

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/01422/PP

Planning Hierarchy: Local Application

Applicant: Waitrose Ltd and Wandering Wild Ltd

Proposal: Erection of Class 1 food store, petrol filling station, associated access, parking landscaping and all associated ancillary development

Site Address: Land south of Hermitage Academy, Cardross Road, Helensburgh

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

Erection of Class 1 (Retail) Foodstore
Installation of petrol filling station
Formation of access, service area, car park and footpath / cycle link

(ii) Other specified operations

Connection to public water supply
Connection to public sewer
Off-site road improvements comprising the provision of 2 no. carriageway bus lay-bys and shelters; a traffic controlled crossing, traffic calming at the access to Hermitage Academy and the installation of pedestrian guard rail.

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons detailed in this report and subject to a discretionary Hearing in view of the scale of third party representation.

(C) HISTORY:

98/01368/OUT – Erection of foodstore and residential development. Withdrawn.
00/00590/OUT – Erection of foodstore and associated access and parking. Withdrawn.

(D) CONSULTATIONS:

Strathclyde Police: No response to date.

Helensburgh Community Council (letter dated 7/9/11): Supports application. HCC have suggested the following: landscaping to be improved to screen the loading area, car park to be screened from the main road, further landscaping between the development and Marmion Avenue, suggestions for planning gain relating to children's play facilities.

West Dunbartonshire Council (email dated 6/10/11): Object. The proposed site is in an out of centre location in sequential terms. West Dunbartonshire Council supports Argyll and Bute Council Main Issues report preference for a site closest to the settlement centre. The Retail Assessment indicates that the proposal would divert West Dunbartonshire expenditure from West Dunbartonshire stores and there is also a sustainability issue with regard to encouraging people to travel further to undertake shopping,

Scottish Natural Heritage (SNH) (letters dated 9/9/11 and 21/11/11): Intimated their objection until such time as further analysis is undertaken on the impact of construction noise on redshank within the Inner Clyde Special Protection Area (SPA). As SNH have identified a likely significant effect, Argyll and Bute Council as competent authority are required to undertake an Appropriate Assessment in view of the SPA's conservation objectives. Letter of 21/11/11 – based upon additional information, the objection is withdrawn subject to conditions.

Local Biodiversity Officer (letter dated 1/9/11): Recommend that storage area and car park drainage system in monitored for an untreated water escaping into the Special Protection Area (SPA) and there is no interference with the Inner Clyde SPA.

Flood Risk Assessor (memo dated 28/11/11): No objections subject to conditions.

Roads Helensburgh and Lomond (memo dated 30/11/11): No objections subject to conditions.

Environmental Health - Helensburgh and Lomond (memo dated 29/8/11): No objections in principle.

Network Rail (letter dated 2/9/11): No objections in principle.

Scottish Water (letter dated 23/8/11): No objections in principle.

Scottish Environmental Protection Agency (letter dated 1/9/11): No objections subject to conditions.

Petroleum Officer (memo dated 22/9/11): No objections in principle. The applicant will be contacted to ensure compliance with relevant legislation and technical publications.

Contaminated Land Officer (email dated 12/9/11): No objections subject to conditions.

Mr Urie, Headteacher c/o Hermitage Academy (email dated 2/11/11): Concerns regarding road safety, traffic congestion and litter.

Councillor V. Dance (email dated 9/9/11): Supports the proposal for the food store and petrol filling station.

Councillor A. Nisbet (email dated 24/9/11): Concern that there may be a suitable site in the town centre.

Councillor E. Morton (email dated 23/11/11): Given the fact that this is a departure and the number of local residents who have expressed a view, it is important that this application should go to a full Hearing.

(E) PUBLICITY:

ADVERT TYPE:

Regulation 20 Advert Local Application

EXPIRY DATE: 09.09.2011

(F) REPRESENTATIONS:

654 letters in support of the application have been received. The main points of support are summarised below:

- The Waitrose decision should not be linked with the Pier;
- The proposal would provide an economic boost for the town by creating 180 jobs;
- Proposal would reverse current leakage to Dumbarton;
- The proposal would bring a much needed second petrol filling station to the town;
- The proposal has the support of the majority of the community;
- A supermarket on the pier would remove the town centre parking, block the view and remove the swimming pool;
- Helensburgh would benefit from this high quality retail outlet;
- The shop would bring more people to Helensburgh;
- The proposal is of a good quality design and would provide an attractive entrance to the town;
- Helensburgh needs a decent supermarket.

41 letters of objections and 3 letters of representations to this planning application have been received. The points of objection broadly relate to the following issues:

- The site is outwith the town centre;
- The proposed shop would have a detrimental impact on Helensburgh Town Centre;
- The application site is a business and industry allocation;
- The proposal is contrary to Scottish Planning Policy and the Development Plan;
- The applicants' sequential test is flawed;
- The Retail Impact Assessment over exaggerates the trade that would be clawed back from Dumbarton;
- Impacts on Helensburgh Town Centre would significantly exceed 7%;
- The supermarket would not enhance the entry point to the town;
- Poor quality landscaping is proposed;
- The proposal would result in the loss of part of an Open Space Protection Area;
- The proposal is of a poor design;
- The application site is not a sustainable location and would result in more reliance on car use;
- Noise pollution associated with the development;
- Road safety issues;
- The proposal would present danger to school pupils crossing the road to buy a snack;
- It would be premature to determine the application prior to the revised Master Plan being achieved.
- The development would cause flooding on adjacent land.

Details of all contributors are attached as an Appendix to this report.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes – Please see Appendix B of this report.
- (iii) **A design or design/access statement:** Yes
This details the approach taken in devising the final design of the building. It is contended that the proposed food store is of a contemporary design which takes its influence from the character of the local area and other examples of good contemporary design in the vicinity.
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes
Planning Statement, July 2011

Design and Access Statement, July 2011
Retail Assessment, June 2011
Transport Assessment, November 2011
Tree Survey, December 2004
Flood Risk Assessment, July 2011
Drainage Statement, July 2011
Phase 1 Environmental Audit, January 2007
Landscape Strategy Statement, July 2011
Extended Phase 1 Habitat Survey Report, 2011
Community Consultation Report, July 2011
Socioeconomic Analysis, July 2011
Redshank Appropriate Assessment Supporting Information, version 1.0,
November 2011

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No

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- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan 2002

PROP SET 1 – Business and Industry Development Land Provision

PROP SET 2 – Retailing and Town Centres

STRAT DC 1 – Development within the Settlements

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 10 – Flooding and Land Erosion

STRAT FW 2 – Development Impact on Woodland

Argyll and Bute Local Plan 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 3 – Impact on European and Ramsar Sites

LP ENV 4 – Management of Sites

LP ENV 5 – Impact on Sites of Special Scientific Interest (SSSI)

LP ENV 6 – Impact on Habitats and Species

LP ENV 7 – Impact on Tree/Woodland

LP ENV 12 – Water Quality and Environment

LP ENV 19 – Development Setting, Layout and Design

LP RET 1 – Retail Development in the Towns – The Sequential Approach

LP RET 6 – Design of Shop Frontages

LP SERV 1 – Private Sewage Treatment Plants and Wastewater (ie drainage) Systems

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP SERV 3 – Drainage Impact Assessment (DIA)

LP SERV 5 – Waste Related Development and Waste Management Sites

LP SERV 7 – Contaminated Land

LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

LP TRAN 2 – Development and Public Transport Accessibility

LP TRAN 3 – Special Needs Access Provision

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 5 – Off-site Highway Improvements

LP TRAN 6 – Vehicle Parking Provision

LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

LP PG 1 – Planning Gain

Appendix A – Sustainable Siting and Design Principles

Appendix B – Shop Front/Advertising Design Principles

Appendix C – Access and Parking Standards

Appendix E – Allocations, Potential Development Area Schedules and Areas for Action Schedules

P/AL - The Proposed Allocations

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

Scottish Planning Policy

Representations

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- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** Yes, the Council issued a screening opinion dated 12 January 2011 advising that an Environmental Impact Assessment was not required. The proposal was considered against the criteria set out in schedule 3 of the Environmental Impact Regulations 1999, and it was considered that an Environmental Statement was not necessary because whilst the site was close to important designated sites, it was not within their boundary. It was noted that the application would be supported by further documents including an ecological assessment / habitat survey and it was considered that these would adequately address any pertinent issues.

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- (L) **Has the application been the subject of statutory pre-application consultation (PAC):** No, however, the applicant carried out voluntary pre- application consultation with the local community prior to the submission of the application.

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- (M) **Has a sustainability check list been submitted:** Yes

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- (N) **Does the Council have an interest in the site:** No

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- (O) **Requirement for a hearing (PAN41 or other):** Yes. Due to the very large numbers of representations made in respect of this application a discretionary Hearing is recommended.

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- (P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought for the erection of a Class 1 foodstore and petrol filling station. The foodstore would have a gross floor area of 3390 square metres with a net

sales area of 2322 square metres comprising 90% convenience and 10% comparison goods.

Section 25 of the Planning Act requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The site is located at the edge of the settlement of Helensburgh mostly within an area allocated for business. A small portion of the site at the western edge is within an Open Space Protection Area (OSPA). A Class 1 retail use does not fit with the requirements of this allocation and the proposal is therefore a departure from the development plan in this respect.

Both national and development plan policies direct retail uses to the town centre. Where a town centre site is not available a sequential approach must be taken which then looks for edge of town centre sites before moving further away from the town centre. While the applicants have carried out a sequential test, the Planning Authority would dispute their conclusion that the Pierhead is not deliverable within a reasonable timescale. For these reasons, it is considered that this proposal is contrary to Scottish Planning Policy, Structure Plan policy PROP SET 2 and Local Plan policy LP RET 1.

Where an out of town centre site is applied for, the applicant is required to provide details on the anticipated impact of their proposal on the existing town centre. The Planning Authority would also dispute the findings of the applicants' Retail Impact Assessment. It is not accepted that such a large Zone 2 catchment form outwith the Helensburgh area is realistic or reasonable. If this out of town Zone 2 catchment area is reduced to 10% which is considered to be more reasonable and still in excess of the level allowed for in the Helensburgh Retail Study commissioned by the Council, then the impact on the town centre rises to 28%. At this level there would be a significant impact on the vitality and viability of the town centre which again would not be consistent with Scottish Planning Policy, Structure Plan policy PROP SET 2 and Local Plan policy LP RET 1.

The proposed petrol filling station would occupy approximately 34% of an OSPA and Tree Preservation Order. The rationale behind the designation of this OSPA and TPO was to protect this area of land as a visual landscape buffer between the existing residential area and development which was anticipated on the application site. This loss of approximately one third of this OSPA and TPO site to accommodate an illuminated petrol filling station would impinge on this land's capacity to act as a landscape buffer and would adversely affect the amenity of the existing residential area in Marmion Avenue. This would be contrary to Structure Plan Policy STRAT FW 2 and Local Plan policies LP REC 2 and LP ENV 7.

For these reasons it is considered that the proposal would fail to accord with the development plan and there are no material considerations which would justify a departure. It is, therefore, recommended that planning permission be refused subject to a discretionary Hearing.

(Q) Is the proposal consistent with the Development Plan: No

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

Not applicable

(S) Reasoned justification for a departure to the provisions of the Development Plan

Not applicable

(T) Need for notification to Scottish Ministers or Historic Scotland: Not required.

Author of Report: Sandra Davies

Date: 15/12/2011

Reviewing Officer: Ross McLaughlin

Date: 15/12/2011

**Angus Gilmour
Head of Planning and Regulatory Services**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO.11/01422/PP

1. The application site lies within part of a larger site allocated for Business and Industrial Uses allocated under reference BI/AL3/1 within Appendix E of the adopted Argyll Bute Local Plan. The allocation is detailed as being suitable for Class 4 and Class 7 uses and also for garages selling or displaying motor vehicles. A Class 1 Retail use is therefore contrary to the Local Plan. The loss of 2 hectares of the 3.5 hectare allocation would have an adverse impact on the supply of business land in the Helensburgh and Lomond area and it would be difficult to compensate for this loss elsewhere in a manner compliant with the plan. A departure from the plan to permit a Class 1 use cannot be justified especially as this Business allocation represents a 10 year supply and land has only been allocated in the adopted plan since 2009.
2. The application site is located on the edge of the settlement of Helensburgh approximately 1.5 miles from the designated town centre. Policy LP RET 1 of the adopted Local Plan resists development in such locations unless it can be demonstrated that there are no sequentially preferable sites available and that there will be no detrimental impact on the vitality and viability of the existing town centre. It is the view of the Planning Authority that the sequential test has not been fully satisfied. It is not accepted that the Pierhead site which is located within the designated town centre could not be used for a Class 1 retail use of a similar scale. A Council commissioned Helensburgh Retail Study has recently been updated and following on from this, a revised Master Plan which identifies capacity for 2150 square metres of convenience floor space has been issued for public consultation. In view of this important material consideration, it is considered that the applicants' conclusions on the sequential test are flawed and are, at best, premature.

In terms of the impact on the existing town centre, the Planning Authority do not accept that the incorporation of a zone 2 catchment area at a level of 30% is realistic. It is not accepted that as many people as suggested will change their shopping habits to make a significantly longer journey to use the proposed store when there is already a degree of supermarket choice close by. The applicants have failed to provide convincing evidence in this respect. If this out of area zone 2 catchment is reduced from 30% to 10% (which represents double that which the Helensburgh Retail Study makes allowance for) then the anticipated impact on Helensburgh Town Centre increases from 7% to 28%.

In addition, given that the application site is located some 1.5 miles from the town centre, the opportunity for additional footfall and spin off trips to the town centre are more limited which further impacts on the vitality and viability of the town centre.

In conclusion, the applicants have failed to demonstrate that the sequential test has been met and a level of impact of 28% on the existing town centre would have a significantly adverse impact on the vitality and viability of the town centre and would not be consistent with the aim of Scottish Planning Policy, PROP SET 2 of the Argyll and Bute Structure Plan and Policy LP RET 1 of the Argyll and Bute Local Plan.

3. The proposed development would result in the loss of approximately one third of an Open Space Protection Area (OSPA) and Tree Preservation Order (TPO) as defined by the adopted Local Plan. This would be contrary to Policy LP REC 2 of the adopted Local Plan as the ability of this land to act as a landscape buffer would be compromised due to the loss of vegetation and the erection of a visually discordant and illuminated petrol filling station within the site which would impinge upon the existing amenity of the residential area. In addition, no alternative provision of equal community benefit has been proposed as would be necessary in order to be able to satisfy the requirements of the policy in the event of incursion into the protected area. The proposal is also contrary

to Structure Plan Policy STRAT FW 2 and Local Plan Policy LP ENV 7 as it would undermine and reduce the value of the group of trees on the land. This would adversely affect the area's ability to act an attractive and effective visual buffer between the application site and residential area to the west.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 2/8/11 and the refused drawing reference numbers AL(0)09, AL(0)10 rev A, L1, AL(0)11 rev A, 911, SE, 910 rev 1

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposed foodstore would have a gross floor area of 3390 sqm with a net sales area of 2322 sqm comprising 90% convenience and 10% comparison sales. The proposed petrol filling station would have a 6 pump forecourt with a 125 sqm kiosk.

The application site is located within the settlement boundary at the eastern edge of Helensburgh. The majority of the site is designated as a Business and Industry allocation BI-AL3/1 with western edge being allocated as an Open Space Protection Area (OSPA). Structure Plan policy STRAT DC 1 – Development within the Settlements gives encouragement to large scale development within the Main Towns on appropriate infill, rounding off and redevelopment sites subject to consistency with other policies of the Structure and Local Plan. Helensburgh is identified as a Main Town under Table A of the adopted Local Plan and Schedule R1 defines large scale retail as a buildings exceeding 1000 sqm gross floor space.

B. Location, Nature and Design of Proposed Development

The application site measures 1.9 hectares and is located at the eastern edge of Helensburgh across the A814 opposite the new Hermitage Academy. The site is bounded to the south by the railway line, to the west there is residential development and to the east the Red Burn bounds the site with undeveloped land beyond. The site itself is undeveloped and not currently in any agricultural use having been left to become overgrown. On the western edge of the site there is a buffer of trees between the existing Lawrence development and the site.

The proposed food store would sit at the eastern end of the site with 191 car parking spaces located on the west of this. The petrol filling station would be sited on the western end of the site and would be located partially in what is currently the wooded area.

The proposed food store would be finished in locally sourced random rubble stone work, Microrib Kingspan cladding and glazed curtain walling. The roof would be finished in roof cladding panels with the underside clad in timber. The proposed petrol filling station would incorporate the same materials on a smaller scale.

A Design and Access Statement has been submitted in support of the application. This details the approach taken in devising the final design of the building. It is contended that the proposed food store is of a contemporary design which takes its influence from the character of the local area and other examples of good contemporary design in the vicinity.

It is considered that a sympathetic design has been achieved and the use of the proposed materials would be appropriate in the context of this site. The design and layout of the proposal is therefore considered to satisfy the requirements of Local Plan Policy LP RET 6 which refers specifically to the design of shop frontages and also to the more general design requirement of Policy LP ENV 19. All the signage associated with the development would be the subject of a further application for advertisement consent and would be assessed against Policy LP ADV 1.

C. Retail Policy Considerations

Scottish Planning Policy (SPP) contains a topic area on Town Centres and Retailing. In this it is stated that the sequential approach shall be used when selecting locations for retail unless the development plan identifies an exception. The sequential approach requires that locations are considered in the following order:

- Town centre
- Edge of town centre
- Other commercial centres identified in the development plan
- Out of centre locations that can be made easily accessible by a choice of transport modes

Where proposals are not within the town centre, it is for the applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing is acceptable.

Furthermore, the SPP states that “Out-of-centre locations should only be considered when:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,
- development of the scale proposed is appropriate, and
- there will be no significant adverse effect on the vitality and viability of existing centres.”

and that “When a proposed retail or commercial leisure development is contrary to the development plan, planning authorities should ensure that:

- the sequential approach to site selection has been used,
- there is no unacceptable individual or cumulative impact on the vitality and viability of the identified network of centres,
- the proposal will help to meet qualitative and quantitative deficiencies identified in the development plan, and
- the proposal does not conflict with other significant objectives of the development plan or other relevant strategy.”

Argyll and Bute Council's Structure Plan Policy PROP SET 2 notes that the Council will seek to sustain the viability and vitality of town centres and requires a sequential approach to development in accordance with national policy.

The proposal also requires to be assessed against Local Plan policy LP RET 1. This contains a presumption in favour of retail development within town centres and requires development outwith these areas to be either small scale (less than 100 square meters gross) or to satisfy the requirements of a sequential test. In addition to this, new retail developments are required to demonstrate that there would be no significant detrimental impact on the vitality and viability of existing town centres.

In terms of the sequential test, the Helensburgh Pierhead forms part of the town centre as identified in the Adopted Local Plan. It forms part of the Area for Action (AFA) 3/1 for regeneration and enhancement of the waterfront. As part of this, a Master Plan for the redevelopment of the area has been prepared and this demonstrates that the site has the capacity to accommodate a mixture of retail, residential and recreational uses. The original Master Plan in 2009 made provision for 1600 square metres (net) foodstore floorspace and up to 5500 square metres other flexible ground floor floorspace which could include class 1 retail uses. This scale of provision was consistent with the potential for additional retail floorspace identified in the Helensburgh Retail Study 2007.

This study has recently been updated, and this indicates that while the potential for town centre comparison floorspace remains relatively static, the potential for town centre

convenience floorspace has increased from 1600 square metres net to 2150 square metres net. The retail study included a household survey of shopping patterns of households in the Helensburgh and Lomond Area. It is this area from which it is considered most of the retail expenditure in Helensburgh will come. Even so, the household survey indicated that a considerable amount of expenditure from the Helensburgh catchment area leaks from the area to Dumbarton.

In light of the updated Helensburgh Retail Study and the change in the economic climate since 2007, a revision to the Master Plan has been commissioned. The Master Plan Addendum 2011 was presented to the Executive Committee on 15th December 2011 and agreement has been reached to carry out a period of public consultation on the proposed changes. This period of consultation is to run from 16th December 2011 until 18th January 2012.

Two options have been suggested for the Pierhead with both confirming that there is the opportunity to accommodate a large retail food unit of some 54000 square feet (5017 sqm) in the context of a mixed use development. The approval of this consultation phase is material to the consideration of this planning application particularly with reference to the assessment of the sequential test. Therefore, it would be premature to accept the applicants' contention that the pier is undeliverable within reasonable timescale taking into account the revised Master Plan and the level of current interest in the site from other large retail operators.

Notwithstanding the above, the applicants have submitted a Retail Impact Assessment which includes an enlarged catchment including Dumbarton, Balloch and the Vale of Leven. The basis for this being that these areas are also within a 20 minute drive of Helensburgh. There is no evidence to indicate that residents of the Dumbarton, Balloch and Vale of Leven areas would use Helensburgh rather than Dumbarton for their shopping. The applicants have suggested that their experience in England shows that customers are prepared to travel up to twenty minutes to access their stores, however, no further site specific details are provided to confirm the circumstances within which this observation applies.

Given the range of shopping choices available within the Balloch, Vale of Leven and Dumbarton area, and the established road and public transport links between these areas and Dumbarton, it is considered it unlikely that significant numbers of people from this area would change their shopping habits and regularly shop in Helensburgh.

The table below updates the table used in the applicants' assessment and gives distances and drive times to Dumbarton using the AA route planner. As can be seen from this table for most settlements in the West Dunbartonshire area, Dumbarton town centre is about half the distance and half the drive time, than Helensburgh Town Centre. It should also be noted that West Dunbartonshire Council have objected to the applicant's reliance on expenditure from residents of their Council area.

Table 2.1 Indicative drive times from Helensburgh		
	Drive time minutes	Distance miles
Helensburgh		
to		
Dumbarton Central Station	17	8.4
Dumbarton East (Milton)	20	10.3
Alexandria	20	8.7
Balloch	18	8.2

Blairglas, Loch Lomond	12	4.7
Luss, Loch Lomond	20	9.4
Gartocharn	25	12
Garelochhead	18	7.7
Arrochar	32	19
Little Rahane (Rosneath peninsula)	30	11.8
Dumbarton		
to	5	2.6
Dumbarton East	11	4.3
Alexandria	11	6.0
Balloch		
Blairglas – not found on AA Route Planner	21	13.6
Luss	17	9.8
Gartocharn	35	15.8
Garelochhead	34	23.2
Arrochar		
AA Route planner. Drive times/distances taken from Helensburgh Station as nearest point to Craighendran		

Consequently it is considered that for the purposes of establishing retail impact upon Helensburgh town centre, the expenditure from people within the Vale of Leven and Dumbarton area should not be taken separately from potential imported expenditure from the wider area. In order to recognise that an element of the proposed shops turnover may come from those who live beyond the Helensburgh and Lomond area, it is considered appropriate to allow for 10% of turnover to come from outwith the catchment. This allowance of 10% represents double that which the Helensburgh Retail Study makes allowance for the existing town centre.

In view of this, table 4.2 which is contained within the RIA has been revised to show the impact on Helensburgh town centre shops if the 20% of turnover from Dumbarton, Balloch and Vale of Leven residents is discounted.

Table 4.2 Revised (Part)					
Waitrose: trade diversion and retail impact in 2015 (2009 prices)					
	2011 Turnover – average £million (a)	2011 Turnover – actual £million (b)	2015 Turnover – actual £million (c)	Trade Diversion £million (d)	Impact (a+d-c)/a
Helensburgh Town Centre	24.0	25.0	25.3	8.10	28.3%
Co-op	12.5	13.1	13.3	4.35	28.4%
Tesco	8.2	8.6	8.7	2.62	25.8%
Other TC	3.4	3.4	3.4	0.84	24.7%
Other shops in catchment	1.2	1.2	1.2	0.29	24.2%
Over trading	1.0				
Helensburgh Catchment	26.3	26.3	26.6		
Clawback of leakage (mostly from Dumbarton)				14.1	
New trade (residents				2.5	

of Dumbarton & visitors)					
Proposed Waitrose store turnover				24.7	

This indicates that the levels of impact on Helensburgh town centre are considerably greater if 20% of the proposed stores turnover cannot be drawn from residents of Dumbarton, Balloch and the Vale of Leven. A level of impact of 28% on the town centre would have a significant impact on the town centre and is well above the level at which a threat to the vitality and viability of the town centre would occur.

The applicants' agent has stated that a Waitrose shop would claw back a high proportion of the convenience expenditure and that the high quality of the shop would draw significant new trade to Helensburgh meaning that it would become more of a shopping destination than at present. Shoppers to Waitrose are predicted to visit the town centre and spend on comparison goods and services. They state that this is a reasonable assumption given that the town is already a popular destination for short trips by people living on the Clyde Coast and the Glasgow conurbation. However even they recognise that it is impossible to be precise about the level of predicted spin off to the town centre. They have stated that, as a rough estimate, 40% of those visiting Waitrose from beyond the Helensburgh area may undertake other activities which would relate to the town centre and estimate that this could result in an additional expenditure of £4 million to the town. However this figure is related to the assumption that 30% of the Waitrose turnover will come from shoppers' outwith the Helensburgh area. It is argued above why the levels of expenditure predicted from Dumbarton, Balloch and Vale of Leven areas should be discounted and why 10% would be a more realistic level. On this basis, using the same methodology adopted by the applicants, the potential additional expenditure would be £1.4 million. However, as the proposed Waitrose at Colgrain is 1.5 miles from the town centre, any linked spending would be reliant upon use of public transport or car and is, therefore, likely to be much less. The small scale of potential linked expenditure would do little to off-set the anticipated impact on the town centre from the proposed supermarket at this out of town centre location. An impact of 28% on the town centre convenience turnover, would have a significant effect on the vitality and viability of the town, and would not be consistent with the aim of Scottish Planning Policy, PROP SET 2 of the Argyll and Bute Structure Plan and policy LP RET 1 of the Adopted Argyll and Bute Local Plan.

D. Business and Industry Policy Considerations

The majority of the application site forms part of a larger site allocated for Business and Industry uses (BI-AL 3/1). Appendix E of the adopted Local Plan lists this allocated land as being 3.5 hectares in size and suitable for Class 4 and 7 uses and also for garages selling or displaying motor vehicles. While the actual allocation exceeds the area stipulated in the Structure Plan under PROP SET 1, it was concluded by the Reporter at the Local Plan Inquiry that a further land allocation would be helpful in providing flexibility in the 10-year land supply in Helensburgh and Lomond.

The main towns are a priority for development land provision, particularly for business Use Class 4 and general industrial Use Class 5 and storage and distribution Use Class 6. In Helensburgh the Adopted Argyll and Bute Local Plan 2009 recently allocated additional business land in accord with the Structure Plan requirements (PROP SET 1)

and a detailed assessment of need by Scottish Enterprise. The purpose of the business and industry allocations is to support the expansion (and relocation if necessary) of existing businesses and to facilitate inward investment in appropriate forms and locations.

The allocation BI-AL 3/1 was proposed under “P/AL 1- the proposed allocations” and shown in the proposals Maps of the Local Plan and, as such, constitutes part of the effective development land supply for the plan period in the Helensburgh and Lomond Area. The Schedule clearly states the permitted uses on the allocation is for Use Class 4, 7 and garages selling or displaying motor vehicles. Proposals for development not in these categories would be contrary to the development plan and would constitute a departure.

Business and industrial allocations operate within a 10 year time frame as these types of uses are recognised as having a long lead in time. The existing Local Plan was adopted in 2009 and we are therefore currently just over 2 years into this 10 year period.

Allowing a non business use on this land would therefore conflict with the development plan and would have an adverse impact on business land supply in the Helensburgh area. The allocation of this site required a greenbelt release which was delivered through the current Local Plan and it would be difficult to find an alternative site to compensate for the loss of this land. The applicants have not advanced any alternative land or any other measures by way of mitigation for the loss of land allocated for business and industry which would result from approval of their proposals. Business and industrial land allocations require protection especially as they are a lower value uses with long lead in times. A departure from the proposed use of this land cannot, therefore, be justified especially at such an early stage in the allocation.

E. Natural Environment

An extended Phase 1 Habitat Survey has been carried out in relation to this planning application. It notes that the proposed site is approximately 30 metres from the Inner Clyde Special Protection Area (SPA), SSSI and RAMSAR site of international importance for its population of wintering redshank. Policy LP ENV 3 requires that developments which are likely to have significant effects on European and Ramsar sites shall be the subject of rigorous examination. In this respect Scottish Natural Heritage’s (SNH) consultation response advised that while it is anticipated that that the proposal could be progressed with appropriate mitigation to protect the overwintering redshank, insufficient information was submitted to advise on the detail of mitigation. In the absence of this information SNH initially objected to the proposal for the reason that it was likely to have a significant effect on the SPA interest during construction due to noise and pollution. SNH also confirmed that because they had identified a likely significant effect Argyll and Bute Council as competent authority were required to undertake an Appropriate Assessment in view of the SPA’s Conservation Objectives. The Appropriate Assessment has now been completed following the submission of an additional report on redshank and this is contained in Appendix B of this report.

Policy LP ENV 2 requires development proposals to take account of biodiversity issues and seek to contribute to the delivery of objectives and targets set by the Local Biodiversity Action Plan. In accordance with this policy, a Habitat Survey has been submitted and this has revealed that within the boundaries of the site there are no statutory or non statutory nature designations and that no ecologically significant impacts are predicted as a result of loss of habitats on the site. It is, however, recommended that a tree habitat / corridor be maintained along the western edge of the site. In this respect, the submitted landscape strategy plan shows that the existing willow scrub woodland would be reinforced with increased species diversity including canopy

specimens. I am therefore of the view that the proposal would accord with the provisions of Policy LP ENV 2.

Policy LP ENV 5 seeks to protect the interests of Sites of Scientific Interest (SSSI). This policy would also be satisfied provided that the mitigation recommended for the redshank was put in place.

Policy LP ENV 6 requires that development proposals give consideration to the legislation, policies and conservation objectives that may apply to habitats and species. In terms of European Protected species, with regard to bats, no roost potential was identified on the site, however there were other buildings outwith where bats were likely to be roosting and therefore the application site may provide some foraging opportunities for pipistrelle bats. A survey for bats is recommended in advance of any construction works.

Evidence of otters in the form of spraint was found at the eastern edge of the site in the vicinity of the Red Burn. No resting areas for otters were identified and it is viewed that the burn would provide a linear transit route to the Clyde. In order to avoid disturbance of the otters it is recommended that a suitable buffer be maintained along the length of the burn that could provide screening. No evidence of badger or water vole was found in the vicinity of the site.

With regard to breeding birds, although no breeding bird survey was undertaken, it is predicted that there would be some loss of nesting and foraging habitat for a wide range of species. No habitation for schedule 1 species is present although there would be a loss of foraging habitat for some species of red conservation concern such as starling. The report, however, concludes that due to the small size of the site, it is not considered that there would be any impact on these species at the local level. Taking account of the above, it is considered that the requirements of Policy LP ENV 6 have been satisfied.

In terms of Nature Conservation issues, subject to mitigation, the proposal would also be in accordance with the strategic Structure Plan policy STRAT DC 7 which seeks to protect Nature Conservation sites at all levels from European to local.

F. Impact on Woodland and Open Space Protection Area

The western end of the site contains a belt of trees contained within the settlement boundary and also defined as an Open Space Protection Area (OSPA) which lies outwith the business and industry allocation. These trees are covered by a Tree Preservation Order (TPO) which was promoted in 1997. It was accepted at this time that the trees themselves were of no great importance being generally scrub or naturalised species, however, it was considered that they had an intrinsic value as a screen to the properties in Marmion Avenue especially as that time there was pressure for the development of a supermarket. It was also considered that in visual terms the area would benefit from the retention of these trees at eastern entrance to Helensburgh.

The vast majority of the proposed petrol filling station would lie within the area covered by the TPO / OSPA and this would result in the removal of the existing trees and scrub in the area of the petrol filling station forecourt and kiosk. This area accounts for approximately 34% of the OSPA. The remainder of this buffer area would be reinforced with further planting and species diversity and an accessible pedestrian route would be installed within this area. Structure Plan Policy STRAT FW 2 and Local Plan Policy LP ENV 7 resist development which would be likely to have an adverse impact on trees but would allow for compensatory planting where considered appropriate. As noted above these trees have little merit as individual specimens but as a group they do provide a good visual buffer between the residential area and the site.

Policy LP REC 2 presumes against the development or redevelopment of OSPAs. The policy notes that building on these areas shall not be allowed except where the retention or enhancement of the facility can best be achieved by the redevelopment of part of the site which would not compromise its amenity value. It also requires that there be no loss of amenity and alternative provision of equal community benefit be made available. While the current proposal would enhance the remainder of the OSPA by introducing an accessible pedestrian route and reinforcing the woodland with increased species diversity including canopy specimens, no alternative provision is being proposed and therefore approval of the proposal is a departure from this policy.

G. Drainage and Flooding

With regard to drainage, the drainage statement submitted in support of the application states that separate foul and surface water drainage networks will be provided for the development. It is proposed that the surface water drainage system be developed in accordance with CIRIA Publication C697 SUDS (Sustainable Urban Drainage) Design Manual. Further to a geotechnical investigation, it is considered that the underlying soils would have moderate to low permeability indicating that they would be suitable for infiltration systems. The run-off from the roof of the retail unit would be treated through a treatment / attenuation system before discharging to the Red Burn. The roof of the petrol filling station would drain to an adjacent soakaway.

The run-off from the main access road, service road, service yard and public car park would receive two levels of treatment using a combination of porous paving, swales, soakaways and proprietary channel and gulley treatment systems in conjunction with shallow ground water storage devices.

It is noted that the total discharge from the development to the Red Burn would not exceed the pre development run-off rate of 17 litres/sec.

SEPA has confirmed that the proposals outlined within the Drainage Assessment are considered to be acceptable in terms of water quality as they provide for the required levels of treatment for surface water run-off from the development. The Council's Flood Alleviation Officer is also satisfied with the proposed drainage arrangements. It is therefore considered that policies LP SERV 2 and LP SERV 3 have been satisfied.

SEPA's indicative Flood Map shows that the application site is at risk of tidal flooding. In addition, the Red Burn watercourse runs along the eastern edge of the site. A Flood Risk Assessment (FRA) has been submitted in support of the proposal and this has taken into account both issues of coastal and fluvial flooding.

It is concluded that the site is affected by fluvial flooding from the Red Burn in combination with coastal flood levels and also solely by coastal flooding from the Clyde Estuary. In accordance with the findings of the FRA, the development would incorporate the following measures in order to address flooding issues associated with the site:

- Adopt a combined future 200 year design flood level of 4.32 AOD;
- Adopt a freeboard allowance of minimum 600mm to give a minimum proposed finished floor level of 4.92 AOD in relation to the combined future 200 year flood event. This will ensure no residual risk of flooding in relation to the building finished floor level;
- Uphill the development site to ensure protection from the combined future 200 year flood event;

- The landscaping proposal includes for land raising at the southeast corner of the site adjacent to the Red Burn. The existing flood extent is heavily influenced by coastal level conditions; therefore any impact upon upstream water levels in the Red Burn will be insignificant;
- The final landscaping proposals for the development site to be approved by the local authority and SEPA;
- Maintain the peak 2 year 'greenfield' run-off for the proposed development with Sustainable Urban Drainage System (SUDS) to the Red Burn. Upfilling of the development site will allow the drainage system to positively drain under extreme conditions;
- No additional allowance to account for any flooding due to wave action in the Clyde Estuary.
- Rail culvert blockage would not result in flooding to the buildings within the development as the flow would spill over the rail track prior to reaching the finished floor level of the building.

In conjunction with Scottish Planning Policy, the report concludes that the site is at 'low to medium risk' from fluvial flooding from the Red Burn. By adopting a minimum finished floor level of 4.92 AOD, all buildings will have sufficient protection from flooding from the future 200 year event and therefore can be classified as being as 'little or no risk' of flooding in accordance with the Risk Framework under Scottish Planning Policy.

In relation to flood risk, SEPA has requested that a condition be attached to the consent to ensure that no land raising takes place within the functional floodplain of the Red Burn.

The Council's Flood Alleviation Officer has reviewed the Flood Risk Assessment and has commented that the proposed retaining wall to the service area removes part of the functional floodplain of the Red Burn. While the amount is small, this requires to be addressed by either battering back the wall or providing some compensatory storage. In addition, a Method Statement is required detailing surface water containment during construction and this should be provided prior to any start on site. Subject to these two conditions being placed on the consent, the Flood Alleviation Officer would have no objections to the proposal.

Taking account of the above, the proposal would not be contrary to Structure Plan policy STRAT DC 10 as the proposal would not be of significant risk of flooding

In terms of Policy LP SERV 8, the proposed development is located within a 'medium to high risk area' with the land having a 1:200 or greater annual probability of flooding. In these circumstances commercial development is only permitted where flood prevention measures to the appropriate standard already exist or are under construction. With the mitigation measures noted above, it is considered that the proposal would accord with Policy LP SERV 8.

H. Contaminated Land

A Phase 1 Environmental Audit undertaken on this site in 2007 indicated that the application site had previously been used as part of a site for railway sidings with the possibility of subsequent infilling by material. This report also recommended that an intrusive investigation should be undertaken to provide further information on the condition of the site to determine whether remediation work is necessary. Policy LP SERV 7 requires that where land is known to be contaminated or there is a reasonable expectation of contamination, the applicant will be required to undertake a contaminated land assessment and implement suitable remediation measures before the commencement of any new use. In this regard the Council's contaminated land officer

has recommended three conditions which would address the above policy. Subject to the above conditions being applied to any planning permission, it is considered that Policy LP SERV 7 would be satisfied.

I. Road Network, Parking and Associated Transport Matters.

The proposed development would be accessed from the A814 by means of the existing roundabout which serves Hermitage Academy. This would provide vehicular access to the petrol filling station and customer car park. The service vehicles would also use this access and would reach the service yard by means of a dedicated road to the south of the car park. Provision has also been made for pedestrian and cycle access. The proposed car park would have 191 car parking spaces with adequate provision for disabled and parent and child parking.

Policy LP TRAN 2 requires development of this scale to take account of public transport accessibility as well as providing suitable routes for pedestrians and cyclists.

Public Transport

The development would have access to four bus services every hour from within Helensburgh. It is proposed to provide two bus stops and lay-bys adjacent to the store. These would both have shelters and timetable information within. The nearest rail station is approximately 0.6km from the site and would be within 1km of the entrance to the shop. Pedestrian access from the station to the site would be facilitated by linked footways and footpaths which link in to the existing residential networks discussed in the following section.

Pedestrians

Where pedestrians are concerned, a linked and lit network of footways are to be provided within the development which will link to the existing footway on the south side of the A814 along the application site. A 3m wide shared cycle / footway would be provided along the development frontage linking to the existing network of lit footways and footpaths serving the existing residential development to the west. A formal pedestrian crossing facility would be provided on the A814 adjacent to the development and this would be located to the east of the access roundabout in order to tie in with proposed bus lay-bys.

Cycling

No formal cycling facilities exist within the local area, however, the existing road network is considered suitable for cycling due to the 30 mph speed limit. In order to encourage cycling, the developer would provide secure and sheltered cycle stands close to the shop entrance. It is also noted in the Transport Assessment that the internal layout would be designed to accommodate cyclists. As previously noted, a 3m wide shared pedestrian / cycle way would be installed on the A814 along the frontage of the development. If approved, further details would be required on the exact location of the cycle parking and the delineation of the cycle route within the development site, however, this could be dealt with by condition.

Subject to the inclusion of conditions requiring further details of these issues and the submission of a Green Travel Plan, it is considered that Policy LP TRAN 2 would be fully satisfied.

Policy LP TRAN 3 requires special need access in terms of pedestrians, cyclists, disabled access. It is considered that this policy would be complied with subject to conditions requiring details of traffic calming and cycles routes and parking.

In terms of Policy LP TRAN 4, the development would be served via the existing roundabout requiring the formation of a short section of new public road to serve the shop and petrol filling station. Thereafter the development would be served by a new private access, the standard of which would comply fully with the requirement of section (c) of policy LP TRAN 4.

The traffic assessment confirms that the existing road network within Helensburgh and the surrounding area has the capacity to accept the potential increased levels of traffic generated as result of this development. However, in accordance with Policy LP TRAN 5, a number of off-site road improvements would be required due to the significant increase in pedestrian and vehicular traffic which would be generated. These have been recommended by the Road Network Manager and are as follows:

- The provision of 2 No carriageway bus lay-bys and associated infrastructure i.e. Bus Shelters, one in each direction to be located adjacent to development site on the A 814. The exact locations to be agreed with the Roads Authority.
- The provision of a traffic signal controlled crossing and associated signage to be located adjacent to development site on the A 814. The exact locations to be agreed with the Roads Authority.
- There is a requirement on the Roads Authority to carry out a formal consultation process to add this facility onto the existing public road network. The cost to carry out this formal process will be required to be borne by the developer.
- The provision of a traffic calming measure including all associated drainage and signage to be located at the entrance / exit to Hermitage Academy. The exact location to be agreed with the Roads Authority.
- The provision of additional pedestrian guard rail to be located on both sides of the A 814. The exact locations to be agreed with the Road Authority.
- The existing advance directional signage and island signs associated with the exiting roundabout to be replaced in order to include the new access. The sign details and position to be agreed with the Roads Authority.
- The existing part time 20 mph speed limit restriction located on the A 814 along the development site frontage requires an additional sign to be provided on the approach to the roundabout as vehicles exit the retail outlet or petrol filling station.

It should be noted that all of these improvements would be located within the road boundary and therefore subject to the imposition of suitably worded conditions, there would be no requirement for a section 75 legal agreement.

Policy LP TRAN 6 requires that car parking standards set out in Appendix C be applied to the development. The car parking provided within the development is greater than Argyll & Bute Council's minimum requirements as specified in the local plan. However, the numbers provided are within the limits of the National maximum. Therefore, there would be an acceptable level of parking associated with the proposed development in accordance with LP TRAN 6 and Appendix C.

J. Infrastructure

Scottish Water has advised that there are no objections to the proposal and that there is capacity in both Blairlinnans Water Treatment Works and Helensburgh Waste Water Treatment Works. Policy LP SERV 1 is therefore satisfied.

K. Planning Obligations

No discussion regarding planning obligations have as yet been concluded with the applicants, however, should Members be minded to approve this application, further discussions in this area would be recommended prior to a determination being made.

APPENDIX B

APPROPRIATE ASSESSMENT (AA)

The Habitat Regulations 1994 apply to the Inner Clyde SPA which is designated under European legislation for its population of wintering redshank, *Tringa totanus*.

An AA is required to be undertaken in cases where any plan or project which:

(a) either alone or in combination with other plans or projects would be likely to have a significant effect on a European site designated for nature conservation;

and

(b) is not directly connected with the management of the site.

SNH have taken the view that during the construction phase, overwintering redshank might be liable to acoustic and / or visual disturbance when the trains are not passing. Also, any significant pollution from the construction site could damage the quality of feeding habitat locally. For these two reasons SNH have advised that the proposal is likely to have a significant effect on the SPA interest. In these circumstances an AA is therefore required to be carried out by Argyll and Bute Council as competent authority.

Direct Ecology Limited has provided Redshank Appropriate Assessment Supporting Information (2011) in order to inform and assist with the Council's Appropriate Assessment.

The Inner Clyde SPA accommodates one of Britain's highest densities of overwintering redshank and as the closest part of the SPA is located some 30 metres from the site, SNH have required an analysis of the extent to which the current habituation of redshank to railway noise might raise their threshold for disturbance by abrupt construction noise.

The potential impacts of the development in relation to the Inner Clyde SPA conservation objectives have been considered. Each conservation objective and any likely impacts are summarised below:

To maintain the population of redshank as a viable component of the site: Any disturbance will be short term and over a single winter season. In addition, the area adjacent to the site forms only a small part of the SPA and there are other areas of available habitat located nearby. Research has indicated that redshank numbers return to previous levels following construction and subject to mitigation measures recommended in the supporting report redshank would not be affected as a viable component of the site.

To maintain the distribution of redshank within the site in the long term: The area is already subject to background noise and it is not considered that small scale and temporary construction noise would have any significant effect on the distribution of the species in the long term subject to measures recommended in the supporting report.

To maintain the distribution of extent of habitats supporting redshank: There will be no impact to the habitats within the SPA subject to strict adherence to appropriate pollution prevention measures in accordance with SEPA guidelines.

To maintain the structure, function and supporting processes of habitats supporting redshank: It is considered that there is no potential for the proposed development to prevent the maintenance in the long term of the structure, function and supporting processes of habitats supporting the SPA subject to acceptable pollution prevention measures in accordance with SEPA guidelines.

No significant disturbance to redshank: Based upon desk study research and in consideration of the maximum train noise recorded at 84dB, it can be assumed that noise at this level on the site would not be likely to have the potential to significantly affect roosting or feeding redshank on the shore next to the site. Where maximum noise levels could be higher, mitigation measures will be in place to limit noise to no more than 70dB.

Potential for visual disturbance is considered to be minimal due to the site sitting lower than the railway line, however, further mitigation is proposed in this respect.

Consideration also has to be given to the cumulative impacts of developments. There are currently no significant planning applications proposed in the vicinity of the site. However, should such a development arise, it is considered that similar mitigation measures may be effective.

The following mitigation measures are proposed in the supporting information:

- All works to be undertaken in strict compliance with SEPA guidance to prevent any pollution run-off into the SPA.
- No construction works will take place on the site at night between the months of September to April inclusive.
- All piling works undertaken between the months of September to April (inclusive) will be “quite piling” methods.
- Piling rigs will be carefully orientated on site to minimise noise emissions in the direction of the shoreline.
- The development site will be screened (to reduce noise and visual disturbance) by a continuous screen of an appropriate height running along the boundary of the site adjacent to the railway that will be in place between the month of September to April (inclusive). Screening will be in accordance with the measures set out on BS5228-1:2009. The aim of the screen will be to ensure noise levels on the SPA shore line do not exceed 70dB.
- Where the location of plant is flexible on site, it will be sited as close to the A814 as possible.
- Regular monitoring will take place during construction in the winter months by an ornithologist to monitor any potential impacts on redshank adjacent to the site. Visits will be timed to coincide with potential maximum noise levels during construction e.g. during piling. If any impacts are noted then further mitigation will be put in place to be agreed by SNH.

SNH Comments on Redshank Appropriate Assessment Supporting Information

In light of the additional report on redshank, SNH have advised that the Planning Authority can consider their objection withdrawn if:

- the Council are satisfied that the noise details and calculations implicit in the Noise Assessment are appropriate and accurate; and
- the following matters 1 – 5 are addressed through any planning permission.

1. From September to April inclusive, types, combinations and scheduling of plant and machinery should be limited to those set out on page 5 of the Construction Noise Assessment, or should otherwise not exceed cumulative noise of 73dB calculated in the same way.

2. From September to April inclusive, there should be no construction works at night.

3. From September to April inclusive, piling must be by continuous flight auger, or by a similar ‘non-impact’ method with equivalent or lesser noise levels.

4. From September to April inclusive, any active working area should be screened in directions facing the Clyde, providing a minimum of 5dB screening in accordance with BS5228-1 (2009).
5. Pollution control must be implemented throughout the works in accordance with SEPA's pollution prevention guidelines.

SNH has also recommended that measures 2, 3 and 4 should, where possible, also apply during May to August (inclusive).

SNH has also provided an additional appraisal to inform the Appropriate Assessment. In this it is confirmed that with the mitigation in place, the proposal will not adversely affect the integrity of the SPA. It does however take issue with a number of points contained within the redshank report but confirms that these alter the range and detail of the required measures but do not alter its conclusions.

The Council's Environmental Health service has confirmed that the noise assessment has been completed using the measurement standards detailed in BS5228-" Code of Practice for noise and vibration control on construction and open sites"

In conclusion, an AA has been undertaken in relation to the conservation objectives of the Inner Clyde SPA. This has revealed that subject to mitigation measures the proposal would not have an adverse impact on these objectives.