk\)](#)

SITE DESCRIPTION

The site is in the Green Belt to the south of Port Glasgow and is located to the north of Craigmarnoch Wood and on the west side of the A761 Port Glasgow Road.

The entire application site that has been identified and outlined in red in this application extends to approximately 28 hectares and is irregular in shape. The ground levels undulate across the site with a general rise in levels across the site from east to west. Craigmarnoch Wood is covered by a Tree Preservation Order and is elevated above the site. In the land to the north of the site afforestation planting has been carried out and these are saplings at the moment.

An overhead electricity line runs across the site in a general north-west to south-east direction. Two pylons are located within the site and one is adjacent to the west boundary of the overall site. It should be noted that the existing overhead line and pylons are to be removed and a new overhead line supported by wooden poles installed in a similar alignment as part of works between the Devol Moor Sub-station in Inverclyde and the Erskine Sub-station in Renfrewshire (20/0001/EAA). Ten poles are to be erected within the site of this planning application to support the new overhead line.

PROPOSAL

In terms of the background to this application it should be noted that the formation of private ways on agricultural land for the purposes of agriculture on that agricultural holding is permitted development under Class 18(1)(b) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However this is subject to the condition that an application must be submitted before beginning the development to the Planning Authority to determine whether the prior approval of the authority is required in respect of the design, manner of construction or route of the private way.

The abovementioned Order is clear that such an application for prior approval is to be submitted before the development commences. The Order is also very clear that the development is not to be commenced before written confirmation by the Planning Authority of whether prior approval is not required, prior approval is given or a period of 28 days has passed without the Planning Authority giving notice of their determination.

It is understood the construction was carried out on site during December 2020 before an application for prior approval was submitted. As such what has been constructed cannot be permitted development under Class 18(1)(b) and requires planning permission instead.

Planning permission is therefore sought for the formation of farm roads and a hardstanding area within the overall application site and it has been indicated that the area of the works for the construction of the roads and hardstanding is 1.27 hectares.

It should be noted that since the planning application was first submitted there have been a number of iterations of the plans submitted to address various matters that have been raised particularly relating to the access into the site from the A761 Port Glasgow Road and drainage.

The submitted plans show two sections of farm roads within the site. One of the roads is to run in a general east to west direction (identified on the application drawings as Farm Road 2) from the proposed access point off the A761 Port Glasgow Road and the other branches to run in a general north to south direction (identified on the application drawings as Farm Road 1) and around the east side of Craigmarnoch Wood. The east to west road is to lead to a hardstanding area located towards the west part of the site. The hardstanding area is to be 100m long by 50m wide and aligned north to south. The net end result of this proposal would be approximately 1150m of farm roads within the site and a hardstanding area that extends to 5000sqm.

Typical cross sections are shown on the application drawings with the farm roads being elevated above existing ground levels by a maximum of 2m. There are to be sloping sides to the roads and the running surface for vehicles is to be 4m wide.

It should be noted that part of the road running generally east to west has been constructed from the current point of access off the A761 to approximately the centre west part of the site. The access that has been formed off the A761 Port Glasgow Road is at an angle to the road. The roads and hardstanding are to be constructed from gravel that is delivered to the site. No material is to be excavated or quarried at the site to provide construction materials for the development. The parts of the road that have been partially completed reveal the construction method that involves boulders/larger stones being laid as a base course and gravel material laid on top to form the running surface. Approximately a third of the way along the east to west road a drainage pipe has been laid under the road and this drains water in a north direction.

There are also mounds of earth and gravel that have been piled at various positions along the track. It has been indicated the remaining stockpiles of soil along the length of the road are to be used to dress off the edge of the road and will be grass seeded on completion.

It should also be noted at this time the area at the site entrance currently forms a general triangle shape that is at an angle to the A761 and tapers in width in a general north-west direction. The proposed access point off the A761 is to be in the same general position as the current access however it is to be at right angles to the road with the initial section of the access laid in tarmac with appropriate road markings to identify a give way junction. At the entrance to the site there is a currently a drainage ditch that runs along the side of the A761 and water run-off flows along this ditch. A filter trench is to be formed along the south side of the access road that is to be drained into the field to the south. The filter trench is also to run parallel to the A761 in a general south direction before discharging to an existing headwall and a surface water pipe that runs under the A761 to fields to the east.

DEVELOPMENT PLAN POLICIES

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

Policy 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 15 - Soils

Development on prime agricultural land or affecting carbon rich soils will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

For carbon rich soils, it will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO2 emissions over its lifetime.

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a) there are no alternative solutions; and

- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 10 – Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- a) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- b) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 12 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 15 – Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not

undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

Policy 16 - Soils

Development on prime agricultural land will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

Development should avoid the unnecessary disturbance of peat and carbon-rich soils. Best practice must be adopted in the movement, storage, management and reinstatement of peat and carbon-rich soils.

Where peat and carbon rich soils are present on an application site, a depth survey must be undertaken which demonstrates that areas of deep peat have been avoided as far as is possible. A peat management plan must also be produced, detailing mitigation measures which demonstrate that the unnecessary disturbance, degradation or erosion of peat will be avoided., It will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO2 emissions over its lifetime.

Policy 31 – Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

Policy 33 – Biodiversity and Geodiversity

European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify

how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 – Landscape

The siting and design of development should take account of local landscape character and setting in order to conserve, enhance and/or restore landscape character and distinctiveness. Development should aim to conserve those features that contribute to local distinctiveness including:

- the setting of buildings and settlements within the landscape
- the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- the character and distinct qualities of river corridors
- historic landscapes
- topographic features, including important/prominent views, vistas and panoramas

When assessing development proposals likely to have a significant impact on the landscape, the guidance contained in the Glasgow and Clyde Valley Landscape Character Assessment will be taken into account.

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special landscape qualities as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be amended to avoid or mitigate these impacts through being informed by a landscape and visual impact assessment.

Policy 35 – Trees, Woodland and Forestry

The Council supports the retention of trees, including ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- it can be clearly demonstrated that the development cannot be achieved without removal; or
- the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region.

CONSULTATIONS

Head of Service – Roads and Transportation – advises the following:

- The access shall be a minimum of 5.0m wide for a distance of 20.0m from the edge of Port Glasgow Road.
- The access shall be paved for a minimum distance of 10.0m to prevent loose material being spilled on to the road.
- Access shall have a maximum gradient of 10%.
- The access should join Port Glasgow Road at 90 degrees.
- The visibility splay of 2.4m x 120m x 1.05m should be achieved. This visibility splay must be kept free of obstruction in perpetuity. This should be conditioned.
- Demonstrate that HGVs can turn in and out of the road from both directions.
- All surface water shall be contained within the site.
- A maintenance regime shall be provided for all private roads drainage to ensure drainage functions as designed.

Head of Public Protection and Covid Recovery - No objections in relation to public health, air quality or noise. Recommends a condition in respect of a survey for Japanese Knotweed.

PUBLICITY

The application was advertised in the Greenock Telegraph on 26 February 2021 as there are no premises on neighbouring land.

SITE NOTICES

None.

PUBLIC PARTICIPATION

Three individual objections have been received and the grounds of objection relate to: work already started; the completed earthworks being out of proportion for a cattle hardstanding and there is no shelter for cattle; questions to intended function of the development and the road around the side of Criagmarloch Wood; toxic waste already dumped and possible contamination of local watercourse; will result in unauthorised dumping of waste materials or fly tipping occurring; site already at risk of flooding and concerns at increase in flooding with no arrangements for surface water drainage; drainage pipes are damaged and poorly maintained causing flooding elsewhere; and questions the timeframe for expansion of the site; and potential noise disturbance.

Kilmacolm Community Council has also objected and has commented as why is there a request for an exemption for waste management when there is already a large amount of waste deposited on the site in the form of building rubble. They have also made comments regarding neighbour notification.

The Kilmacolm Civic Trust has no objections in principle and has commented on the possibility of the hardstanding being a tip for builder's rubble and waste as it is concealed from public view. They have suggested a condition preventing this use rather than waiting for the use to occur.

ASSESSMENT

Although the area outlined in red on the overall location plan is 27.7 hectares the area of the development in the form of the proposed roads and hardstanding area does not exceed 2 hectares. As a consequence this is a Local Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The material considerations in the determination of this application are the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the consultation responses; and the amenity impact of the proposal.

Policy 1 of both the adopted and proposed Local Development Plans requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figures 3 and 2 respectively. In this development, the relevant factors relate to being 'Distinctive' through retaining locally distinct natural features and being 'Safe and Pleasant' by avoiding conflict with adjacent uses.

The majority of the overall site is in a Rolling Pastureland Landscape Character Type with the adjacent Craigmearloch Wood to the south and south-west in a Rocky Hills & Ridges Landscape Character Type. Although there is to be approximately 1150m of farm roads within the site and a hardstanding area that extends to 5000sqm these will not be highly visible from public view from outwith the site. On the approaches to the site along the A761 from both the north and south there is topographic screening which lessens the visual impact of what has been constructed so far and this will also be the same for the remainder of the development. It should be noted there are no footpaths along either side of the A761 in the vicinity of the site and views of the site are unlikely to be experienced by pedestrians. The majority of travelers along this road are likely to be in vehicles and would be travelling at speeds typical for a road of this type which results in any views of the development being of short duration. The development and what has been constructed so far is most evident adjacent to the current site entrance off the A761. The access at right angles to the A761 with the road markings will also be most evident in close proximity to it. However the development is not considered to be a visually dominant at this location or visually intrusive in the landscape. The locally distinct landscape feature at this location is Craigmearloch Wood and the development does not result in a loss of this wood and it will remain the main landscape feature at this part of the landscape. The visually dominant man-made feature in this part of the landscape are the electricity pylons and these draw the attention of a viewer travelling along the roads in the vicinity of the site. The development would not change this impact. The development would in general terms not conflict with Policy 1 of both the adopted and proposed Local Development Plans.



View of the access point as currently constructed looking towards Port Glasgow Road

In terms of the principle of the development Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan relate to development in the Green Belt. The applicant's farm steading at Scart Farm is located to the south-east of Kilmacolm and east of Quarrier's Village with neighbouring fields/land as part of the farm holding. The application site is indicated as land owned by the applicant and part of the farm holding. The roads and hardstanding are for agricultural purposes and therefore do not conflict with Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan

Craigmearloch Wood Fort is a Scheduled Ancient Monument located within Craigmearloch Wood and its presence is not evident from outwith the wood. The roads and hardstanding are located away from this and are not considered to have any adverse impact on this Scheduled Ancient

Monument and the development does not conflict with Policies 31 of both the adopted and proposed Local Development Plan.

The development is also located away from Craigmarnloch Wood and does not result in the removal of trees from the wood or affect the Tree Preservation Order. The development therefore does not conflict with Policy 34 of the adopted Local Development Plan or Policy 35 of the proposed Local Development Plan.



View from the interior of site looking south towards Craigmarnloch Wood

It is acknowledged that the development involves hard surfacing on a site that did not previously have this. However the materials used in the construction of the roads and hardstanding area are considered to be permeable and allows for surface water to drain in a sustainable manner. The Head of Service – Roads and Transportation has raised no objections regarding surface water drainage or flooding and has advised the surface water drainage is to be contained within the site. The maintenance regime recommended by the Head of Service – Roads and Transportation to be provided for all private roads drainage to ensure the drainage functions as designed can be addressed by a planning condition. With this condition, together with constructing the access onto the A761 at right angles with appropriate drainage, the development is considered to accord with Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan.

Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan indicate development should not have an adverse impact on the efficient operation of the transport and active travel network. The development involves a single entrance/exit at part of the A761. There are other accesses and road junctions along this road and this development would not be out of this general context. The development may result in additional traffic when it is complete in terms of agricultural vehicles entering and leaving the site to carry out agricultural activities and tending to livestock. This traffic generation and its impact on the roads network is not considered to be significant and the Head of Service – Roads and Transportation has no objections in terms of traffic impact. The Head of Service – Roads and Transportation has advised it needs to be demonstrated that HGVs can turn in and out of the road from both directions. The applicant has submitted swept path drawings for a vehicle entering the site from the south and exiting the site to the north. A planning condition can be attached requiring additional swept path drawings relating to vehicles entering and leaving the site in both directions before any further construction work is carried out. A planning condition can also be attached relating to the visibility splays. With these planning conditions

the development is considered to comply with Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan.

Policy 15 of the adopted Local Development Plan and Policy 16 of the proposed Local Development Plan relate to soils and given the Landscape Character Types at the site the land would not be considered to be prime agricultural land. The area at the west part of the overall site is part of an area identified as Class 3 on the NatureScot Carbon and Peatlands Map (2016). This classification is described as predominantly peaty soil with some peat soil with the vegetation described as peatland with some heath. Class 3 is not nationally important carbon-rich soils, deep peat and priority peatland habitat or of high conservation value. Policy 16 of the proposed Local Development Plan indicates that where peat and carbon rich soils are present on an application site, a depth survey must be undertaken which demonstrates that areas of deep peat have been avoided as far as is possible. A peat management plan must also be produced, detailing mitigation measures which demonstrate that the unnecessary disturbance, degradation or erosion of peat will be avoided. The hardstanding area in particular could potentially impact on peat however as this area is not priority peatland and the hardsurfacing area is to be laid in top of the existing soil it is not considered that a survey is required for areas of deep peat.



View from interior of site looking east

There are a variety of ground conditions in the overall application site some of which have been modified through agricultural practices. There are however no international or national designations affecting the site. The west part of the overall site is identified as part of a Local Nature Conservation Site under Policy 33 of both the adopted and proposed Local Development Plans. This designation is a local non-statutory designation and is the Craigmearloch Wood Local Nature Conservation Site (LNCS) (No 14) that extends to 22.55 hectares. The LNCS designation also covers Craigmearloch Wood itself. The survey information from July 2017 indicates there are a variety of tree species in the mature plantation with the understorey dominated by bracken in and at the north edge there is gorse and relic heathland. The development is to occupy a limited part of the LNCS and given the relatively limited area of ground occupied by the development the impact on the habitat is not considered to be significant.

In terms of Policy 34 of proposed Local Development Plan the development does not include any prominent structures and is not significantly above the existing ground levels. The alignment of the roads generally follows the existing contours and landform and is not visually prominent or intrusive in the landscape. The tree planting that has been carried out on land to the north of the site will assist in screening the site on the approaches from the north along the

A761 when the trees grow and mature. The impact on the landscape is considered to be localised to the vicinity of the site and does therefore not conflict with Policy 34.



View from interior of site looking in a west direction

In terms of the representations received that have not been addressed above the following comments are made. It is noted that work has already started on some parts of the development however constructed work has not continued or been completed. The Town and Country Planning (Scotland) Act 1997 (as amended) allows for retrospective planning applications to be submitted and these still have to be assessed against the relevant policies of the development plan and any material planning considerations. An assessment of the visual impact of the development has been made above and this is considered to be acceptable at this location. The development not having shelter for cattle is not a material consideration in determining this application. If there has been contamination of the local watercourse this would have to be reported to SEPA to investigate separately under their remit. Should fly tipping occur in the future this will have to be reported to and investigated separately. There is no indication that the development is not to be completed as applied for.

This planning application does not request an exemption from a Waste Management Licence. Applications for Waste Management Licences or exemptions to these are made to and processed by SEPA. What has been submitted with this planning application is a letter from SEPA to the contractor who is constructing the development confirming an exemption from requiring a Waste Management Licence. It should be noted the contractor constructing the roads and hardstanding is not the applicant for planning permission. If there is any breach in the licence exemption it would be the responsibility of SEPA to investigate under their remit. Nearby residential properties are outwith the distance that requires neighbour notification to be carried out. Notwithstanding the application was advertised in the local press in accordance with the relevant planning legislation.

There are residential properties in the surrounding rural area which could potentially be affected by construction activity. It is not considered that the remaining construction or thereafter the use of the development for agricultural purposes when completed will result in significant noise disturbance to any properties in the surrounding area. The Head of Public Protection and Covid Recovery has no comments to make in relation to noise. Should there be any noise/disturbance during construction and subsequent use of the development this can be investigated separately by the Head of Public Protection and Covid Recovery to determine if there is a statutory noise nuisance.

With regard to the condition suggested by the Kilmacolm Civic Trust the advice issued by the Scottish Government on the use of planning conditions in Circular 4/1998 is that conditions are not to be used to cover every eventuality. Although conditions can be used to regulate an

approved development a condition as has been suggested would not be competent. The use of the hardstanding for any other purpose other than for agriculture would require planning permission. If the hardstanding was used to store waste material this would be a sui generis use and would require planning permission. In order for there to be a breach of planning control the breach would have to occur before deciding what action is appropriate and whether it is necessary to take planning enforcement action.

The condition recommended by the Head of Public Protection and Covid Recovery regarding survey for the presence of Japanese Knotweed can be addressed by a planning condition and in particular for the survey to be carried before any further construction work is carried out.

In conclusion, it is considered that the proposal is acceptable when assessed against Policies 1, 9, 11, 14, 15, 31, 33 and 24 of the adopted Local Development Plan as well as Policies 1, 10, 12, 15, 16, 31, 33, 34 and 25 of the proposed Local Development Plan. There are no material considerations that outweigh these policies.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. Construction of any part of the development shall not re-commence until details of a survey for the presence of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the survey shall contain a methodology and treatment statement where any is found and thereafter development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval in writing by the Planning Authority prior to implementation.
2. Construction of any part of the development shall not re-commence until tracking drawings to demonstrate that HGVs can turn in and out of the A761 Port Glasgow Road at the site entrance from both directions have been submitted to and approved in writing by the Planning Authority.
3. Following approval of Condition 2 above and no later than 4 months from that approval being given the entrance road from the A761 Port Glasgow Road shall be constructed in accordance with drawing 21-3773-C-011 (or if the design of the entrance has to be modified to address tracking for HGVs) unless an extended period is agreed in advance in writing by the Planning Authority.
4. For the avoidance of doubt: the site entrance road shall be a minimum of 5.0m wide for a distance of 20.0m from the edge of the A761 Port Glasgow Road; the access shall be paved for a minimum distance of 10.0m to prevent loose material being spilled on to the road; and the access shall have a maximum gradient of 10%.
5. Visibility splays of 2.4m x 120m x 1.05m shall be provided at the entrance to the site off the A761 Port Glasgow Road and thereafter kept free of obstruction in perpetuity.
6. For the avoidance of doubt all surface water shall be contained within the site.
7. Details of a maintenance regime shall be submitted within 2 months of the date of this permission for the approval in writing by the Planning Authority for all private roads drainage to ensure the drainage functions as designed.

Reasons:

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. In the interests of roads safety.

3. In the interests of roads safety.
4. In the interests of roads safety.
5. In the interests of roads safety.
6. In the interests of sustainable development and in order to avoid flooding.
7. In the interests of sustainable development and in order to avoid flooding.

Stuart Jamieson
Interim Director
Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean Mc Daid on 01475 712412.