

RENFREWSHIRE COUNCIL

Application No: 06/1284/PP

DEPARTMENT OF PLANNING AND TRANSPORT  
RECOMMENDATION ON PLANNING APPLICATION

Regd: 15/12/2006

Applicant

Agent

BAE Systems (Property Investments) Ltd/  
Central Avenue  
Chorley  
PR7 6ADCass Associates  
Studio 104,  
The Tea Factory  
82 Wood Street  
Liverpool  
L1 4DQ

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Nature of proposals:

Erection of security fence, including gate access.

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Site:

Royal Ordnance, Station Road, Bishopton

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Application for:

Planning Permission-Full

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**Description**

Full planning permission is sought for the erection of a secure boundary fence to be erected around the perimeter of the retained Environmental Test Facility (ETF) which currently remains the only operational portion of the former Royal Ordnance Factory at Bishopton. The ETF carries out the environmental testing of military hardware containing explosives and lies within the south-eastern quadrant of the site, immediately to the west of the Glasgow-Gourock/Wemyss Bay railway with which it shares a common boundary.

The former ROF site is currently secured by a continuous security fence which runs the length of the entire 964 hectare site. The perimeter is also subject to manned-vehicle patrols on a 24/7 basis along the track running adjacent to the boundary fence.

With the proposed redevelopment of the wider former ROF factory site, the applicants require to achieve physical containment and secure the remaining consolidated site as a self-contained operational facility with its own office accommodation and security presence. The applicants indicate that the explosives licensing regime, strict security requirements and general operational safety of the ETF demands that a robust physical separation is maintained between the facility and unauthorised persons and that access to and from the facility requires to be strictly controlled at all times.

The facility is already bound to the east and south by an existing security fence and permission is sought for approximately 3.14 km of new fencing to secure the site to the north and west to achieve complete enclosure of the retained, residual site. The fence will comprise a galvanised weld mesh structure 3 metres in height supported by metal posts and would be dug in and trench backfilled and topped by three lines of barbed wire.

The fence will incorporate a number of badger tunnels where the structure crosses badger paths and provision would also be made for the passage of otters where the structure crosses water courses.

Access to the site would be achieved through one set of double leaf gates via existing infrastructure on Mosshall Road, with more permanent arrangements being incorporated in the future redevelopment of the remainder of the ROF site. The line of the fence generally

follows existing roads and tracks and has taken into account the dual requirements of minimising disturbance to mature trees and known habitats and the requirements to establish a clearly defined safety zone, takes into account the buildings (active and storage) that will be in daily use, the relevant explosives safety distances imposed by the licensing regime and the need for security and safety for any explosives stores transported between buildings.

An external clearance of 5 metres (for line of sight for security) and an internal clearance of 3 metres (for running 4x4 patrol vehicles) will be required along the full length of the fence line. Where the fence departs from existing roads/tracks, basic gravel tracks would be constructed to accommodate the passage of patrol vehicles. Some tree and branch removal and the cutting back of scrub will also be required.

### **History**

None relevant to this application.

### **Policy**

The site lies within an area covered by Policy SS2 'Royal Ordnance Bishopton' of the adopted Renfrewshire Local Plan which requires, inter alia, the environmental renewal and future development potential of the Royal Ordnance Bishopton to be assessed; the requirement for a masterplanning exercise to be undertaken, the masterplanning to be compatible with the structure plan and local plan, and pending the Council's decision on the future use and development of the land, the site will be safeguarded for its established use.

The site is also covered by Policy ENV 3 'Local Designations: Sites of Importance for Nature Conservation (SINCs)' which states that the Council will protect and where possible enhance SINCs and where appropriate, will promote links between SINCs which will act as wildlife corridors. However, the Council recognises that some of the identified SINCs coincide with sites which are regarded as being suitable for development through Local Plan policies and where there is a presumption in favour of development. Development proposals for sites covered by the SINC designation will be assessed, therefore, against the following criteria:-

- (a) The social and economic benefits of the development proposal.
- (b) Any adverse impact on the nature conservation interest of the site being acceptable to the Council.
- (c) The provision of satisfactory compensatory nature conservation benefits.

Policies ENV 7 'Planting and Management of Trees and Woodlands', ENV 8 'Protection of Trees and Woodlands' and ENV 9 'Woodland Management' of the adopted Renfrewshire Local Plan are generally concerned with the protection of trees and woodlands and their proper management and are material considerations.

Policy C1 'Consideration of Development Proposals involving Land which may be Contaminated' and Policy Haz 2 'Control of Development Near to Hazardous Installations' are also material considerations.

### **Publicity**

The applicants agents have confirmed that all the required notifications have been undertaken in accordance with statutory procedures. The proposals were also subject to press advertisement.

### **Objections**

One letter of objection has been received (from the Bishopton Action Group) the substance of which is that insufficient information has been provided. The objection comments that the proposed fence does not only delimit land ownership, but also ensures that the public are kept at a safe distance from the explosives which are stored. It is contended that the determination of the application should take into consideration the safety aspect. The objection further contends that the public cannot make an informed decision about the fence

because discussions are ongoing with the Health and Safety Executive over the extent of the buffer zone; the public require to know what is the required safety zone for ammunition which may contain components manufactured from depleted uranium; the public need to know the activities involved in testing and the public need to know the maximum quantity and type of explosives which may be stored including quantities in transit.

### **Consultations**

**Scottish Natural Heritage** - No objection.

**Director of Environmental Services** - No objection subject to conditions. It was noted that the application has been reviewed by the Department's consultants who commented that the proposed new security fence and all preparation and temporary works associated with the construction of the security fence, badger tunnels and otter fence should not significantly degrade the contaminative status and condition of the proposed line of the security fence and adjacent land. Much of the detailed comment relates to the contamination/protection of the water environment which is the responsibility of SEPA. A safeguarding condition was recommended to require the submission of a validation report to ensure suitable construction and management of the security fence works.

**Scottish Environmental Protection Agency** - No objection subject to a safeguarding condition in respect of the submission of a Construction Method Statement to address the potential impact of activities on the water environment. SEPA commented that they accept the need for BAE Systems to separate and secure this facility from the remainder of the ROF site. SEPA further commented that the design, dimensions and positioning of the new security fence are generally measures which are unlikely to prejudice SEPA's interests however there are several aspects of the proposals on which SEPA would seek additional assurance (relating to construction methods and the treatment/disposal of spoil and ecological considerations).

**Health and Safety Executive (Explosives Inspectorate)** - No objection.

**Bishopton Community Council** - No response at time of writing.

**Houston Community Council** - No response at time of writing.

### **Assessment**

The principal planning issues to be addressed in this instance are considered to be whether the proposals are appropriate in land use planning terms having regard to the provisions of the development plan and whether the proposals are appropriate having regard to any other material planning considerations. The fence, by virtue of its height exceeding two metres falls within the ambit of planning control. The associated tracks and ancillary works fall within the meaning of 'permitted development', do not require to be the subject of a formal application for planning permission and are therefore not subject to planning control. The only matter before the Council is therefore the fence.

Policy SS2 'Royal Ordnance Bishopton' of the Renfrewshire Local Plan comments, inter alia, that pending the Council's decision on the future use and development of the land, the site will be safeguarded for its established use. The erection of an inner security fence is considered to be consistent with this policy as it safeguards and does not prejudice the established use. It should be noted that the proposals, although resulting from the anticipated redevelopment of the site, do not establish a presumption in favour of redevelopment. A robust security regime requires to be put in place for the residual operational facility irrespective of the future use of the remainder of the site.

Policies ENV 3, ENV 7, ENV 8 and ENV 9 require that appropriate consideration is given to safeguarding habitat, ecological and nature conservation interests. The proposals are not considered to unacceptably impact on these requirements and Scottish Natural Heritage have indicated no objection. Satisfactory mitigatory provision has been proposed in respect of otters and badgers and this can be safeguarded by condition.

Policy C1 'Consideration of Development Proposals involving Land which may be Contaminated' requires that in assessing development proposals due consideration is given

to the possible effects of contamination. These matters have been addressed and neither SEPA nor the Director of Environmental Services has indicated an objection. The proposals are therefore considered to comply with this aspect of the development plan.

Policy Haz 2 'Control of Development Near to Hazardous Installations' comments inter alia, that the Council will take advice from the Health and Safety Executive in respect of any development proposals located within the consultation distance from a potentially hazardous installation and that the Council will require appropriate separation distances. It may be commented that HSE have indicated no objection to the proposals. The fence is considered to contribute to achieving appropriate and enhanced security for the retained facility. The proposals are therefore considered to be consistent with the provisions of the Renfrewshire Local Plan in these respects. The appropriateness of redeveloping the remainder of the ROF site is not a matter to be addressed within the terms of this application.

The fence, in terms of its form, finish and routing is considered to be commensurate with its context and is considered to be acceptable in these respects.

Having regard to the concerns raised in the letter of objection, I am satisfied that these are matters more properly addressed by the licensing and regulatory regime operated by the Health and Safety Executive. It should be noted that the matters before the planning authority for determination relate only to the erection of the fence, not to the use of the land or to any activities or operations being carried out on the land or within the buildings which would be enclosed by the fence. The ETF is part of the larger ROF site which already enjoys a bona fide planning consent to undertake these activities. In the short term the proposed structure would comprise a fence within a fence. The suitability of permitting future public access or the development of other land uses in closer proximity to the retained ETF facility are matters to be addressed, in consultation with the Health and Safety Executive and other regulatory bodies, as part of the proposed redevelopment of the ROF site which is the subject of a separate application for planning permission. I am satisfied that both the Health and Safety Executive's confirmation of no objection and the applicants statement that the area to be enclosed by the proposed security fence has taken account of the buildings (active and storage) that are to be in daily use, the relevant explosives safety distances imposed by the licensing regime for those buildings and the need for security and safety for any explosives stores that are transported between buildings address the objectors concerns insofar as these concerns are relevant to the matter under consideration in this planning application.

There are not considered to be any other material considerations which would render the proposals unacceptable. In the circumstances it is recommended that planning permission be granted subject to the conditions listed.

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RECOMMENDATION  
GRANT subject to conditions

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Other Action

Conditions and Reasons

- 1 That the development hereby permitted shall be started within five years of the date of this permission.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.

- 2 The spacing of the vertical bars on the debris collection grille shall not be less than 180 - 200 mm.

Reason: To allow the passage of otters along the Dargavel Burn.

- 3 The badger tunnels shall be located in accordance with Drawing Number 925-04 Revision B and shall be formed with a minimum diameter of not be less than 300 mm.

Reason: To conform with best practice guidelines and to allow for the passage of badgers.

- 4 All vegetation clearance works shall be undertaken either outwith the bird breeding season of March to July inclusive, or shall be carried out in accordance with a method which shall be submitted for approval prior to commencement of works and which shall be agreed with the planning authority, that prevents disturbance to nesting birds.

Reason: To ensure that the works do not unacceptably impact on nesting birds.

- 5 Prior to any works commencing on site, a Construction Method Statement (CMS) shall be submitted for the prior written approval of the planning authority, in consultation with SEPA, which details if waste/spoil (inclusive of trees, roots etc) will be generated by the works, how the material will be tested to verify if it is contaminated and the method of disposal of these wastes. The CMS shall also take cognisance of the potential impact that the activities may have on the water environment including the use of heavy plant and the importation of materials. The CMS thereafter agreed shall be implemented on site in the approved manner to the satisfaction of the planning authority.

Reason: In the interest of amenity and ecology and to ensure that the water environment is suitably protected.

- 6 Following the completion of the works hereby approved, a validation report shall be submitted for the written approval of the planning authority. The report shall include details of the works undertaken, methods employed, validation sampling undertaken and test results and relevant interpretation and discussion of the results, the locations of materials reused or removed from site, and plans for any required ongoing monitoring. The validation report shall be submitted within one month of the completion of the works and thereafter any required continuing action shall be undertaken in the agreed manner to the satisfaction of the planning authority.

Reason: In the interest of amenity and to ensure that the works have been undertaken in the appropriate manner.

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Director of Planning and Transport