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Our ref: PPA-320-2077-1

06 October 2017

Dear Mr Miller

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PLANNING APPEAL: EXPANSION OF MOSSEND RAILHEAD WITH ADDITIONAL RAIL
SIDINGS, THE DEVELOPMENT OF THE MOSSEND INTERNATIONAL RAILFREIGHT
PARK INCLUDING: CLASS 5 (GENERAL INDUSTRY) USE; CLASS 6 (STORAGE AND
DISTRIBUTION) USE, SUPPORTING CLASS 4 (OFFICE) USE AND ANCILLARY
SUPPORT USES INCLUDING ACCESS TO THE A8 AND ASSOCIATED SITE
PREPARATION, EARTHWORKS, INFRASTRUCTURE AND LANDSCAPING**

1. This letter contains Scottish Ministers decision on the above appeal you lodged on behalf of Peter D Stirling Ltd/I D Meiklam Trust.
2. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010, the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. However, in exercise of the powers under paragraph 3(1) of Schedule 4 to the Town and Country Planning (Scotland) Act 1997, Scottish Ministers directed, on 22 December 2014, that they would determine the appeal.
3. The application for planning permission in principle (ref. 13/02079/PPP) was initially refused by North Lanarkshire Council on 22 September 2014, then appealed by the developer. The appeal was recalled by Scottish Ministers who overturned the reporter's recommendation and allowed the appeal, granting planning permission in principle subject to conditions in December 2014. Scottish Ministers' decision was subsequently challenged and quashed in a Court of Session challenge by North Lanarkshire Council and the appeal was subsequently referred back to DPEA in December 2016 for re-consideration.
4. The appeal was considered by written submissions and site inspections, which took place on 15 February and 1 March 2017, by Mr Trevor Croft BSc DipTRP ARSGS FRSA MRTPI a reporter appointed for that purpose. A copy of Mr Croft's report is attached. The contents are listed on page 1 of his report and his overall conclusions and recommendations are set out in Chapter 7.

Scottish Ministers' Decision

5. Scottish Ministers have carefully considered the written submissions and the reporter's overall conclusions and recommendations. They accept the reporter's conclusions and recommendations and adopt them for the purpose of their own decision.

6. Accordingly, Scottish Ministers allow the appeal and grant planning permission in principle subject to the conditions set out in the Annex to this letter for the expansion of Mossend Railhead with additional rail sidings, the development of Mossend International Railfreight Park including: Class 5 (General Industry) use; Class 6 (Storage and Distribution) use, supporting Class 4 (Office) use and ancillary support uses including access to the A8 and associated site preparation, earthworks, infrastructure and landscaping.

7. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

8. A copy of this letter and the reporter's report has been sent to North Lanarkshire Council. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

Grainne Lennon

GRAINNE LENNON

ANNEX

PLANNING PERMISSION IN PRINCIPLE FOR THE EXPANSION OF MOSSEND RAILHEAD WITH ADDITIONAL RAIL SIDINGS, THE DEVELOPMENT OF MOSSEND INTERNATIONAL RAILFREIGHT PARK INCLUDING: CLASS 5 (GENERAL INDUSTRY) USE; CLASS 6 (STORAGE AND DISTRIBUTION) USE, SUPPORTING CLASS 4 (OFFICE) USE AND ANCILLARY SUPPORT USES INCLUDING ACCESS TO THE A8 AND ASSOCIATED SITE PREPARATION, EARTHWORKS, INFRASTRUCTURE AND LANDSCAPING

CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE

1. Before the commencement of works within each phase of the development, further planning applications shall be submitted to and approved by the planning authority in respect of the following matters:-

- a) the siting, design and external appearance of all buildings and other structures, including sufficient setback from residential properties to mitigate the scale, in particular, of the storage buildings;
- b) the means of rail, vehicular and pedestrian access to the site;
- c) the layout of the site, including all rail infrastructure, roads including underpasses, footways, parking and yard areas;
- d) the details of, and timetable for, the hard and soft landscaping of the site as well as all elements of habitat management;
- e) details for management and maintenance of the areas identified in (c) and (d) above;
- f) the design and location of all boundary walls, gates and security fences;
- g) the provisions for loading and unloading of all goods vehicles;
- h) the provision of drainage works;
- i) the disposal of sewage;
- j) details of existing trees, shrubs and hedgerows to be retained;
- k) details of existing and proposed site levels including all proposed earthworks;
- l) the phasing of the development.

For the avoidance of doubt, all further applications shall be submitted in accordance with the phasing scheme approved under the terms of Condition 2 below.

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

2. Before any development starts, a phasing scheme that specifies the order in which all elements of the site (including rail infrastructure and road access) will be implemented shall be submitted to and approved in writing by the planning authority. This shall have regard to the Environmental Statement and subsequent reports submitted to the planning authority and shall demonstrate that all combined Class 5/6 and Class 6 buildings within the site shall be directly dependent on rail transport related to the Mossend Railhead. For the avoidance of doubt, the phasing scheme shall make provisions for the early implementation of the Green Network in parallel with the completion of the first development platform within the site. Development shall thereafter take place only in accordance with the approved phasing scheme unless agreed otherwise in writing with the planning authority. Applications for matters specified in Condition 1 above may be made in relation to any individual building or

phase of development at the site subject to the limitations of the agreed phasing scheme and other conditions of this consent.

Reason: To ensure the minimum possible impact on the environment at any given time and to ensure development of the site for rail freight purposes.

3. Before any development starts, details of an appointed Planning Monitoring Officer shall be submitted to and approved in writing by the planning authority. The remit of the Planning Monitoring Officer shall be agreed in writing with the planning authority before any development starts but shall include overseeing compliance with all conditions and timely submission of appropriate information. The appointed Officer shall thereafter remain in place until satisfactory completion of the development, unless a change of Officer is first agreed in writing with the planning authority.

Reason: To ensure that the planning authority has the opportunity to monitor the development and ensure compliance with planning conditions.

4. For the avoidance of doubt, no permission is hereby granted for the specific layout detailed on the indicative masterplan drawing no 7991/PA/005a. The site layout shall be developed using the masterplan as a guide and taking account of the requirements of all conditions of this consent.

Reason: In order to confirm the terms of this consent and protect the amenity of the neighbouring residential properties.

Rail Infrastructure

5. Notwithstanding the terms of Condition 1 above, before any development starts the applicant shall demonstrate agreement with Network Rail which confirms that capacity exists on the rail network for the level of rail freight activity proposed for the development, evidence of which shall be submitted to and approved in writing by the planning authority.

Reason: To ensure the development provides safeguards for rail freight supported development and to allow the planning authority to consider these aspects in detail.

6. Notwithstanding the terms of Conditions 1 and 2 above, before any rail freight dependent building comes into use, the proposed rail sidings and associated infrastructure to fully serve that building shall be completed unless agreed otherwise in writing by the planning authority. Details of such sidings and infrastructure shall first have been submitted to and approved in writing by the planning authority in consultation with Network Rail.

Reason: To ensure the development provides for rail freight supported development and to allow the planning authority to consider these aspects in detail.

7. All rail lines and other rail related infrastructure shall be constructed in accordance with the details to be submitted to and agreed in writing by the planning authority in consultation with Network Rail, and shall thereafter be retained for this purpose. The rail infrastructure shall not be removed from the site other than for repair and maintenance, without the prior written approval of the planning authority.

Reason: To enable the planning authority to consider these aspects and to ensure all rail infrastructure remains in place.

8. When all phases of the development have been completed, and at all times thereafter:

- i. The total floorspace of the built development shall not exceed 200,000 square metres, providing for Use Class 5 (Industrial) and Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, and including ancillary and supporting uses;
- ii. The development shall contain buildings which are a maximum of 40% of combined Class 5/6 uses and a maximum of 60% solely Class 6 use, unless otherwise agreed in writing by the planning authority.

Reason: In order to control the terms of this consent and ensure a proportion of industrial use.

Transportation & Access

9. Unless otherwise agreed in writing by the planning authority in consultation with Transport Scotland, construction of the new roundabout connection onto the A8, generally in accordance with Dougall Baillie Associates Drawing Number 11097/100/200, shall only be permitted to commence following the M8-M73-M74 Motorway Improvement Scheme becoming fully operational.

Reason: To ensure that the nature of the design of the proposed junction meets current design standards and that implementation will not adversely affect the safe and efficient operation of the trunk road network.

10. No more than 93,000 square metres gross total floorspace of Class 5/6 buildings shall be occupied until a scheme to signalise the M73 southbound off slip and M8 westbound off slip approaches to the Baillieston Roundabout has been implemented to the satisfaction of the planning authority in consultation with Transport Scotland.

Reason: To ensure that the development will not adversely affect the safe and efficient operation of the trunk road network.

11. Before any buildings within the site are occupied, the internal access road and road/rail underpass connecting the railhead operations from the A8 local distributor road, the details of which shall first be submitted to and approved in writing by the planning authority, shall be completed in accordance with the approved details.

Reason: To ensure the provision of satisfactorily vehicular, cycle and pedestrian access to and within the site.

12. Before the development of any phase is brought into use, all of the associated vehicular manoeuvring areas, parking, access and egress arrangements, signage and provision for safe pedestrian movement shall be completed and surfaced in accordance with the details submitted to and approved in writing by the planning authority. Parking, including HGV spaces, shall be provided in accordance with the council's parking standards, unless agreed otherwise in writing by the planning authority, and car parking shall be segregated from any HGV servicing, manoeuvring and turning areas.

Reason: In the interests of traffic and pedestrian safety.

13. Despite the generalities of Condition 4 above, before any development starts, details of the proposed access arrangements for construction traffic shall be submitted to and approved in writing by the planning authority.

Reason: In the interests of the amenity of neighbouring residential properties.

14. The applicant shall ensure that continued vehicular and pedestrian access to Carnbroe Mains Cottage is provided at all times during the construction period.

Reason: To ensure satisfactory access arrangements to nearby properties.

15. Before any development starts, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the planning authority, after consultation with Transport Scotland. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy and PAN 75: Planning for Transport.

Built Environment

16. No building shall exceed 20 metres in height unless agreed otherwise in writing by the planning authority.

Reason: To safeguard the visual amenity of the area.

17. All applications for buildings shall include a Design and Access Statement addressing detailed design and layout, environmental performance and external detailing.

Reason: To safeguard the visual amenity of the area.

Ground Conditions

18. Before any works of any description start on the application site, unless otherwise agreed in writing with the planning authority, a comprehensive site investigation report shall be submitted for the approval of the said authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175: 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, the planning authority may require submission of a detailed Remediation Strategy.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of neighbouring residents and future users of the site.

19. Any remediation works identified by the site investigation required in terms of Condition 18 shall be carried out in accordance with the details approved in writing by the planning authority. Before the development is brought into use, a certificate (signed by a chartered Environmental Engineer) shall be submitted to the planning authority confirming that any remediation works have been carried out in accordance with the terms of the Remediation Strategy.

Reason: To ensure that the site is free of contamination in the interests of the amenity and public health.

Noise, Vibration, Air Quality and Light

20. Notwithstanding the requirements of Condition 1 above, updated detailed Noise Impact Assessments shall be submitted for verification and the written approval of the planning authority with all detailed applications. Such applications shall take account of the recommendations contained in Chapter 9 of the Environmental Statement, Addendum: Industrial Noise Impact Assessment, dated April 2014, and the Ironside Farrar document 'Response to Issues Raised by Protective Services'. Thereafter, all mitigation measures shall be implemented in accordance with the approved details before that phase of the development comes into use.

Reason: To safeguard the amenity of the adjacent properties and the local area.

21. Before development starts on any phase, full technical details demonstrating the methods of lighting and associated lighting infrastructure for all external lighting to be used in that phase shall be submitted to and approved in writing by the planning authority in consultation with Transport Scotland as appropriate. For the avoidance of doubt, all external lighting shall be designed so as not to give rise to unacceptable impacts on the amenity of the surrounding area or local ecology.

Reason: To safeguard the visual amenity of the area and for the protection of nature conservation interests.

Flooding & Drainage

22. Notwithstanding the generalities of Condition 1 above, all detailed applications, unless otherwise agreed in writing with the planning authority, shall be accompanied by full details of the proposed surface water drainage scheme. For the avoidance of doubt, the drainage scheme must comply with the principles of Sustainable Drainage Systems (SUDS) in terms of the relevant CIRIA manual and other advice published by the Scottish Environment Protection Agency (SEPA). The drainage scheme shall also be designed in line with the recommendations contained in Chapter 11 of the Environmental Statement and the Flood Risk and Drainage Strategy by Dougall Baillie Associates dated September 2013.

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater, and in the interests of the amenity and wellbeing of existing and future users adjacent to and within the development site respectively.

23. The SUDS compliant surface water drainage scheme approved in terms of Condition 22 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the SUDS, a certificate (signed by a Chartered Civil Engineer) shall be submitted to the planning authority confirming that the SUDS features have been constructed in accordance with the relevant CIRIA manual and the approved plans.

Reason: To safeguard any adjacent watercourses and groundwater from pollution and in the interests of the amenity and wellbeing of existing and future users.

24. Notwithstanding the terms of Conditions 1 and 2 above, an updated Flood Risk Assessment shall be submitted to and approved in writing by the planning authority, with all detailed applications. For the avoidance of doubt, the amended Flood Risk Assessment must take account of Chapter 11 of the Environmental Statement and the Flood Risk and Drainage Strategy by Dougall Baillie Associates dated September 2013, Scottish Planning Policy (SPP) and Planning Advice Note 69 (PAN 69): Planning and Building Standards Advice on Flooding.

Reason: In order that the planning authority can be satisfied that the proposed development will not give rise to flooding within the application site and will not increase the flood risk elsewhere.

25. Notwithstanding the terms of Condition 1 above, all detailed applications shall demonstrate that the recommendations in the Environmental Statement with respect to the protection of watercourses and existing culverts at the site, including the establishment of 'no building' buffer zones around watercourses, are complied with and integrated into the detailed design of the development.

Reason: To ensure the protection of watercourses within the site.

26. Notwithstanding the terms of Condition 1 above, all detailed applications shall include full design details, reasoned justifications, construction method statements and suitable mitigation measures (as required) in relation to any proposed works within and in the vicinity of any watercourse for the written approval of the planning authority. Any such works shall be carried out in accordance with approved method statements in consultation with SEPA. For the avoidance of doubt, method statements should demonstrate compliance with Controlled Activity Regulations requirements and SEPA's Pollution and Prevention Guide notes. Proposals for culverting of watercourses shall not be permitted unless it is demonstrated that such works are reasonably justified and would not have any unacceptable adverse impacts on watercourses and their banks.

Reason: To enable the planning authority to consider these aspects in detail, to safeguard the amenity of the area and to ensure that the proposed mitigation measures comply with SEPA guidance.

Environmental Protection & Nature Conservation

27. No development shall take place within the site boundary until the developer has secured the implementation of a programme of archaeological works in accordance with a written Scheme of Investigation which has been submitted by the developer and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved scheme.

Reason: To enable an archaeological evaluation of the site to be carried out.

28. Notwithstanding the terms of Conditions 1 and 2 above, full details of the design of the Community Green Network shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt, the scheme shall include the following details:

- (a) details of any earth moulding and hard landscaping, boundary treatment, grass seeding and turfing;

- (b) a scheme of tree and shrub planting;
- (c) an indication of all existing trees and hedgerows, details of those to be retained, and measures for their protection in the course of development;
- (d) pedestrian and cycle routes including specification for the material finish of all surfaces; and
- (e) a detailed schedule for all landscaping works which shall provide for these works being carried out contemporaneously with the development of the site and completed before the rail freight park is brought into use.

Reason: To enable the planning authority to consider these aspects in detail.

29. Before the development starts, a management and maintenance scheme for the Community Green Network shall be submitted to and approved in writing by the planning authority, and it shall include proposals for the continuing care, maintenance and protection of the Green Network.

Reason: To enable the planning authority to consider these aspects in detail.

30. Notwithstanding the terms of Condition 1 above, the development shall be designed in accordance with the principles and commitments contained in Chapter 12 of the Environmental Statement and ECOS Countryside Services Updated Ecology Reports dated July and August 2014, and any details required under the terms of Condition 32 below unless agreed otherwise agreed in writing with the planning authority.

Reason: To safeguard the amenity of the area, for the protection of nature conservation interests and to ensure the final development design makes adequate provision for all habitat proposals and commitments.

31. Before development starts on any phase, further updated surveys by a suitably qualified person shall be submitted with all detailed applications for the approval of the planning authority to determine the presence of any statutorily protected species. As a result of the findings of the report, should any mitigation measures be required for the relocation of any protected species, these shall be implemented in accordance with a timetable agreed in writing with the planning authority in consultation with Scottish Natural Heritage before works commence on the site.

Reason: To minimise risk to protected species.

32. Notwithstanding the terms of Condition 1 above, all future applications shall include a detailed site wide Landscape Strategy, incorporating the details and commitments set out in Chapter 8.6 of the Environmental Statement.

Reason: In order to ensure that the new facility has a clearly defined landscape structure and a hierarchy of external spaces, and promotes wherever possible biodiversity through planting and environmental management.