



May 2021

PLANNING STATEMENT

Full Planning Application for Proposed Storage Depot

Bannerbank Quarry, Newton Mearns,
Glasgow, G77 6QA

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Appendix 1

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1.0 INTRODUCTION

Description of Development

- 1.1 The Leith Planning Group have been instructed by EPC-UK to prepare and submit a detailed planning application for a new storage depot on land at Bannerbank Quarry, Newton Mearns, Glasgow, hereafter referred to as 'the application site'.

Description of Development

- 1.2 The description of development for the proposed development is as follows:

“Formation of depot for Quarrying Explosives Company including the use of existing offices, construction of Two magazines, parking and fencing”

Site Description

- 1.3 The application site is some 0.06 hectares in area and is located on the outskirts of Newton Mearns which a large town located southwest of Glasgow City Centre. The site is currently used as an aggregates quarry with an existing office which is proposed to be retained as part of the development. It can be confirmed that approval of the development subject of this application will not impact on the ability of the existing quarry to operate.
- 1.4 The site is noted to be allocated within the Countryside around Towns within the adopted development plan, and is therefore to be considered against countryside policies.
- 1.5 The site is well placed for access to the B769 which leads to the M77, and also provides access to Glasgow City Centre.

Development Context

- 1.6 EPC-UK are a nationwide organisation who specialise in the manufacture and distribution of explosives. EPC-UK currently operate a storage depot in Inchterf, Kirkintilloch within which they hold materials awaiting delivery to clients, but are having

to seek alternative premises as they need to vacate their current site. EPC-UK are therefore urgently seeking a new storage depot in and around Glasgow.

- 1.7 Having considered numerous potential sites within the local area over the last two years, the site proposed at Bannerbank offers the most suitable re-location given its secure position, isolated location, and the good access links to the B769 and the motorway network for transporting goods both north and south.
- 1.8 EPC-UK will operate Bannerbank as a storage depot for the storage of explosive materials in advance of their delivery to quarries and other clients across Scotland. It is important to stress that whilst the site will need to be licenced with the Health and Safety Executive and operated to strict rules and regulations, the materials when stored on site in their raw form are not explosive; this is only achieved when the final stages of preparation are carried out prior to use at the end destination. There is however a requirement to ensure that such sites are secure and isolated from potential 'vulnerable buildings' and the site at Bannerbank Quarry is therefore ideal to serve our clients requirements.
- 1.9 The site licence once approved will set out clear parameters on the use of the site, the materials that can be stored and the amount of material which can be stored, all in line with safety guidelines and in the interests of safety of community and EPC-UK staff.

Planning Statement

- 1.10 We have been instructed to draft a Planning Statement to support this detailed planning application. This statement assesses the development proposal against national and local planning policies and sets out the justification for the grant of consent. Scotland's National Planning Framework is addressed in detail at section 3, with the local planning policies considered at section 4. The statement will also set out the potential highway impacts of the development and provide clarity on the day to day operations of the site. In short however, it can be confirmed that this statement sets out a clear justification for the proposed creation of a storage depot on site, and how the scheme adheres to the provisions of the Development Plan.

Application Documentation

1.11 This application is being submitted with a number of plans and supporting reports, including:

- **Applications Drawings** – location plans, proposed layout, proposed elevations; and
- **Forms** – the application is also supported with the relevant applications forms, certificates, and this planning statement t all of which have been completed by Leith Planning Ltd.

1.12 The application is supported with the relevant technical reports and plans as set out by East Renfrewshire Council within their validation checklist to ensure a valid and robust application submission. In addition, we can confirm that the application has been carefully prepared by the development team to adhere to the provisions of the development plan, address comments made by officers and statutory consultees at pre-application stage and to respect the character and setting of the application site.

2.0 PLANNING HISTORY

- 2.1 As set out within section 1, the application site has been operating as a quarry for some time and in that regard attention is drawn to the following planning consent:

Application reference: 2002/0001/MPC

Description of Development: Application for determination of new conditions under Section 96 of the Environment Act 1995

Decision: Granted

Decision Date: 12th January 2011

- 2.2 Sadly there is no documentation available on the Council website in relation to that application, and no details of earlier grants of consent for the quarry.

Pre-Application Advice

- 2.3 Given the unique nature of the proposed development and the potential issues and queries which could be raised in relation to the proposed use, Leith Planning and Alan Falconer, Transport Manager- North of EPC-UK attended a pre-application meeting with Ian Walker, Senior Planner at East Renfrewshire Council on Thursday 15th April 2021 to discuss the principle of development.
- 2.4 Mr Walker was keen to understand the relationship between the existing quarry use and the proposed creation of a storage depot, and was advised that the proposed development will not directly impact on the approved operations on site. Mr Walker had also confirmed receipt of comments from Environmental Health and Highways with some queries in relation to the intensity of the proposed use, and clarification of additional information required. These points are addressed below. It can be confirmed however that Mr Walker was content with the proposed development in principle.

Highways Response

- 2.5 The Highways Authority have responded to the pre-app to advise that a transport statement must be provided/further information obtained regarding the number and type of vehicle trips likely to be generated by the proposed development, including potential trip destinations. The request for this additional information is understood to be borne out of concern of the local highway network to accommodate a significant

increase in heavy goods traffic. However, the Roads Service confirmed that it was unlikely they would have any significant concerns with the development other than the possible intensification of (hazardous traffic) utilising Malletheugh Road.

- 2.6 Attention is drawn to the provisions of section 6 of this report where additional information is provided in relation to the traffic generation associated with the proposed development. It is clear that the scheme will result in almost negligible increase in traffic movements on site, and certainly not in relation to large hazardous vehicle trips. The scheme is therefore deemed to be acceptable in highway terms.

Environmental Health

- 2.7 The Environmental Health Officer confirmed to the case officer, in line with information put forward by the applicant that the facility will need to be licenced by the Health and Safety Executive. In relation to environmental health matters the officer raised the following which would require further detail at application stage:

- Hours of operation for noise (Please see section 6 of this report);
- Dust Management Plan during construction and potentially during operations (Please see section 6 of this report);
- Storage and removal of waste and sanitary facilities (Please see section 6 of this report);
- Suitable and sufficient water supply (Please see section 6 of this report);
- Confirmation that SEPA would need to be consulted given the proximity of the adjacent river (given the distance from the application site, topography of the site, and flood map on SEPA website, there is not understood to be any issues in relation to flood risk on site); and
- Possibly a Light Impact Assessment if security and operational lights are required (Please see section 6 of this report).

- 2.8 For the reasons laid out above and within section 6 of this report, the development is deemed to be acceptable and sufficient information has been submitted within this statement to address the queries raised.

3.0 SCOTLAND'S NATIONAL PLANNING FRAMEWORK 3

3.1 The National Planning Framework 3 was published in June 2014. The key paragraphs of relevance to the determination of this request for pre-application advice for a storage depot at Bannerbank Quarry are as follows:

3.2 **Paragraph 1.2:** Our vision is a Scotland which is:

- a successful, sustainable place. We have a growing low carbon economy which provides opportunities that are more fairly distributed between, and within, all our communities. We live in high quality, vibrant and sustainable places with enough, good quality homes. Our living environments foster better health and we have reduced spatial inequalities in well-being. There is a fair distribution of opportunities in cities, towns and rural areas, reflecting the diversity and strengths of our unique people and places.
- a low carbon place. We have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore. Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel.
- a natural, resilient place. Natural and cultural assets are respected, they are improving in condition and represent a sustainable economic, environmental and social resource for the nation. Our environment and infrastructure have become more resilient to the impacts of climate change.
- a connected place. The whole country has access to high-speed fixed and mobile digital networks. We make better use of our existing infrastructure, and have improved internal and international transport links to facilitate our ambition for growth and our commitment to an inclusive society.

3.3 **Paragraph 1.6:** A sustainable, economically active rural area, which attracts investment and supports vibrant, growing communities, is essential to our vision. Within this, we recognise the collective national importance of our networks of rural towns and villages. We are committed to safeguarding our natural and cultural assets and making innovative and sustainable use of our resources.

3.4 **Paragraph 2.2:** We want to build on our success. The Scottish Government Economic Strategy aims to stimulate economic activity and investment across all of Scotland's communities. It sets out the action we are taking to accelerate economic recovery and provide jobs and identifies seven key sectors with particular opportunities for growth.

These opportunities arise from existing competitive advantage and the potential to capitalise on our natural assets. Our key sectors are: energy; food and drink; life sciences; tourism; financial and business services; universities and the creative industries.

- 3.5 **Paragraph 2.6:** Our strategy aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future. Planning will help to create high quality, diverse and sustainable places that promote well-being and attract investment.
- 3.6 **Paragraph 2.8:** We will support growth in priority sectors and locations, and promote a place-based approach to development. We want to capitalise on the distinctive potential of each of our cities as economic drivers, reinvigorate our towns and encourage innovation in our rural areas. Much can be gained by focusing on our energy resources; on the natural and cultural assets that underpin our tourism and food and drink sectors; on our highly educated and skilled people; on our emerging growth sectors including life sciences and creative industries; on our established strengths in financial services and higher education; and on our existing infrastructure in the transport, energy and industrial sectors.
- 3.7 **Paragraph 2.26:** We do not wish to see development in our rural areas unnecessarily constrained. There will be a continuing need for new housing – we expect more people to live and work in Scotland’s rural areas as digital links and opportunities for remote working and new enterprises continue to grow. The Scottish Planning Policy sets out a framework for planning for rural housing which reflects the varying characteristics and pressures of rural communities. It highlights that careful planning is required to manage demand in our most accessible countryside around towns and cities. Remote areas are likely to benefit from a more flexible approach, particularly where it helps to sustain fragile communities. Facilitating the delivery of affordable rural housing remains a priority to support community vitality and increase population growth. Design solutions will ensure that affordability need not be at odds with achieving more ambitious emissions standards.
- 3.8 **Paragraph 2.35:** Seizing new opportunities such as those in the learning economy and the energy sector will help to deliver sustainable economic growth, attracting and retaining population and supporting services. The University of the Highlands and Islands, and other centres of learning and research like the Heriot Watt Campus in

Kirkwall, are transforming the further and higher education sector in many of our island and coastal communities.

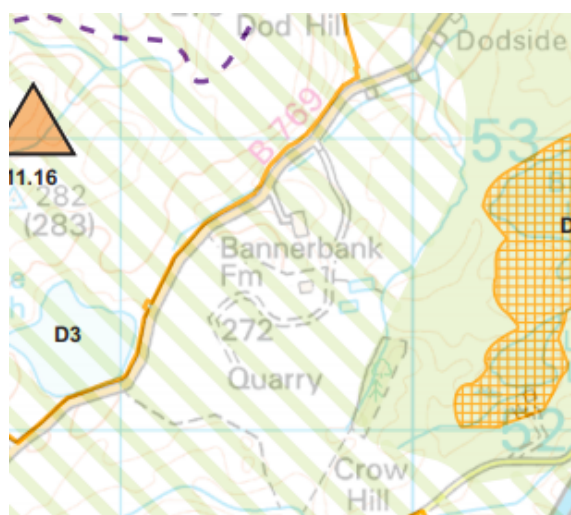
- 3.9 **Paragraph 4.7:** We have long sought to protect Scotland's environment, recognising that it is a dynamic resource rather than a fixed asset. To better reflect this, more proactive and innovative environmental stewardship is required. The pressing challenge of climate change means that our action on the environment must continue to evolve, strengthening our longer-term resilience. A planned approach to development helps to strike the right balance between safeguarding assets which are irreplaceable, and facilitating change in a sustainable way. We must work with, not against, our environment to maintain and further strengthen its contribution to society.

Comment

- 3.10 The proposal subject of this application complies with the principles laid out above within the National Planning Framework 3, and will facilitate the continued operation of an existing business on a suitable and sustainable site. Given the importance placed within the National Planning Framework 3 on supporting existing enterprise and facilitating its future viability to support a sustainable rural operation, it is considered that the proposal adheres to national planning guidance. Furthermore, the proposed development given its location will operate well in terms of its connectivity through transport links to the B769 and the M77 and close proximity to Glasgow City Centre. There will be negligible impacts on the landscape character of the area due to the limited nature of the development and the use of grass mounds for the magazine depots and the existing office on site being retained. The supporting plans demonstrate the proposed changes to be made and as such, we would consider that all proposals are in line with the provisions of the National Planning Framework 3.
- 3.11 Given the acceptability of the proposals we would hope to secure an early consent for the development such that works can commence as soon as possible given the urgent need for this development.
- 3.12 For the reasons set out above and within the technical reports and plans submitted with this detailed application, it is clear that the proposed development adheres to and promotes the requirements of the National Planning Framework 3.

4.0 LOCAL PLANNING POLICY

- 4.1 The application site is located within the authority of East Renfrewshire Council, as such, the relevant Development Plan comprises the East Renfrewshire Local Development Plan adopted 2015. It can be noted from the Proposals Map extract included below that the site is located within the Countryside around Towns, and on the outskirts of the Green Belt and a Local Biodiversity Site.



- 4.2 Whilst there are numerous planning policy documents of relevance to the proposed development, given the allocation within the Countryside it is considered that the key determinative policies for the evaluation of this proposal are as follows:

East Renfrewshire Local Development Plan (2015)

4.3 **Policy D3: Green Belt and Countryside Around Towns**

5.6.1. Development in the Green Belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

5.6.2. Where planning permission is sought for development proposals, within the Green Belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and

the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

5.6.3. Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

4.4 The proposed siting of the storage depot at Bannerbank is compatible with the existing approved use for the extraction of aggregate materials and will not impact on the existing quarry operations. The proposal will not result in any detrimental visual effects on the local area, nearby properties or the wider countryside designation. The scale of the proposed development is limited, with the proposed layout dictated by safety standards set out by the Health and Safety Executive. The proposed development is inconspicuous in its appearance, and with the provision of green finishes to the materials of construction, and the implementation of the turfed bunds around the magazines, will blend in well with the wider landscape.

4.5 The nature of the proposed storage use on site will have no impacts upon neighbouring properties and businesses given that the site has previously been used for quarrying purposes, and there will be no increase in impact aligning with this use. The nature of the proposed operation will not create noise, dust or other forms of disturbance to the local community, and the level of traffic to be generated would be minimal (see section 6 for details). The existing office building on site will be retained, but will be unaffected by the proposed development.

4.6 Given the nature of the proposed use there are simply no other suitable sites available within local settlement boundaries. EPC-UK have to secure appropriate safety distances to homes and businesses, and this cannot be facilitated within existing settlements. Furthermore, given the limited nature of the proposed development, it is our view that there will be no detrimental impacts upon neighbouring properties or the wider local area.

4.7 **Policy SG6: Economic Development**

6.11.1. The Council will support a flexible approach to sustainable economic growth to meet the development needs of established and emerging employment sectors.

1. The Council seeks to safeguard business and employment areas listed in Schedule 12. In association with the local business community and other relevant agencies the Council will seek to enhance the quality of existing employment areas. Proposals for

non-employment generating development including housing on the safeguarded business and employment areas will not be supported, except where:

- there is no current or likely future demand for employment uses on the land;
- it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- where development would bring wider economic, environmental, community or amenity benefits.

2. The Council will support the development of employment generating uses at the locations listed in Schedule 13. New employment areas will be a core component of the master plans.

3. The Council will encourage the relocation of inappropriately sited industrial and business uses to the safeguarded Business / Employment Areas listed in Schedule 12.

4. New tourism related developments will be supported provided they can satisfy the requirements of Strategic Policy 2 and other policies of the Plan.

- 4.8 [The proposed development will seek to support an existing business and will facilitate the relocation of a depot site that is already operating on the outskirts of Glasgow. The use of the site will not impact on the existing approved quarry use, and will allow our clients to continue to secure a vital storage depot to service their business and customers. The proposed development represents a suitable site in a suitable location for EPC to continue operating within the local area and help to contribute to the local and national economy.](#)

Proposed Local Development Plan 2 (Published October 2019)

4.9 Policy E10: Vacant, Derelict and Contaminated Land

Proposals will be required to optimise the remediation and redevelopment of vacant, derelict and contaminated land and buildings where appropriate. Where contamination of a development site is identified, applicants will be required to submit a contaminated land survey alongside their application. Where there is known or potential contaminated land, gases or ground instability on a site, any development should take account of this in both its design and the type of use proposed. Should the development be approved, conditions may require to be attached to the consent to ensure that the necessary remediation action will be undertaken to prevent unacceptable risks to human health or the environment before the development proceeds. Any proposals to redevelop brownfield and vacant sites must be

accompanied by protected species surveys. The design of the development should be informed by the results of these surveys in order to try to maximise the opportunity for these sites to retain their biodiversity assets. Temporary greening of sites will be encouraged. Consideration will be given to whether the greening of a site could bring about positive environmental benefits and improvements to the overall amenity of the area, for example by assisting with the regeneration of the area; site decontamination; or improving existing green infrastructure and green network provision. The biodiversity value of these sites will be required to be assessed through protected species surveys. Proposals should not prejudice the long term development potential of the site. Opportunities for redevelopment and take up of vacant and derelict land will be monitored through the annual Vacant and Derelict Land Audit.

- 4.10 The proposed development will facilitate a vital storage depot on the outskirts of Glasgow to facilitate delivery of explosive materials to a number of quarries and other such sites throughout the north of England and Scotland. The site would bring back into use a currently vacant site that has previously been used for quarrying purposes, and would be akin to the proposed use at the site, if not less intrusive as the site will be used for storage purposes only. Without securing a depot in a safe, suitable and secure location within this part of the country, there could well be an impact upon the delivery of such vital services. Given the UK Government Agenda to Build, Build, Build and bring the country back from Covid, the need to support such industries is going to be more vital than ever. It is on this basis and for the reasons given throughout this report that we consider that a proven and justified need is given for the provision of this facility in this location.
- 4.11 **Summary:** For the reasons laid out above, the provision of a storage depot for hazardous materials at the application site has been shown to comply with the provisions of the adopted development plan, in particular policies D3 and SG6 of the Adopted Local Development Plan and Policy E10 of the Proposed Local Development Plan 2. We would therefore kindly request officers support this application and grant planning permission for the proposed development.

5.0 PLANNING COMMENT – PRINCIPLE OF DEVELOPMENT

Development Plan

5.1 **Section 70(2)** of the Town and Country Planning Act 1990 requires a local planning authority, in dealing with a planning application, to have regard to the provisions of the Development Plan, as far as material to the application, and to any other material considerations.

5.2 **Section 38(6)** of the Planning and Compulsory Purchase act 2004 refers to determinations to be made under the Planning Acts as follows:

“If regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.”

5.3 **Plan-making:** The Supreme Court ruling clearly states “The principle that the decision-maker should have regard to the development plan so far as material and “any other material considerations” (paragraph 8) has been part of the planning law since the Town and Country Planning Act 1947. The additional weight given to the development plan by section 38(6) reproduces the effect of a provision first seen in the Planning and Compensation Act 1991 section 54A. In *City of Edinburgh Council v Secretary of State for Scotland* [1997] 1 WLR 1447, the equivalent provision (section 18A of the Town and Country Planning (Scotland) Act 1972) was described by Lord Hope (p 1450B) as designed to “enhance the status” (paragraph 8) of the development plan in the exercise of the planning authority’s judgment. Lord Clyde spoke of it as creating “a presumption” (paragraph 8) that the development plan is to govern the decision, subject to “material considerations” (paragraph 7), as for example where “a particular policy in the plan can be seen to be outdated and superseded by more recent guidance” (paragraph 8). However, the section had not touched the well-established distinction between the respective roles of the decision-maker and the court:

“It has introduced a requirement with which the decision-maker must comply, namely the recognition of the priority to be given to the development plan. It has thus introduced a potential ground on which the decision-maker could be faulted were he to fail to give effect to that requirement. But beyond that it still leaves the assessment of the facts

and the weighing of the considerations in the hands of the decision-maker ..." (p 1458) (paragraph 8)

- 5.4 **The interaction of law and policy:** The correct approach to the interpretation of a statutory development plan has been previously determined by the Supreme Court in *Tesco Stores Limited v Dundee City Council (2012)*. The judgement handed down ruled that "policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context" (paragraph 22). "This has led to concerns (expressed by counsel appearing in these proceedings) "about the over-legalisation of the planning process, as illustrated by the proliferation of case law on paragraph 49 itself. This is particularly unfortunate for what was intended as a simplification of national policy guidance, designed for the lay reader". (Lord Carnwath, paragraph 23).
- 5.5 The Supreme Court made it clear that "it is important that the role of the court is not overstated" (paragraph 24). There was a specific development plan policy under consideration in *Tesco* and "some policies in the development plan may be expressed in much broader terms, and may not require, nor lend themselves to, the same level of legal analysis". (Lord Carnwath, paragraph 24). "It must be remembered that, whether in a development plan or in a non-statutory statement such as the NPPF, these are statements of policy, not statutory texts, and must be read in that light...Furthermore, the courts should respect the expertise of the specialist planning inspectors and start at least from the presumption that they will have understood the policy framework correctly" (paragraph 25) and the courts have "cautioned against undue intervention" (paragraph 25) in policy judgments within specialist tribunals' areas of competence. (Lord Carnwath, paragraph 25). Applicants for judicial review should "distinguish clearly between issues of interpretation of policy, appropriate for judicial analysis, and issues of judgement in the application of that policy." (Lord Carnwath, paragraph 26).

Comment

- 5.6 As set out at sections 3 and 4 of this report, the proposed development subject of this application is compliant with the policies contained within the adopted development plan. The proposal seeks to secure consent for a storage depot within an existing and approved quarry, which is compatible with the use proposed. The development does

not result in detrimental impacts on neighbouring properties, the highway network or the wider local environment, and in that regard the development proposal is deemed to be acceptable.

- 5.7 It is therefore our view that the development subject of this application is acceptable, and the proposal is wholly compliant with the provisions of the East Renfrewshire Local Development Plan.

6.0 HIGHWAY AND OPERATIONAL MATTERS

- 6.1 A number of queries have been raised by the case officer and statutory consultees during the pre-application process, these are addressed in detail below and confirm that the impact of the development by way of highways and day to day operations will be minimal.

Health and Safety Executive

- 6.2 EPC-UK will operate Bannerbank as a storage depot for the storage of explosive materials in advance of their delivery to quarries and other clients across Scotland. It is important to stress that whilst the site will need to be licenced with the Health and Safety Executive and operated to strict rules and regulations, the materials when stored on site in their raw form are not explosive; this is only achieved when the final stages of preparation are carried out prior to use at the end destination. There is however a requirement to ensure that such sites are secure and isolated from potential 'vulnerable buildings' and the site at Bannerbank Quarry is therefore ideal to serve our clients requirements.
- 6.3 The site licence once approved will set out clear parameters on the use of the site, the materials that can be stored and the amount of material which can be stored, all in line with safety guidelines and in the interests of safety of community and EPC-UK staff.

Bannerbank Quarry

- 6.4 As laid out within earlier sections of this report, the Council have sought clarity as to whether the proposed use could impact upon the material extraction currently approved on site. As confirmed throughout this report the quarry is not understood to currently be operational. However, should the site owners determine to bring the quarry back into use, the proposals subject of this application will not undermine or effect the ability for extraction to re-commence. It is not uncommon for such uses to work side by side, as our clients have experienced on other sites within the UK. In short, therefore the proposed development will not impact upon the approved use of the site and is therefore deemed to be compatible.

Staff

- 6.5 The development subject of this application is very small in nature and will require the provision of 6 members of staff to operate the depot. There will only be one regular on site member of staff who will manage the depot with all other staff being drivers who will attend site to leave their personal vehicle, collect their service vehicle and materials for delivery and then be away on deliveries. The only additional staff member to attend site will be the company Transport Manager, however this is only likely to be once a week as a maximum.
- 6.6 The site manager will be based within the existing office building on site and it can be confirmed that there are no proposals to amend either the external appearance or internal layout of this structure. There is also more than sufficient space on site to accommodate the limited amount of parking required to service the development.

Hours of Operation

- 6.7 The office will be manned from 7am to 5pm Monday to Friday, with staff entering and leaving the site at various times throughout the day to collect vehicles and head out to site. The depot will therefore be open during sociable hours and in reality, given the nature of the proposed use, the scale of the proposed use and limited number of employees on site will not result in detrimental noise or disturbance in the local area.

Vehicle Movements

- 6.8 There will be a maximum of 16 vehicles movements per day, this will include 12 private car movements as staff enter site in the morning and leave on an evening, and 4 vehicle movements associated the multiblend trucks (large van sized vehicle).
- 6.9 In addition there will be no more than 2 HGV deliveries of materials to site per week.

Volume of Material

- 6.10 There will be approximately 30 tonnes of licenced material transferred from site to customer per week. But as set out above there will be no processing of materials on site, simply storage in purpose built vehicles ready to be mixed and used at the final destination.

Site Security

- 6.11 Given the nature of the proposed use there is an obvious requirement for the site to be secure, this will include 2m boundary fencing as shown on the application drawings. Additional security features will include:
- Alarmfast 24hr security system covering main office and 2 x Magazines.
 - Netwatch 24hr CCTV system covering main yard area storage tanks and 2 x Magazines.
- 6.12 Both systems depending on the alert type or visual alarm will contact the Depot Manager in the case of a site breach who is based 10 minutes away in Barrhead. Otherwise, it will be direct contact to Police/Fire service, who also will conduct annual visits to the site for intelligence reports.

Dust Management Plan

- 6.13 Once operational the site will not result in the creation of dust, air or noise pollution given the nature and scale of the proposed operations. During the construction phase the work on site will be limited and will require only minimal physical construction works, with most works focussed above ground. Should the council deem it necessary the applicant would be willing to accept a condition requiring the submission and approval of a construction management plan prior to commencement of works.

Water and Waste

- 6.14 It can be confirmed that the storage and removal of waste and sanitary facilities will be as per the previous arrangements given that the site office will function as per the previous consent on site.
- 6.15 The site office already benefits from an existing water supply which will be more than sufficient to meet the needs of the development.
- 6.16 It is noted that there is a river near to the application site, however the site is not within an area at risk from flooding. The development will also have no greater impact on the site drainage than the previous approved development.

Lighting

- 6.17 The site will be served with lighting on the boundary fence pointing to the application site for security purposes and to allow safe working during winter months. Given the limited nature of the lighting and the fact that they will be pointing within the site it is not considered to result in detrimental light impacts or light pollution in the local area. Once again if deemed necessary we consider that additional lighting details can be secured by way of condition.

7.0 OTHER MATERIAL CONSIDERATIONS

7.1 In reviewing other material considerations it is necessary to have regard to the Supreme Court Judgement - Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) before Lord Neuberger – 10th May 2017.

Other Material Considerations - Generally

7.2 Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. Whether a consideration is material is a matter for the courts; the weight to be accorded to a material consideration is a matter for the decision-maker. There are a number of 'other material considerations' outlined below which would support the grant of consent.

Material Consideration – Supporting an Existing Enterprise

7.3 EPC-UK already operate a depot on the outskirts of Glasgow and are simply seeking support from East Renfrewshire to relocate to a more suitable premises within their authority area. The business is a successful enterprise and supports many jobs both within the business and within supporting industries, and is playing a key role in the delivery of new homes and development across Scotland. Importance should therefore be placed in the decision making process to the benefits of supporting this local employer in securing their future within the Glasgow area, and to continue to support the delivery of construction materials to assist in the economic recovery from Covid.

Material Consideration – Site History

7.4 The site benefits from planning permission for use as a quarry and whilst currently dormant, does have consent to continue to operate. Whilst the proposed use as set out within this submission would not impact or undermine the previous use recommencing and will in fact be complimentary, the impact of the quarry use is

clearly more significant than the limited operations currently being proposed. The fall-back position and planning history of the site are therefore material to the determination of this application, and further support the grant of consent.

Material Consideration – Sustainable Development

- 7.5 For the reasons given throughout this report and agreed by the Council in relation to both outline approvals on site, this scheme represents a sustainable development.

Decision Making – Overall Advantage

- 7.6 In addition to those matters relating to decision making, such as the development plan and sustainable development, there is inevitably a balancing exercise to be carried out; few decisions are free of such an approach. The phrase “overall-advantage” reflects this balance; at the end of the day the decision-maker must attach what weight he considers appropriate to the material consideration in question. The so-called “overall-advantage” is nothing more than the weighing of often disparate planning considerations so that it can be said that the advantages outweigh the disadvantages, or the reverse.
- 7.7 Section 70(2) of the 1990 Act deals with determination of applications: general considerations requires that the authority in dealing with the application shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations.
- 7.8 Whether a consideration is material is a matter for the courts; the weight to accorded to a material consideration is a matter for the decision-maker. Collectively the other material considerations are over-whelming in favour of the development. The so-called “overall-advantage” involves the weighing of often disparate planning considerations; in this instance the advantages outweigh the disadvantages.

8.0 CONCLUSIONS

- 8.1 For the reasons laid out above it is considered that the proposed development of a storage depot on land at Bannerbank Quarry, Newton Mearns, Glasgow, G77 6QA is wholly compliant with the provisions of the National Planning Framework 3 and the Adopted Development Plan, and we therefore kindly request that planning consent be granted without delay.
- 8.2 Should the Council require any additional information either during the life of the application or in advance of validation please do not hesitate to contact us. Otherwise we look forward to early confirmation of registration of the application and the details of the officer appointed to process the application.