

## **EXAMINATION IN PUBLIC – BISHOPTON, RENFREWSHIRE APRIL, 2007**

### **INTRODUCTORY STATEMENT OF THE GLASGOW AND THE CLYDE VALLEY STRUCTURE PLAN JOINT COMMITTEE**

#### **Legal Competences**

1. The Glasgow and the Clyde Valley Structure Plan Joint Committee's (GCVSPJC) legal competences relate only to strategic development planning (1). This competence is firmly set in Scottish Executive's policy (2). All site specific planning is the competence of the Local Authority, whether regarding Local or Master Plans or Development Management, although individual Authorities may seek the strategic advice of the Joint Committee on such matters.

#### **Sustainable Development Imperatives**

2. The GCVSPJC's Strategic Plan – 'The Structure Plan' – is founded on the principles of sustainable development as directed by Scottish Executive policy (2a), and reflects national policy on the role of strategic plans (3).

#### **The Strategic Development Plan Approach**

3. The GCVSPJC's approach to Strategy is framed within Scottish Executive policy, guidance and advice, which strongly advocates that Development Plans prioritise the regeneration, renewal and re-use of vacant, derelict and contaminated land, as the primary sources of development land (2), (4), (5), (6), especially where, inter alia, public transport accessibility is available. In all such policy and guidance, contamination, per se, does not constitute a barrier to the inclusion of such land within Development Plans; indeed, it identifies such land as priority for Development Plan allocations. There is a proven record within the Metropolitan area, across Scotland, the UK and other countries of contaminated locations being remediated for development.

#### **The Structure Plan and its Metropolitan Development Strategy (MDS)**

4. The GCVSPJC's MDS is based upon these policies and guidance. The 'engines' of the MDS – the Waterfront, the Gateway and Ravenscraig Flagship Initiatives – comprise significant areas of degraded and contaminated land, yet these are now officially Scotland's top priority development priorities as set out in the National Planning Framework (NPF)(7) and in the Regeneration Policy Statement (8). Bishopton, the Royal Ordnance Factory location and Gartcosh-Gartloch, former steelworks, both were identified in the Structure Plan as long-term development locations of potential, consistent with the overall MDS and Executive policy. The NPF (7) recognises the long-term role of these locations and the role of their transport connections as key to their policy designation.
5. The Structure Plan 2000 (9) was approved by the Scottish Ministers in April 2002. In their Approval, the Ministers considered and dismissed concerns related to the potential development of Bishopton, acknowledging that the Plan provided sufficient strategic context for discussions of its future (10).

#### **Bishopton in the GCVSPJC Structure Plan 2000**

6. Bishopton was identified in the 2000 submitted Plan in Strategic Policy 2 (11), following the announcement of the closure of ROF and the work of the Scottish Executive Working Party, established to assess potential future uses for the land. Its inclusion in the Plan related to the potential for a long-term

sustainable mixed-use development directly connected to rail. Development would be based upon Sustainable development principles and subject to examination of impacts, and would require a future Alteration to the Plan.

7. The Plan acknowledged (12) that the location was large-scale vacant and derelict, with significant elements of contamination. In view of these conditions, the aim of Strategic Policy 2, as amplified by para. 7.36, was to promote a master-plan approach to the evaluation of the potential of the location.

#### **Bishopton in the GCVSPJC Structure Plan 2006 (Third Alteration)**

8. The Supplementary Written Statement 2006 (13) to the 2000 Plan acknowledged the progress of the master plan process in the interim and deleted Bishopton from Strategic Policy 2, moving it into Strategic Policy 1 and Schedule 1(c) of the 2006 Written Statement (14), 'Strategic Development Locations', under the category of 'Community Growth Area' (CGA). It is important to stress that the CGA definition relates to the development of an integrated sustainable community, developed from a master-plan. It does not relate to the development solely of a commuter community. The same supplementary statement also highlighted the opportunity, associated with the development of Bishopton, to create a Community Forest Park as a project within the 2000 Plan's 'Green Network'.
9. Before incorporation into Schedule 1(c), Bishopton was tested against other potential areas for its contribution to sustainable development, using a standard assessment template (15). Additionally, the GCVSPJC undertook a Strategic Environmental Assessment of the Plan, including an assessment of all development locations, including Bishopton, against nineteen sustainability indicators (16).

#### **Master-Planning and Development Management**

10. The Written Statement 2006, therefore, provides an updated view of the strategic context of Bishopton ROF, identifying it as a CGA. The same document, paragraph 8.14 (17), clearly sets out the role of the Master-Plan process and the requirements to be met by the Local Planning Authority in delivering long-term CGAs. This principle is fully in line with Scottish Executive Planning policy on Master-plans, established by Scottish Planning Policy (SPP) 1 (18) and SPP 21 in addressing such development areas and their programming (19) (although ROF is not defined as Green Belt, the principle of master-plans applies). The Local Planning Authority, Renfrewshire Council, in their Planning and Development Policy Board papers of August 9, 2005 and January 10, 2006, which constituted its formal responses to the GCVSPJC's dual consultation stages, consistently identified that the developers of ROF would require to submit planning applications to address the master-planning demands of strategic policy. The Written Statement 2006, through Strategic Policy 9, B(ix) and C (i) and (viii) (20) provides a strategic context for the evaluation of master-plans and planning applications relative to CGAs.

#### **Joint Committee and Bishopton**

11. In order to illuminate the GCVSPJC's approach to the inclusion of Bishopton ROF in the Third Alteration 2006 to the Approved 2000 Plan, it is necessary to establish the chronology of the GCVSPJC's decision-making and the evidential basis thereof. The issues of contamination and transport capacity

are addressed directly in the GCVSPJC's separate Statements on these issues.

#### **The Discussion Document 2004**

12. In accord with the provisions of SPP1 (21), the GCVSPJC was committed to maintaining the currency of the Structure Plan through regular five-yearly review/alteration. Stage one was the publication by the GCVSPJC in December 2004 of a Discussion Document on the development future of the Glasgow & Clyde Valley Area (22), (23). This document was the subject of consultation with a wide variety of those consultees who had responded to the consultation process during the 2000 Plan process. The publication identified that, in response to the Approved 2000 Plan Policy SP2, more detailed studies had been undertaken in respect of Bishopton. The GCVSPJC, whilst receiving cautionary comment for some consultees, did not receive any substantive negative comment upon the development potential of Bishopton during that process, neither from Scottish Executive (24), SPT (25), Network Rail (26) or SEPA (27). Renfrewshire Council's response (28) highlighted its on-going work with the owners of ROF to assess the development potential at ROF. This process was confirmed by BAE, through its Consultants, Cass Associates, in their response to that consultation, which highlighted the completion in April 2001 of a 'Development Framework' for ROF and the 'Planning Framework for Regeneration' in December 2002 (29). The GCVSPJC was briefed on these outcomes on March 7, 2005 (30) whilst all responses were copied to the constituent Authorities.

#### **The Consultative Draft, Third Alteration, 2005**

13. Stage two in the chronology was the publication of the Consultative Draft in May 2005, following GCVSPJC clearance in March 2005 (31), (32). This Draft drew upon the aforementioned BAE/Cass documents as evidence of the work undertaken as required by Policy SP2 of the Approved Plan 2000, and therefore the inclusion of Bishopton as a potential future development area. The approach of development land values to fund remediation and regeneration is wholly in line Planning Guidance as set out in PAN 33 (6). With the permission of these organisations, their formal response to the Discussion Document consultation (29) and their Public Consultation Report were combined and published by the GCVSPJC as a Background Report to the Consultative Draft (BR4/05) (33). The GCVSPJC therefore continued to regard Bishopton as a potential area, subject to confirmation through a process of analysis comparing all potential development locations against sustainability criteria set out in the Draft and in Background Report 7/05 (34), also cleared for consultation by the GCVSPJC in March 2005.
14. The consultation period ran from 10/05 to 21/06. The GCVSPJC took a report on the consultation on August 29, 2005 (35). Whilst the Report necessarily addressed an overview of the process and outcomes, the detail of the responses was known to the GCVSPJC Members as, prior to this meeting, all responses were copied to CD and distributed to Members and to all constituent Authorities. The consultation process had elicited substantial adverse responses in respect to ROF (c. 2500 in number) – both standard and individual letters, primarily, although not exclusively, from residents of Bishopton. The Bishopton Action Group had also written to the GCVSPJC Members on 25<sup>th</sup> August 2005 (36). Whilst there was a significant volume of negative reaction, no new evidence was submitted in respect of ROF or its proposed remediation, nor of the capacity of the road or rail network, which

merited the GCVSPJC altering its view in respect of the designation of the ROF site as a CGA.

15. On the other hand, the GCVSPJC received confirmation of the potential of the location through BAE (37), Renfrewshire Council (38), and Scottish Enterprise Renfrewshire (39) whilst none of the responses from SEPA (40), HSE (41), Westrans (42) or the Scottish Executive (43) raised any new concerns over contamination or transport which would preclude the identification of ROF as a CGA.

#### **The Finalised Draft, Third Alteration 2005**

16. Stage three in the chronology was the publication of the Draft Finalised Alteration (44) in October 2005, with a further consultation period – 21/10 to 05/12. This second round of consultation confirmed the positions established by the initial consultation process, with continued substantial local objection (in the order of 2400 submissions), but with continued progress towards a situation where the owners and developers of ROF would submit formal planning applications to Renfrewshire Council.
17. On 30/01/2006, the GCVSPJC considered a detailed Statement of Publicity and Consultation (45) and a specific report on the testing of all potential CGAs against its approved criteria (46). In the former document, Bishopton, under section 8, Issue 6 (A) through (I), was addressed specifically. In Appendix IX to that Statement, the extracts relevant to Bishopton, from the Board Report of the Director of Planning and Transport, Renfrewshire Council, were set out, supporting the identification of Bishopton as a CGA, subject to consideration of all extant detailed issues through relevant Planning Applications. The latter Report (45) confirmed Bishopton's status as a CGA against sustainability criteria. At the same time, the GCVSPJC considered the implications of the Report (45) for the SEA and mandated the Structure Plan Manager to incorporate the relevant changes to Part 3 of the Environment Report (47).

#### **Conclusions**

18. The GCVSPJC's Metropolitan Development Strategy is based upon sustainability principles. Re-use of vacant, derelict and contaminated land is a primary foundation in line with Scottish Executive Policy and Guidance. These attributes, per se, do not constitute a barrier to future development, as evidenced by the Scottish Ministers' Approval of the Structure Plan in 2002, and their adoption of the Plan's Flagship Initiatives and Development Priorities, including the principle of the regeneration of ROF Bishopton, as priorities in the NPF and other key Policy documents.
19. The GCVSPJC's competence lies in the area of Strategy, with detailed issues devolved to the relevant Local Authorities. In terms of ROF Bishopton, the Third Alteration 2006 to the Approved 2000 Plan, clearly follows this approach, identifying the development of ROF as consistent with Strategy and Executive policy, whilst setting out the need for a detailed Master-plan, and consideration of detailed issues within the Development Management process.
20. Throughout the process of successive consultations on the Structure Plan between 2000 and 2006, the GCVSPJC was in full possession of all relevant strategic information. This information confirmed the strategic role and status

of ROF Bishopton, allowing its re-designation from an SP2 – long-term potential development site – to an SP1 site – strategic development location – in the latest version of its Strategy. The GCVSPJC acknowledged the concerns over specific issues of contamination, transport, community facilities and sundry other issues, but in line with the Plan-led system and rules of subsidiarity set out in Scottish Planning Policy 1, devolves their detailed consideration to the Local Planning Authority.

## References :

- (1) The Glasgow and the Clyde Valley Structure Plan Joint Committee Minute of Agreement May 1998
- (2) Scottish Planning Policy SPP1 – ‘*The Planning System*’ – Scottish Executive November 2002 – paras. 32, 33
- (2a) (ibid) (2) paras. 6, 7, 12, 15
- (3) Planning Advice Note PAN 37 (Revised 1996) – ‘*Structure Planning*’ – The Scottish Office Development Department – paras. 9, 10, 15 to 19
- (4) National Planning Policy Guideline 3 (Revised 1996) – ‘*Land for Housing*’ – The Scottish Office Development Department – para. 26
- (5) Scottish Planning Policy SPP3 – ‘*Planning for Housing*’ – The Scottish Executive Development Department February 2003 – paras. 28, 31, 33, 36, 37
- (6) Planning Advice Note PAN 33 (Revised 2000) – ‘*Development of Contaminated Land*’ – The Scottish Executive Development Department - paras. 12, 27
- (7) National Planning Framework for Scotland – The Scottish Executive Development Department 2004 – paras. 104, 135, 155
- (8) Regeneration Policy Statement ‘*People and Place*’ – The Scottish Executive 2006 pp. 28 to 35
- (9) Glasgow and the Clyde Valley Joint Structure Plan 2000 ‘*Collaborating for Success*’ – The Glasgow and the Clyde Valley Structure Plan Joint Committee January 2003 (incorporating modifications)
- (10) The Scottish Executive Development Department – The Glasgow and the Clyde Valley Structure Plan 2000 – Letter of 26 April 2002 – Approval with Modifications – Annex B para. 25
- (11) (ibid) (9) pp. 33
- (12) (ibid) (9) pp. 33 para. 7.35(A) & para. 7.36
- (13) Glasgow and the Clyde Valley Joint Structure Plan 2006 – Supplementary Written Statement, Third Alteration to the 2000 Plan – April 2006; pp. 16 para.2.13; pp. 18 para 2.14
- (14) Glasgow and the Clyde Valley Joint Structure Plan 2006 – Written Statement, April 2006 – pp. 20 to 21
- (15) Glasgow and the Clyde Valley Joint Structure Plan 2006 – Third Alteration to the 2000 Plan – Technical Report TR6/06 ‘*Assessment of Potential Areas for Urban Expansion*’ April 2006
- (16) Glasgow and the Clyde Valley Joint Structure Plan 2006 – Third Alteration to the 2000 Plan – Environment Report Part 3 ‘*Assessment of the Structure Plan 2006*’ - April 2006 pp. 33 para. 8.16
- (17) (ibid) (14) pp. 24 para. 8.14
- (18) (ibid) (2) – para. 43
- (19) Scottish Planning Policy SPP21 – ‘*Green Belts*’ – The Scottish Executive Development Department April 2006 – pp. 4 para. 18
- (20) (ibid) (14) Strategic Policy 9 ‘*Assessment of Development Proposals*’ pp.79
- (21) (ibid) (2) – para. 36
- (22) Glasgow and the Clyde Valley Structure Plan Joint Committee Report December 6, 2004 Glasgow and the Clyde Valley Joint Structure Plan Review ‘*The Future for Glasgow and the Clyde Valley 2025*’ – Discussion Document - Glasgow and the Clyde Valley Structure Plan Joint Committee December 2004
- (23) (ibid) (21) – The Discussion document

- (24) Consultation on the '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – letter from Scottish Executive Development Department February 2, 2005
- (25) Consultation on the '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – letter from SPT February 2, 2005
- (26) Consultation on '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – letter from Network Rail December 21, 2004
- (27) Consultation on '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – letter from SEPA January 31, 2005
- (28) Consultation on '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – Planning and Transport Board Report February 8, 2005
- (29) Consultation on '*The Future for Glasgow and the Clyde Valley 2025*' – Discussion Document – Cass Associates February 1, 2005
- (30) Glasgow and the Clyde Valley Structure Plan Joint Committee Report March 7, 2005 '*Report on Consultations : Discussion Document 2004*'
- (31) Glasgow and the Clyde Valley Structure Plan Joint Committee Report March 7, 2005 on '*Consultative Draft 2005*'
- (32) Glasgow and the Clyde Valley 2005 Structure Plan Alteration – Consultative Draft Structure Plan May 2005
- (33) Glasgow and the Clyde Valley 2005 Structure Plan Alteration – Consultative Draft Structure Plan May 2005 – Background Report (BR4/05) '*Background Reports on Bishopton*'
- (34) Glasgow and the Clyde Valley 2005 Structure Plan Alteration – Consultative Draft Structure Plan May 2005 – Background Report (BR7/05) '*Criteria for Assessing Potential Future Urban Expansion Areas – A Discussion Document*'
- (35) Glasgow and the Clyde Valley Structure Plan Joint Committee Report August 29, 2005 on '*Report on Consultations - Consultative Draft Structure Plan Alteration: May 2005*'
- (36) Letter to Joint Committee Members – Bishopton Action Group, August 25, 2005
- (37) Consultation on Consultative Draft Structure Plan May 2005 - Cass Associates June 10, 2005
- (38) Consultation on Consultative Draft Structure Plan May 2005 – Renfrewshire Council Planning and Transport Board Report August 9, 2005
- (39) Consultation on Consultative Draft Structure Plan May 2005 – Scottish Enterprise Renfrewshire June 21, 2005
- (40) Consultation on Consultative Draft Structure Plan May 2005 – SEPA June 21 2005
- (41) Consultation on Consultative Draft Structure Plan May 2005 – Health and Safety Executive – June 10, 2005
- (42) Consultation on Consultative Draft Structure Plan May 2005 – Westrans (now incorporated into Strathclyde Partnership for Transport) – June 24, 2005
- (43) Consultation on Consultative Draft Structure Plan May 2005 – Scottish Executive Development Department June 21, 2005
- (44) Glasgow and the Clyde Valley 2005 Structure Plan Alteration – Draft Finalised Supplementary Written Statement Consultation Document October 2005 – Glasgow and the Clyde Valley Structure Plan Joint Committee
- (45) Glasgow and the Clyde Valley Structure Plan Joint Committee Report January 30, 2006 – '*Statement of Publicity and Consultation and Matters to be kept under Review*' AND accompanying documents

- (46) Glasgow and the Clyde Valley Structure Plan Joint Committee Report  
January 30, 2006 '*Report on Urban Expansion*' and accompanying Technical  
Report '*Assessment of Potential Areas for Urban Expansion*'
- (47) Glasgow and the Clyde Valley Structure Plan Joint Committee Report  
January 30, 2006 '*Revisions to Environmental Report*'