

Report to the Scottish Ministers



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Trevor A Croft, a reporter appointed by the Scottish Ministers

- Case reference: PPA-320-2077-1
- Site Address: Mossend Rail Head, Reema Road, Bellshill, ML4 1RR
- Appeal by Peter D Stirling Ltd/I D Meiklam Trust against the decision by North Lanarkshire Council
- Application for planning permission (in principle), ref. 13/02079/PPP dated 8 November 2013, refused by notice dated 25 September 2014
- The development proposed: 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
- Dates of site visits: 15 February 2017 (unaccompanied), 1 March 2017 (accompanied)

Date of this report and recommendation: 24 July 2017



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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.

• Case reference	PPA-320-2077-1
• Case type	Appeal against refusal of planning permission (in principle)
• Reporter	Trevor A Croft
• Appellants	Peter D Stirling Ltd/I D Meiklam Trust
• Planning authority	North Lanarkshire Council
• Other parties	1038 objections and 12 letters of support: see NLC Production 2
• Date of application	8 November 2013
• Date case received by DPEA for report on redetermination	7 December 2016
• Method of consideration and dates	Written submissions, further written submissions, accompanied site inspection on 1 March 2017 and unaccompanied inspection on 15 February 2017
• Date of report	24 July 2017
• Reporter's recommendation	Grant planning permission in principle

Background

A report was submitted to the Scottish Ministers dated 5 May 2015, recommending the appeal be dismissed. On 3 August 2015 a letter was issued containing the Ministers' decision to allow the appeal and grant planning permission in principle subject to 32 conditions.

The Minister's' decision was subsequently challenged in the Court of Session by North Lanarkshire Council. On 23 August 2016 the Court quashed the Ministers' decision, largely on grounds that the decision letter did not meet the standard of intelligibility required for a decision overturning the clear and reasoned recommendations of the reporter. The appeal was subsequently referred back to DPEA for a report to be submitted to Ministers on how the appeal should be redetermined.

Site description

The site covers 125.8 hectares and lies to the south of the A8 trunk road, west of the West Coast Main Line railway and north of Bellshill. The southern part (28.2 hectares) includes the existing railhead and adjacent brownfield land, while the northern part (97.6 hectares) is

farmland and forms part of the Green Belt. Residential areas including the community of Hattonrigg lie south and west of the site. Current road access to the railhead is via Reema Road, Bellshill, and vehicles have to pass through the built-up area. The M8 motorway extension across the northern part of the site has been completed and is open to traffic. The new overbridge to connect the site across the M8 to the upgraded A8 all-purpose road has also been completed.

The proposed development

The proposed development comprises an extended Mossend Railhead with an additional four sidings to accommodate trains up to 775 metres long; a railfreight park with 200,000 square metres of Class 5 (industrial) and 6 (storage and distribution) floorspace; an access road 2.3 kilometres long to the A8; a green network/community woodland extending to 38.2 hectares within the northern section of the site; and surface water drainage incorporating three sustainable drainage system (SUDS) ponds. The provision of the 200,000 square metres of industrial, storage and distribution space is considered by the appellants to be an operational requirement and an integral part of the whole scheme, and would assist in cross-funding the investment in rail, road and site infrastructure.

Freight transport

Peter D. Stirling Ltd has operated the rail freight terminal at Mossend Railhead since 1981 and seeks to maintain and improve its competitiveness, including further diversification into new market sectors. The site is located within an hour's drive of 75 per cent of the Scottish population as well as major distribution and manufacturing centres.

Direct access to rail freight services is an increasingly important commercial consideration for the distribution and logistics industry. Modal shift from road to rail can deliver significant environmental benefits in terms of reduced traffic congestion, lower CO2 emissions (an 80 per cent reduction for every tonne of freight), and improved road safety and quality of life for local communities. A 775 metre electric rail terminal would handle longer trains and carry three times more goods per journey, with each train typically taking 90 lorry journeys off the road.

Rail freight operates most economically when goods are moved in full length (775 metre/90 tonne box) Euro standard trains between rail terminals. The development of large distribution parks has an important role to play in promoting rail freight by concentrating goods at one location, thereby providing full length train opportunities. Full trainload rail flows between rail freight terminals in the English Midlands and Scotland should always be cost competitive with road transport.

The access road arrangements rely on the completed major motorway improvements. Construction of the new roundabout connection onto the A8 could now begin in early 2018.

The council's view is that this development is contrary to the local plan, adopted in 2012, and is premature at best, pending the review of the local development plan (LDP) now begun. As the proposal cannot be accessed until the completion of the motorway improvement scheme, there is no need to allow planning permission in advance of the LDP process. In the council's view, an appropriate expansion could be achieved on the 24 hectares of industrial land allocated in the local plan beside the existing terminal.

In addition, the council has indicated that it is minded to grant consent for a substantial rail freight facility south of Gartcosh (Kilgarth) on the same electrified line. The council considers that the proposed development at Mossend would not support the direction of planned growth to the most appropriate location, or support regeneration. The council considers it very unlikely that both schemes could progress. (The appellants, however, point out that over 5 years there has been no progress in completing a Section 75 agreement for Kilgarth, so they regard this proposal as moribund.)

Freightliner Limited owns and operates a rail freight terminal at Gartsherrie Road, Coatbridge. Freightliner's plans for investment to improve its existing facility would have to be reconsidered if the Mossend scheme were approved, and this could may prejudice Freightliner's ability to remain competitive at Coatbridge. Ultimately the Coatbridge terminal could face closure, with the loss of 65 jobs. The appellants claim that the Mossend and Coatbridge terminals would serve different markets and that the latter would not therefore be under threat.

Conclusions on Freight Transport

The appeal site occupies a particularly advantageous position in relation to transport links. The proposal would support modal shift from road to rail, reducing traffic congestion and lowering carbon emissions. Many of these benefits would be achievable with the proposed freight terminal on its own. The terminal would be located on brownfield land which is allocated for industrial use in the local plan. The proposed railfreight park would enable freight to be moved between the terminal and warehousing/factory units without travelling on the public road. However, the railfreight park would be located on Green Belt land which is not allocated in the development plan for this use.

In the strategic development plan, the Spatial Development Strategy lists freight hubs as core components, though these also include the Green Belt. Schedule 3 sets out locations for freight hubs, which include Eurocentral/ Mossend and Gartsherrie, Coatbridge. Strategy Support Measure 6 requires that measures be put in place to safeguard relevant investment in such locations, and that ancillary land allocations adjacent to such facilities, where appropriate, should be designated freight parks and safeguarded solely for the purposes of freight activity. Policies in the local plan support the freight terminal element of the proposal, but are less supportive of the railfreight park.

National Planning Framework 3 (NPF3) supports modal shift of freight transport from road to rail. Mossend, along with Coatbridge and Grangemouth, is identified as an important interchange in the Central Belt. The Scottish Government states its intention to work with the rail freight sector to develop a more strategic view of future development priorities for rail freight within the broader operational context of the network as a whole. Mossend has not, in the current NPF, been designated as a national development. Priority developments in the freight sector will be identified for inclusion in NPF4. Some caution is therefore necessary in assessing the weight to be assigned to NPF3 in its support of the proposal. Mossend is one of a number of existing and proposed rail freight developments in North Lanarkshire.

Scottish Planning Policy (SPP) supports patterns of development which optimise the use of existing infrastructure. Strategic freight sites should be safeguarded in development plans. Where appropriate, development plans should identify suitable locations for new or

expanded rail freight interchanges on sites accessible to suitable railheads and the strategic road network. The proposal is consistent with these aspects of SPP.

Green Belt and sustainable locations

In refusing planning permission in principle, the council concluded that the proposed development would represent a major intrusion into the green belt at a location where it serves a useful function by separating urban areas and enhancing the amenity of the adjoining settlement. The council considers that the proposal would remove the entire green belt between Bellshill and Coatbridge. In the council's view, the proposal to provide 38.2 hectares of green network open space hardly compensates for the loss of 97.6 hectares of green belt/open farmland that currently exists on site.

The loss of such a significant area of green belt would detract from the existing rural character of the surrounding area. In the council's view, the allocation of industrial land to the west of the existing railhead meets the strategic development plan requirement for ancillary land adjacent to strategic freight transport hubs to be designated for freight activity (Strategy Support Measure 6). The development proposals would involve the loss of such a significant area of designated green belt that they would not reflect the Spatial Development Strategy of the strategic development plan.

The railfreight park is not in accordance with local plan Policy NBE3. The council considers that the proposed development is at the very best premature and, due to the constraints on the timing of any development, the matter can be debated appropriately through the forthcoming review of the LDP.

The appellants consider that the completion of the M8 motorway and the upgrading of the A8 will provide a major infrastructure buffer between Bellshill to the south and Shawhead/Coatbridge to the north, which will prevent the coalescence of these two communities. The appellants refute the council's suggestion that the proposed development would remove the entire green belt in this location. The 38.2 hectares of green network would enhance the quality of the areas of green belt to be retained around the proposed development.

The appellants disagree with the council's statement that the loss of green belt would detract from the existing rural character of the surrounding area. The green belt at this location has a highly urbanised context. The proposed green network and extensive woodland planting would provide effective landscape mitigation and integrate the development into the surrounding landscape once mature.

The council's view that the appeal site is within an 'unsustainable location' is not supported by the identification of freight hubs, including Eurocentral/Mossend, as sustainable development locations in Diagram 3 in the strategic development plan. The appellants consider that the proposal, despite the tensions with the Green Belt, would result in a positive assessment under Diagram 4 and would therefore be a 'sustainable location'.

The appellants note that since the adoption of the local plan in September 2012, a number of significant events have occurred. Transport Scotland confirmed that it would upgrade the proposed bridge over the M8 to allow HGV access and retain the opportunity to develop land to the south and this has now been completed. Construction of the motorway has been completed and it is open to traffic. The strategic development plan has been approved. SPP has been published, and introduces the principle that there is a

presumption in favour of development that contributes to sustainable development, and highlights the principle of giving due weight to net economic benefit. The Scottish Ministers have issued a recall direction in relation to the appeal. Due to the lead-in time for implementation of the project (3-5 years), the appellants do not consider that the appeal is premature.

The 24 hectares of additional industrial land allocated in the local plan is proposed as the site of the new railway sidings and transit sheds. This is a separate component from the railfreight park. The council's view that this land is sufficient for the railfreight park significantly underestimates the amount of land needed for the expansion of the rail terminal. The location of the railfreight park in this restricted corner of the site would preclude the provision of the proposed northern access to the site from the A8 on cost grounds.

The council received 1038 letters of objection. Loss of green belt was one of the main grounds. The site of the railfreight park is the last piece of green belt remaining in the area. The land is valued for its contributions to the amenity of the neighbouring residential area, the scenic quality of the landscape, recreational opportunities, wildlife habitat, and retaining contact with nature. Its loss would result in Bellshill being completely surrounded by commercial and industrial development, much of which is under-utilised.

Conclusions on Green Belt and Sustainable Locations

The part of the appeal site that lies within the green belt has an agricultural, undeveloped landscape with scenic qualities and a peaceful character which is sensitive to large-scale development. It helps to provide some relief from built development, and is the only remaining section of green belt around Bellshill.

The railfreight park would result in the loss of 59.4 hectares of green belt land. This element of the proposal is contrary to local plan Policy NBE3. I therefore accept the council's view that the proposal would involve the loss of such an area of green belt that it would not reflect the spatial development strategy. Substituting built development for green fields across the full width of the corridor between Bellshill and Coatbridge, even acknowledging the green network/community woodland proposals, would be a matter of scale and balance. Overall I find that the railfreight park element of the proposals would not be in accord with the strategy.

While the development as a whole would score positively against a number of criteria in Diagram 4 of the strategic development plan (minimising the carbon footprint of the city region and mitigating greenhouse gas emissions; promoting a low carbon economy; sustainable transport; developing green infrastructure; managing flood risk), it would score less well on minimising the development footprint, and poorly on supporting green belt objectives. I do not consider that the proposal can be regarded overall as consistent with the vision and strategy of the plan.

My overall conclusion is that the proposal would have a significantly adverse effect on the green belt; that it would not be consistent with development plan policies relating to the green belt; and that it would not qualify as a 'sustainable location' in terms of the strategic development plan.

Environmental and amenity impacts

The council's reasons for refusal included that the proposed development is contrary to Policy DSP4 of the local plan, in that the large scale industrial and distribution uses would not integrate successfully into the local area and would have an adverse impact on the adjoining residential areas, including significant adverse visual effects and the impact of noise from the 24 hour operation of the sidings and the distribution park. The proposal would result in large-scale industrial and distribution uses being located close to existing residential areas. Most of the 1038 letters of objection mentioned environmental and amenity impacts. Specific concerns included noise, air pollution, light pollution, loss of amenity, loss of view and effect on the green belt, effects on wildlife, and risk of pluvial flooding.

The appellants recognise the need to integrate the proposed development with the local area and to avoid adverse impacts on the neighbouring residential amenity such as overlooking, loss of privacy or amenity, overshadowing, or disturbance. The proposed green network/community woodland would provide a green landscape buffer between the built elements of the railfreight hub and park and the local residential properties.

Conclusions on Environmental and Amenity Impacts

The findings of the Environmental Statement and the responses of consultees indicate that most of the impacts of the proposed development would be acceptable, or could be made so by the imposition of planning conditions. The major exception would be the landscape and visual impact of the railfreight park. This would be increased by some of the measures proposed to reduce noise impacts such as acoustic fences. As confirmed by my site visits, there would be significant adverse effects for many residents of Hattonrigg, whose present outlook to green fields would be replaced by a view of 20-metre high industrial units with a high earth bund and acoustic fence in the foreground. For some residents, these features would be only 100 metres away and would be visually dominant. This would be subject to subsequent detailed consideration should planning permission in principle be granted.

In terms of local plan Policy DSP4, the proposed development would not relate well to the existing context and would not accord with the policy. Neither would it accord with Policy NBE1 which safeguards natural heritage features including Tree Protection Orders (TPOs), trees and woodlands. The loss of 1.85 hectares of woodland, including trees subject to TPOs, would have an impact of moderate-major significance. While in the long term the lost trees would be replaced by the more extensive community woodland, there would be an absence of mature trees in the shorter term.

Economic impacts

The appellants' Employment and Socio-Economic Case estimated that over the expected 15 years of construction, employment would equate to an average of 120 full-time employees. An estimated 2,000 to 2,900 net additional permanent jobs would be created in transport and storage by 2030, with a mid-range estimate of 2,600 in the North Lanarkshire Area. The mid-range figure for Scotland would be 2,900. The annual gross value added (GVA) arising from transport and storage was estimated at a range of £111.2 million to £162.1 million by 2030, with a mid-range value of £136.6 million.

I sought further written submissions from the appellants, the council and two other railfreight operators who had written in support of, or opposition to, the proposal about the level of displacement of existing economic activity and employment.

The appellants note that the estimates took account of displacement (gross impacts were reduced by 10-25 per cent at the North Lanarkshire level and 30-50 per cent at the Scottish level); leakage (gross impacts were reduced by 15-30 per cent at the North Lanarkshire level and 0-5 per cent at the Scottish level); and multipliers (gross impacts were increased by 48 per cent at the North Lanarkshire level and 96 per cent at the Scottish level). The proposal would not, in the appellants' view, detract from other local operators whose sites are constrained by rail gauge and train length limitations, lack of adjacent developable land and lack of direct access to the strategic road network. While development and growth could happen elsewhere, Mossend Yard is the only current strategic rail freight interchange proposal in Scotland, and as such allows impacts to come forward earlier than would otherwise be the case.

The council questions whether the forecast economic benefits are achievable, and of a level that could justify the adverse environmental impacts. There are also concerns regarding the potential impact of the proposed development at Mossend on other existing (and proposed) developments within North Lanarkshire and beyond. In the council's view, it is inevitable that there would be job losses within North Lanarkshire should this development proceed, especially in facilities 'up-line' from Mossend.

Freightliner Limited is concerned that the Mossend proposal could result in displacement from its site. Loss of throughput would increase the cost per container and reduce competitiveness. Gartsherrie has capacity to move more trains than at present, and further capacity could be created through investment. Such investment would require an extended pay-back period, and would be less likely to go ahead if the Mossend scheme were to proceed. Any significant reduction in throughput could lead to closure of the terminal and loss of jobs. The appellant claims the Mossend terminal would serve a different market and that the Gartsherrie depot would not be under threat.

Conclusions on economic impacts

If Mossend were to succeed in attracting business, some of it would be displaced from other locations. There would be a potential danger of the closure of the Freightliner terminal at Coatbridge, although the appellants deny this. There would be a potential risk to other facilities in Central Scotland. Therefore I consider a cautious approach should be adopted in assessing the net economic benefits.

It would be prudent to assume the higher displacement figures in the range of estimates (25 per cent at the North Lanarkshire level, and 50 per cent at the Scotland level). On the conservative assumption that the site might not achieve its full potential until sometime after 2030, the proposal could by then generate slightly over 1,000 net additional jobs at the Scottish level, to which multiplier effects would need to be added, giving a figure of some 2,000 overall. These are considerable economic benefits, but it is also possible that a substantial proportion could be realised by rail freight developments in alternative locations.

Overall Conclusions and Recommendations

In the strategic development plan, the spatial development strategy provides partial support for the proposal, but also supports the green belt. On balance, the proposal is not consistent with the strategy. Schedule 3 and Strategy Support Measure 6 provide support. While the application of Diagram 4 shows both positive (arising from the freight terminal and green network) and negative (arising from the railfreight park) aspects, the proposal as a whole is not a fully 'sustainable location' consistent with the vision and strategy of the plan.

In the local plan, Policies EDI1, EDI2 and DSAP support the freight terminal but not the railfreight park; and the proposal would be contrary to Policies NBE1, NBE3, DSP2 and DSP4. Considering the development plan as a whole, therefore, I find that the proposed development would not be in accordance. This is accepted by the appellants.

NPF3 provides some support, but envisages further work being needed to develop a strategic view of future development priorities for rail freight in time for NPF4. Some caution is therefore necessary in assessing the weight to be assigned to NPF3 in support of the proposal. However no significant work on this has been drawn to my attention.

SPP sets out policies which lend support to the proposal, but also policies that favour the retention of the green belt. The appellants cite the presumption in favour of development that contributes to sustainable development. This involves balancing the costs and benefits of the proposal over the longer term. The proposal scores positively against some of the guiding principles. These include giving due weight to net economic benefit. The economic benefits would be substantial. The proposal would support delivery of transport infrastructure and would contribute significantly to climate change mitigation by reducing CO2 emissions.

The proposal scores less well on supporting good design and the qualities of successful places. It would not fully protect the amenity of existing development, and the quality of Hattonrigg as a residential environment would be diminished. There would be a net loss of natural heritage, green infrastructure and landscape. By substituting continuous built development for most of the green space between Bellshill and Coatbridge, the green belt would be substantially removed.

Whether the proposal can be regarded on balance as development that contributes to sustainable development depends on the relative weight to be attached to different factors. This is very finely balanced. I recognise that there would be substantial economic benefits and carbon savings, a removal of HGV traffic from local roads, and that the proposed site is in an excellent strategic location. In my view there are no other sites capable of accommodating the proposed development. The council's preferred site at Kilgarth does not appear developable in the foreseeable future.

Weighing against this are the adverse impacts on quality of place, residential amenity and loss of green belt.

SPP makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

I conclude that the proposed development would not accord with the development plan. In a finely balanced view I attach greater weight to the economic benefits, removal of CO₂, modal shift from road to rail, and excellent strategic location than to the loss of green belt and harm to residential amenity, much of which can be mitigated. I find that material considerations which lend support to the project justify the grant of planning permission for a proposal that does not otherwise accord with the development plan. I therefore recommend that the appeal be allowed, and that planning permission in principle should be granted.

Scottish Government Directorate for
Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: PPA-320-2077

The Scottish Ministers
Edinburgh

Ministers

On 11 January 2017 I was appointed to reconsider an appeal in connection with an application for planning permission (in principle) for the expansion of Mossend Railhead with additional rail sidings, the development of a railfreight park and ancillary support uses including access to the A8 and associated site preparation, earthworks, infrastructure and landscaping at Reema Road, Bellshill, North Lanarkshire. Planning permission in principle was refused by North Lanarkshire Council and an appeal against this was made to Scottish Ministers.

Ministers directed that the original appeal should be determined by them, because they recognised the importance of this interchange site in the 3rd National Planning Framework and therefore consider the proposals to be an issue of national significance.

A report was submitted to Ministers on 5 May 2015 (the first report) recommending that the appeal be dismissed. On 3 August 2015 Ministers decided that the appeal should be allowed and granted planning permission in principle for the proposed development. North Lanarkshire Council subsequently challenged the decision in the Court of Session. On 23 August 2016 the Court issued its judgement, quashing the decision of the Scottish Ministers. This was because the decision letter did not meet the standard of intelligibility required for a decision overturning the clear and reasoned recommendations of the reporter.

In appointing me to reconsider the appeal I was asked to focus on three key issues considered by the Court, namely:

- The development plan context;
- Clarity on transport jobs; and
- Impact on other potential rail freight facilities.

A further information request was made to parties by procedure notice issued on 20 December 2016 inviting comments on these issues. Responses were received from the appellants, North Lanarkshire Council, freightliner limited and DB Cargo (UK) Limited.

I conducted accompanied and unaccompanied site inspections in connection with the appeal. An unaccompanied inspection of the area surrounding the appeal site, other rail freight facilities referred to in submissions, and the potential railfreight site at Kilgarth took place on 15 February 2017. An accompanied inspection of the appeal site took place on 1 March 2017. Those attending were:

David Stirling, Peter D Stirling Ltd (joint appellants)
Paul Farrow, CBRE (consultants to the appellants)
Lindsey Kellock, North Lanarkshire Council
Gayle Adam, North Lanarkshire Council
Theresa Murphy, Bellshill Greenbelt Alliance.
Duncan McLeod, Bellshill Community Council

Whilst paying special attention to the issues requested I have approached the redetermination as if the appeal was before me afresh. To assist I have adopted significant sections of the first report, predominantly factual material of a descriptive, non-contentious nature and where I agree with the first reporter. My report is arranged on a topic basis and takes account the written statements and documents lodged by the parties, including the Environmental Statement and other environmental information, the responses to the Procedure Notice, and the written representations made in connection with the proposal. I have also considered the questions raised in the court judgement in making my recommendation.

Abbreviations

CO2	carbon dioxide
dB	decibels
EIA	Economic Impact Appraisal
ES	Environmental Statement
GVA	gross value added
HGV	heavy goods vehicle
LDP	local development plan
LP	local plan
NPF	National Planning Framework
SDP	strategic development plan
SEPA	Scottish Environment Protection Agency
SINC	Site of Importance for Nature Conservation
SPG	supplementary planning guidance
SPP	Scottish Planning Policy
SUDS	sustainable drainage systems
TPO	tree preservation order
TS	Transport Scotland
W10	Network Rail loading gauge measurement
WCML	West Coast Main Line

CHAPTER 1: BACKGROUND

Site description

1.1 The application site comprises approximately 125.8 hectares and lies to the south of the A8 trunk road, west of the West Coast Main Line (WCML) railway to Perth and north-east of Bellshill. The site can be considered as two main parts. The southern part comprises the existing railhead and adjacent brownfield land, formerly in industrial use (approximately 28.2 hectares), while the larger northern part (approximately 97.6 hectares) consists of agricultural land covering the area south of the A8 towards Bellshill and west of the main railway line, which runs north-south on the eastern edge of the site. The farmland is rated as Class 2.2 with a wetness limitation. It formed part of the former Carnbroe Mains farm but this has now been demolished as part of the works for extending the M8 motorway. The remaining land is currently under a temporary tenancy for livestock grazing. Eurocentral lies to the east of the railway, and consists of another, competing, rail freight facility and a large area of modern warehouse and office development. Coatbridge lies north of the site across the A8. The A725 Bellshill Bypass runs to the west of the site.

1.2 The appeal site is bounded by residential properties (including the community of Hattonrigg) to the west and south-west, and by industrial properties to the south-east. The larger northern part of the site generally slopes downwards in a north to south direction from the A8 towards the residential areas that lie to the south-west of the site. This northern part of the site is now crossed by the M8 extension which runs east-west some 200 metres or so to the south of the A8. The southern part of the site consists of the existing railhead operational area which is relatively flat, and the land to the west characterised by an undulating landscape relating to the former industrial uses. The Shirrel Burn traverses the site from east to west. The North Calder Water lies in a wooded valley to the north-west of the site and is identified as a Site of Importance for Nature Conservation (SINC): North Calder Water Rosehall Bridge – Carnbroe Mains. Along the central part of the agricultural land and its southern boundaries lie mature tree belts which are covered by Tree Preservation Orders (TPOs).

1.3 All current vehicular movements to and from the existing railhead operations are via Reema Road, Bellshill which lies to the south of the site. Vehicles have to pass through the built-up area of Bellshill. All rail freight movements connect from the WCML to the east of the site. The narrow Carnbroe Road traverses the northern part of the site in a south to north direction as far as the site of the former Carnbroe Mains Farm. It then continues north-east beyond that and crosses the motorway extension on a new overbridge constructed as part of the motorway works. This section of the motorway, which is now open to traffic, sits at a lower level than the existing agricultural land. The new overbridge constructed across it will connect to the existing A8 at a new roundabout and provide access to the agricultural land within and outwith the appeal site.

The proposed development

1.4 The proposed development comprises an extended Mossend Railhead with an additional four rail sidings, a railfreight storage and distribution park, a service and logistics park with an overall 200,000 square metres of Class 5 (industrial) and 6 (storage and distribution) floorspace, with supporting ancillary Class 4 office space, and construction of an access road to the A8 all-purpose road to the north. The proposal seeks to create a strategic rail freight interchange developed around expansion of the established Mossend

Railhead operated by Peter D Stirling Ltd. The provision of 200,000 square metres of industrial, storage and distribution uses as part of the proposed development is considered by the appellants to be an operational requirement and an integral part of the whole scheme, and would assist in cross-funding the significant investment in rail, road and site infrastructure to facilitate the overall development. Although the application is in principle only, the appellants have submitted an indicative masterplan layout illustrating the intended development.

1.5 The masterplan layout shows a 'rail activity zone' on the southern part of the site around an expanded railhead offering modern freight servicing by electric drive units and providing capacity for 775 metre train lengths on four new rail sidings with direct WCML access. (The maximum train length currently allowed is 636 metres, but it is Network Rail's aspiration to increase this, in time, to 775 metres. That length has been adopted to 'future proof' the appeal proposal.) Transit sheds would border the rail sidings to the north-west and would screen adjacent residential properties from train unloading activities.

1.6 The masterplan layout also shows a 'distribution park' on the open, undeveloped core of the site based on a re-profiled landform offering two large flexible development plots for medium/large warehousing. An earth bund 5 metres high would form the southern and western boundary of the distribution park on top of which would be a 2 metre high acoustic fence to screen residential properties to the south and west from activities taking place on site and at the proposed warehouse buildings. Detailed building sizes and layout would be established during the detailed design stage by the end users depending on their particular requirements. The masterplan layout shows a single zone for Class 4, 5 and 6 service and supply chain company support (freight shippers / logistics / service companies).

1.7 The proposals include a green network/community woodland as a buffer around the facility creating a multi-use community green space managed and developed by the appellants to provide environmental mitigation and to retain community access. The green network/community woodland would extend to 38.2 hectares within the northern section of the site. The community woodland would be managed under a trust to create a green network of paths and woodlands to separate the proposed development from the residential areas. The path network would improve site connectivity with the wider area. The woodland would provide a green buffer between the industrial buildings and the residential properties and would provide an area for informal recreation.

1.8 A 2.3 kilometre access road to and within the site would lead from the A8 all-purpose distributor road to the distribution park and the rail activity zone, with an underpass to allow the access road to pass under the new rail sidings to the existing railhead. This would provide road access to all parts of the site from the strategic road network without passing through the built-up area of Bellshill. The rail sidings and buildings would be connected by an internal road network and serviced by internal road vehicles (which could be larger than vehicles permitted on the public roads, and could use electric traction) for the movement of freight. The proposals also include construction of a surface water drainage scheme including three sustainable drainage system (SUDS) ponds.

CHAPTER 2: PLANNING POLICY BACKGROUND

National policy

2.1 Scotland's Third National Planning Framework (NPF3) was laid before the Scottish Parliament in 2014. Its vision is a Scotland which is:

- a successful, sustainable place
- a low carbon place
- a natural, resilient place
- a connected place.

2.2 NPF3 provides support for modal shift of freight transport from road to rail. Key rail freight terminals are crucial gateways to Scotland. The Scottish Government is working with the private sector to promote new international routes and services to support its Economic Strategy and gain access to key markets (paragraph 5.4). The ambition to significantly grow Scotland's exports means that strengthening of international gateways and freight networks will be essential (paragraph 5.12). Rail freight has potential to reduce the carbon footprint of the freight sector. Rail freight networks are likely to become increasingly important as Scotland's export potential grows alongside the transition to a low carbon economy. There are a number of important interchanges in the Central Belt, including Grangemouth, Coatbridge and Mossend. The Scottish Government will work with the rail freight sector to develop a more strategic view of future development priorities for rail freight within the broader operational context of the network as a whole (paragraph 5.26).

2.3 While Mossend is mentioned in the narrative, it has not been designated as a national development. The list of national developments includes the Grangemouth Investment Zone and additional freight capacity on the Forth. Rail freight connections to and from these facilities will be considered as an integral part of the national developments (paragraph 5.27). The Scottish Government will deliver the strategic transport projects in the Infrastructure Investment Plan and work with the freight sector to identify priority developments for inclusion in NPF4 (paragraph 6.10, item 27). Thus consideration of national development status for Mossend would be a matter for the next iteration of the NPF.

2.4 NPF3 supports the Central Scotland Green Network. This includes a wide range of environmental enhancement measures, including activities and initiatives that do not require development consent. Included within the national development designation are:

- a. development of or exceeding 2 hectares on vacant and derelict land for sustainable drainage systems or allotments, and
- b. construction of new walking and cycling routes exceeding 8 kilometres.

2.5 The Scottish Planning Policy (SPP, 2014) introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost (paragraph 28). Guiding principles include giving due weight to

net economic benefit; supporting good design and the qualities of successful places; supporting delivery of infrastructure, including transport; supporting climate change mitigation and adaptation; protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

2.6 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

2.7 Where the planning authority considers it appropriate, the development plan may designate a green belt (paragraph 49) around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

2.8 The spatial form of the green belt should be appropriate to the location (paragraph 51). It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. LDPs should show the detailed boundary of any green belt. LDPs should describe the types and scales of development which would be appropriate within a green belt. These may include (paragraph 52):

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;
- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

2.9 Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking (paragraph 220). The planning system should (paragraph 221):

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;

- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

2.10 The planning system should (paragraph 270) support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

2.11 When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Where appropriate, development plans should identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered (paragraph 282). LDPs should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas (paragraph 104).

The development plan

2.12 The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan (SDP) approved in 2012 and the North Lanarkshire Local Plan (LP) adopted in 2012.

2.13 In terms of the SDP, development and investment proposals, whose location and development compatibility accords with the Spatial Development Strategy and its related frameworks, will be deemed to support the Spatial Vision and Strategy, subject to their detailed specifications and content being acceptable to the local development planning and development management provisions of the relevant local authority. New strategic development proposals which do not reflect the Spatial Development Strategy and its related frameworks are deemed not supportive of the Spatial Vision and Strategy. As such, they will require to be assessed upon their own merits by the relevant local authority. This assessment should adopt the sustainable location assessment set out in Diagram 4.

2.14 Diagram 3 sets out the Spatial Development Strategy and indicative compatible development. Freight hubs, comprising freight facilities, trans-shipment facilities, freight storage and freight parks, are listed as Spatial Development Strategy core components. Diagram 3 also lists environmental components including the Green Network and the Green Belt. These comprise green infrastructure, woodland creation, sustainable access and natural leisure facilities, biodiversity and biomass planting.

2.15 Diagram 4 first asks whether proposed development is in line with the Spatial Development Strategy and supports its spatial role and function. If so, it needs to be

confirmed whether there is a known demand or need established in the development plan. If the proposed development is not in line with the strategy, it is subject to a sustainable location assessment. This takes account of climate change (minimising the development footprint and carbon footprint of the city region and mitigating greenhouse gas emissions); promoting a low carbon economy (including support for sustainable economic competitiveness); sustainable transport (supporting sustainable access, active travel and public transport services); the Green Network (developing green infrastructure, supporting Green Belt objectives, and supporting biodiversity networks and designations); the water environment (managing flood risk, and improving and safeguarding water quality); the network of centres; and low carbon energy (developing green energy and contributing to a low carbon energy and technology future). The outcome of Diagram 4 is to establish whether the proposed development is in a sustainable location and would meet a known demand or need.

2.16 The SDP supports strategic freight transport hubs. The strategy requires that freight be moved as sustainably as possible. Modal shift between road, rail and marine shipping is a key component of this. There is an 80 per cent reduction in emissions for every tonne of freight moved by rail in comparison to road. In carbon terms, there is therefore an imperative to invest in freight hubs in key locations to enable modal shift to occur. Such hubs require locations which maximise access to ports and rail networks and which are capable of taking the increasing scale of freight infrastructure. Distribution and logistics is identified as a key growth sector within the city region economy and the SDP seeks to put in place support for that sector.

2.17 The strategy is to be supported by investment in strategic freight transport hubs in the locations set out in Schedule 3, which in North Lanarkshire include Eurocentral/ Mossend (rail mode) and Gartsherrie, Coatbridge (road mode). The SDP also contains Strategy Support Measure 6, which states that the strategic freight transport hubs in Schedule 3 comprise the strategic response to long-term sustainable freight movements into and within the city region; that measures require to be put in place to safeguard relevant investment in such locations; and that ancillary land allocations adjacent to such facilities, where appropriate, should be designated freight parks and safeguarded solely for the purposes of freight activity, for example, storage, trans-shipment, break-bulk infrastructure and related services.

2.18 The SDP recognises the Green Belt as central to the sustainable planning of the city-region and as providing support to the positive action-orientated Green Network programme. The Green Belt is an important strategic tool and has a significant role to play in achieving key environmental objectives by:

- directing planned growth to the most appropriate locations
- supporting regeneration
- creating and safeguarding identity through place-setting and protecting the separation between communities
- protecting open space and sustainable access
- protecting the natural roles of the environment, whether in terms of floodplain capacity, carbon sequestration or biodiversity

- protecting the farming economy of the city region, and
- meeting the sustainability requirements of biomass renewable energy, timber production and natural resource developments.

2.19 Strategy Support Measure 8 (green infrastructure) states that the development of a multi-functional Green Network will contribute to the economic competitiveness and quality of life of the city region. At the same time, the Green Belt should continue to be designated. Delivery of the Green Network and the review and designation of the inner and outer boundaries of the Green Belt should be priorities for Local Development Plans (LDPs) so as to ensure that the key environmental objectives are achieved.

2.20 The North Lanarkshire Local Plan (LP) sets out a Development Strategy Aim which is to promote regeneration and sustainable growth of communities. It lists local regeneration priorities which include Hattonrigg/Mossend, where the approach will be to co-ordinate feasibility studies, masterplans, statutory approvals and project implementation to deliver local regeneration projects. Policy DSP1 (Amount of Development) states that industrial land supply meets current demands and will be reviewed to keep pace with SDP reviews of supply and demand. Additions to industrial (Class 5/6) land supplies of more than 2,000 square metres need to be justified in terms of supply and demand outside Policy EDI1 A and EDI1 B2 industrial/business areas. The criterion will be a 10-year marketable industrial/business land supply.

2.21 Under Policy DSP2 (Location of Development) applications for planning permission for new development may be granted if they are consistent with the following locational criteria as expanded in Supplementary Planning Guidance (SPG):

1. Urban Regeneration - using brownfield urban land and existing urban infrastructure and services;
2. Green Belt - maintaining clearly defined urban/ rural boundaries;
3. Environmental Assets - including safeguarding locations, habitats or species of recognised importance and protecting and enhancing watercourses;
4. Accessibility - supporting the hierarchy of walking/cycling/public transport/private transport;
5. Community - enhancing social inclusion and integration by improving access to community facilities;
6. Town Centres - safeguarding vitality and viability by supporting their diversification and improving their environment;
7. Health and Safety - avoiding locations liable to flooding, pipeline routes or areas subject to hazardous development exclusion zones.

2.22 Policy DSP3 (Impact of Development) states that where development either on its own, or in association with existing developments, will place additional demands on community facilities or infrastructure that would necessitate new facilities or improvements

in existing provision, the council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

2.23 Policy DSP4 (Quality of Development) requires that high standards of site planning and sustainable design are achieved. Where appropriate, proposals will need to demonstrate that:

1. an appraisal has been carried out of the existing character and features of the site and its setting - including: ground stability and contamination, identity, connections, landscape, biodiversity, heritage or amenity value;
2. existing rights of way or features of natural or historic environment interest (including stone buildings) will be safeguarded or enhanced, including archaeological, historic environment, landscape features and wildlife interests;
3. the proposed development takes account of the site appraisal and any evaluation of design options, and achieves a high quality development in terms that include:
 - a. the creation of a distinct, successful place addressing siting, overall layout, density, form, scale, height, massing, proportion, detailing, colour, materials, and open space issues;
 - b. addressing energy, resources and waste issues in order to create a sustainable development with a low ecological footprint, including reducing energy need;
 - c. addressing energy, resources and waste issues in order to create a sustainable development with a low ecological footprint, including reducing energy need;
 - d. mitigating any likely air quality, noise, or pollution impacts particularly in or adjacent to Air Quality Management Areas;
 - e. ensuring that water body status is protected and, where possible, enhanced: SUDS should be adopted within site design and appropriate details require to be submitted with any planning application; and
 - f. integrating successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy or amenity, overshadowing, or disturbance;
4. adequate provision has been made for the development and maintenance of landscaped open space areas and for linking to and enhancing open spaces and green networks.

2.24 Policy EDI1 (Protecting Economic Development Areas and Infrastructure) supports the continuing industrial and business character of existing industrial and business areas, by considering ancillary development and changes of use against criteria, including:

- extent to which there is a surplus in the land supply for industry and business
- potential undermining of the attractiveness as a location for industry and business
- specific locational requirement for the proposal
- whether the proposal would result in significant economic benefit to the plan area
- existence of suitable alternative sites

- impact on travel patterns and accessibility by public transport
- whether the development would re-use vacant or under-utilised industrial land.

The policy lists strategic locations for industry and business, including international transport facilities. These are Euro-freight Terminal/Mossend, and Gartsherrie/Kilgarth rail freight facility. The applicable criterion is support for the capacity and effectiveness of the international transport network and docks, rail freight facilities and road links.

2.25 Policy EDI2 (Promoting Economic Development and Infrastructure) states that the council will support industrial and business land development by maintaining a 10-year land supply of quality marketable industrial land (including a 5-year supply of readily available sites) and promoting the development of the industrial and business land supply sites listed in Schedule EDI 2A of the Area Action Plans and shown on the Proposals Maps. The council also supports the transport infrastructure improvements listed in Schedule EDI2 B of the Area Action Plans. The Schedule includes the following industrial sites in Bellshill – Hattonrigg:

NLS00311 Hattonrigg C Reema Road 15.56 hectares
 NLS00273 Industrial Site Reema Road 2.78 hectares
 NLS00258 Hattonrigg B Reema Road 2.25 hectares.

Under transport developments, the Schedule lists A8 – M8 Upgrade (Transport Scotland, start 2013) and Mossend Rail Freight study (Transport Scotland).

2.26 Policy NBE1 (Protecting the Natural and Built Environment) states that the council will safeguard sites of importance for natural heritage and biodiversity from development. These include Sites of Importance for Nature Conservation, TPOs, wildlife corridors, trees and woodlands, watercourses and wetlands, Core Paths, public rights of way, and access rights.

2.27 Policy NBE2 (Promoting the Natural and Built Environment) states that the council will promote the Green Network of natural environment assets by requiring proposals affecting them to contribute to their enhancement. Measures include Greening the Urban Fringe (promoting countryside recreation and improved access on the edge of settlements, and extensive tree and shrub planting on sites where this would enhance local landscape and nature conservation features); Woodland Management and Structure Planting (existing trees and groupings of trees should be retained and integrated where possible, including street and garden trees); and Countryside Access / Public Rights of Way (improve the network of countryside access routes, particularly the Core Path Network; in promoting new routes, emphasis will be placed upon North Lanarkshire Access Strategy opportunities and opportunities that support and link to the Green Network).

2.28 Policy NBE3 (Assessing Development in the Green Belt and Rural Investment Area) protects the character of the Green Belt by restricting development to acceptable types and operating assessment criteria. Types of acceptable development in the Green Belt are:

- proposals necessary for agriculture, forestry or horticulture
- telecommunications, generation of power from renewable sources, or other appropriate rural uses, including opencast coal extraction, subject to assessment of proposals against Scottish Planning Policy and other development plan policies

- limited extension or alteration of existing buildings, provided it does not result in disproportionate additions over and above the size of the original buildings and extensions are of appropriate scale, design, and materials
- facilities for outdoor recreation, education and tourism that are compatible with an agricultural or natural setting.

2.29 Impact criteria for assessing acceptable development are that it should:

- have a positive economic benefit
- minimise any adverse environmental impacts
- not pose undue infrastructure implications
- have a specific locational need
- be of a suitable scale and form for the location
- include in the application a landscape assessment and high quality enhancement scheme which reinforces the rural character and provides a buffer to the development
- adhere to Scottish Planning Policy, and other Strategic and Local Plan policies,
- demonstrate that it will not adversely affect the integrity of European sites
- adhere to the criteria of SPG on Development in the Green Belt and the 'Site Assessment Guide' provided in the SPG on Biodiversity and Development
- be supported by detailed and financially robust Business Plans.

These criteria are expanded in the council's Supplementary Planning Guidance Note SPG.07

The emerging development plan

2.30 The proposed Clyde Valley Strategic Development Plan (SDP) has now been examined by reporters and a report submitted to Ministers on 20 March 2017. Once submitted to the Scottish Ministers the report became a public document.

2.31 In general the plan continues the main policies of relevance to the appeal site and in particular maintains a Spatial Vision and Strategy and Spatial Development Strategy. The latter is set out in a new Diagram 2 (effectively continued from diagram 3 of the adopted plan) and as previously includes support for strategic freight transport hubs and the green network.

2.32 Policy 5 refers to Strategic Economic Investment Locations which are to deliver long-term sustainable economic growth. These are set out in Schedule 3 and include (page 42) Eurocentral within the distribution and logistics key sector. The text notes: 'Additional opportunities at Newhouse Industrial Estate and Mossend Railhead further augment the attractiveness of the SEIL for future development'.

2.33 Policy 6 refers to Strategic Freight Transport Hubs, which comprise the strategic response to long-term sustainable freight movements into and within the city region. It adds: 'To support the Vision and Spatial Development Strategy, Local Authorities should

- safeguard and promote investment in the Strategic Freight Transport Hubs to support the agreed freight mode.
- Ensure that ancillary land allocations adjacent to freight facilities, where appropriate, are safeguarded solely for the purposes of freight activity, for example, storage, trans-shipment, break-bulk infrastructure and related services.

2.34 Schedule 4 (as in the previous schedule 3) lists in North Lanarkshire Eurocentral/Mossend and Gartsherrie, Coatbridge, both rail/road, as two of seven strategic hubs across the region. For Eurocentral/Mossend it states: 'Enhanced access by road to the Freight Hub will be secured following completion of the M8/M73/M74 Motorway Improvement Project. Major opportunity to further encourage modal shift to rail likely through the planned expansion of Mossend railhead, including the development of a new Mossend International Rail Freightpark.'

2.35 There is no mention of Kilgarth either as a rail terminal or in any other context in the proposed plan.

2.36 Issues 7 and 8 of the SDP examination report refer to Strategic Economic Investment Locations and Strategic Freight Transport Hubs respectively. Representations from the appellant seek in both cases minor amendments to the text as it considers these would provide greater consistency and clarity. In each case the reporter concluded the proposed amendments would not significantly alter the level of support in the plan for these opportunities and recommended that no modification be made as a consequence of the representations.

2.37 The Proposed North Lanarkshire Local Development Plan, approved by the council's planning committee on 10 August 2016 has been under public consultation. This was completed on 20 March 2017 and the results are being considered by the council. It anticipates going to examination between October 2017 and May/August 2018 with adoption between November 2018 and February 2019.

2.38 With such a long time frame ahead the plan is of little help in assessing the appeal proposal. Despite this it gives an indication of the council's thinking on future development. Five strategic business centres are proposed with major rail/motorway connections on such a scale that they can accommodate a full range of business, industrial and distribution uses. These include Eurocentral-Mossend-Newhouse and Gartcosh-Kilgarth-Gartsherrie, which are developments effectively carried over from the current plan.

The appellants' response to the further information request

2.39 Taking into account the differences of opinion and reasoning between the committee report, the council, the appellants, the original reporter and the Scottish Ministers the appellants accept that establishing the appeal/ proposed development's status in relation to the development plan is finely balanced. They state it is dependent primarily upon the weight assigned by the decision maker to the loss of the green belt and the mitigation to be applied. In that specific regard the appellants note the conclusion of the committee report (paragraph 8.10) that the appeal site is a 'sustainable location' in terms of the spatial vision of the SDP and supports its role and function.

2.40 The appellants now accept that the appeal/proposed development is a departure from the development plan in view of the impacts on the green belt of the rail freight park element. They add that the proposal is considered to be an acceptable departure from the development plan in circumstances where the impacts on the green belt can be satisfactorily mitigated and managed. They consider a number of key development plan policies and the material considerations overall point compellingly to the appeal being upheld.

2.41 The appellants state that whilst the railhead facility elements of the proposed development are fully aligned with the development plan there are tensions with the rail freight park element which is being promoted over the green belt. The fundamental principles of the SDP indicate that new strategic development that does not reflect the spatial development strategy requires to be assessed on its own merits and the assessment should adopt the sustainability assessment set out in Diagram 4 of the SDP which reflects the philosophy and policy direction of the SDP. As stated, the committee report confirms that the proposed development complies with the sustainable location assessment set out in Diagram 4. Additionally, they note the Scottish Ministers have also in their decision letter confirmed that the proposed development would constitute sustainable development in terms of the principles set out in SPP.

2.42 SDP Diagram 4 requires the decision maker to undertake a sustainable location assessment in the case of proposals which do not reflect the spatial development strategy (SDS) and related frameworks. The appellants consider the proposed development accords with the SDS of the SDP. They state it is relevant and helpful to use the assessment in Diagram 4 to quantify and understand the extent to which the rail freight part of the proposed development impacts on the green belt.

2.43 To illustrate the acceptability of the impact on the green belt the appellants applied the 'sustainable location assessment' set out in Diagram 4, which requires the development to contribute to the SDS against a number of identified development criteria they consider to be relevant.

- **Climate Change:** The proposed development is the development of an existing location based on established rail and road infrastructure, which will help minimise the carbon footprint of the city-region and will reduce greenhouse gas emissions through the modal shift of freight from road to rail.
- **Low Carbon Economy:** The proposed development will support sustainable economic competitiveness by reducing transport costs for low carbon distribution, service and logistics facilities and will maintain Scotland as an economic location for these key business sectors.
- **Sustainable Transport:** The switch from diesel to electric trains will promote sustainable transport by producing no emissions at the point of use and secure an ultra-low carbon footprint for the proposed development. In addition, rail freight is cleaner, reducing CO₂ by 80% over road freight for every tonne of freight transported.
- **Green Network:** Whilst in part contrary to green belt objectives, the retention of 39% of the site as green belt and developed as green network/community woodland will provide a green environmental setting for the proposed development and provide a natural environmental link with adjacent areas of green network and the river valley of the North Calder Water. The Green Network/community woodland will also promote local biodiversity.

2.44 The appellants conclude despite the tensions with the green belt the proposed development would result in a positive assessment under diagram 4 and is therefore a "sustainable location". Additionally there is a known need/demand for the proposed development as supported in the council's committee report (paragraph 8.10). They conclude that the proposed development is a sustainable location in terms of the SLS assessment.

2.45 With regard to SPP introduces the policy principle at paragraph 27 that there is a presumption in favour of development that contributes to sustainable development. This means development that meets the needs of the present without compromising the ability of future generations to meet their own needs (page 75). The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the long term. The aim is to achieve the right development in the right place; it is not to allow development at any cost (paragraph 28, page 9). Policies and decisions should be guided by principles including (pages 9 & 10):

- Giving due weight to net economic benefit
- Responding to economic issues, challenges and opportunities, as outlined in local economic strategies.
- Making efficient use of existing capacities of land, buildings.

2.46 The proposed development's significant contribution to sustainable development, based on the modal shift from road to rail, triggers a presumption in favour of the grant of planning permission.

2.47 With regard to the proposed SDP the appellants note the policy content referring to the appeal site as set out above. They emphasise the support for the proposal, with emphasis on the recognition of Mossend as providing enhanced access by road to the freight hub which will be secured following the completion of the M8/M73/M74 Motorway improvement project. Also recognition that there is a major opportunity to further encourage the modal shift to rail likely through the planning expansion of the Mossend railhead, including the development of a new Mossend International Railfreight Park.

2.48 The absence of any reference to the Kilgarth rail freight facility in any of the following sections of the proposed SDP is also noted:

- Schedule 3 Strategic Economic Investment Locations
- Strategic Freight Transport Hubs (page 45)
- Schedule 4 Strategic Freight Transport Hubs (page 46)
- Diagram 4 Strategic Economic Investment Locations

2.49 The appellants make only brief reference to the proposed North Lanarkshire Local Development Plan. It refers to mention of the appeal site as already referred to above. It adds that the weight accorded to the draft LDP will be a matter for the Scottish Ministers, and depend on its status and terms at the time of redetermination of the appeal.

The council's response to the further information request

2.50 Regarding the proposed SDP the council focusses on the Vision for Clydeplan: Delivery of Outcomes, Focus for Planning & Placemaking (page 10). It notes this includes a commitment to directing development to brownfield locations, recycling of previously developed land, and minimal expansion of built up areas, stating that the proposal is at odds with these aims. It acknowledges that clearly this has to be weighed up against other aims of the strategy including modal shift, but says it is the opinion of the council that these aims can be achieved elsewhere without the significant adverse impacts on the green belt or local communities which the proposal will cause.

2.51 Schedule 4: Strategic Freight Transport Hubs (page 46) lists seven sites within the SDP area (including a statement of opportunities and challenges as referred to above) and

makes reference to Eurocentral/Mossend. The council says it is clear that mention of the “*new Mossend International Rail Freightpark*” was based on the situation in early 2016 when planning permission for the proposed development had been granted, (prior to being quashed by the court). It adds the proposed plan identifies Eurocentral/Mossend not as a specific location, and it is clear that there are areas in and around the appeal site which can accommodate a development of this nature whilst still according with the development plan.

2.52 Regarding policy 6 the council says these will be contained in the proposed LDP for consultation. As stated above the council considers that there is already land suitable for expansion of the existing rail hub at Mossend with appropriate zoning within the adopted local plan and this will continue through to the emerging LDP.

2.53 The council assesses Schedule 15 Spatial Development Strategy Core Components which lists 11 core components along with indicative forms of development which would be in line with the Spatial Development Strategy. Of relevance here are strategic freight transport hubs (Policy 6/Schedule 4/Diagram 4). Indicative forms of development in line with the spatial development strategy include freight facilities, trans-shipment facilities, freight storage, freight parks and associated passenger facilities. Diagram 11 “Assessment of Development Proposals” (page 98) refers.

2.54 The council accepts it is clear that the proposed development is of strategic importance. It could be seen to accord with Schedule 15 for part of the site, but this should be balanced by the majority of the appeal site being in conflict with Green Belt policy. The proposed plan was prepared when planning permission had been granted for the development.

2.55 There is already provision for ancillary land use allocations in/around Mossend/ Eurocentral (including Eurocentral itself) that is both available, and a suitable land use, without the need for the rail freight proposal. This would remove a large area of greenbelt to the detriment of neighbouring residential properties- as well as creating a large swathe of industrial land use along that corridor.

2.56 On balance, therefore, the council considers that the proposal does not support the Vision, Spatial Development Strategy and the Placemaking Policy of the proposed SDP. Similarly the council’s view is that the proposal is also contrary to the current SDP.

2.57 Departures from the plan are given further opportunity to demonstrate that they may be acceptable in Box 2 against specific criteria. The council accepts that the development would enable modal shift but this can be accommodated in a more appropriate location with appropriate local plan zoning such as Kilgarth, Gartcosh or sites adjacent to Mossend and Eurocentral. Given the significant impact on the character of the green belt in this location and the impact on the established amenity of surrounding residential communities, it also argues that the development could not reasonably be described as ‘sustainable development’.

2.58 The council considers the expected net economic benefit should be significantly tempered as it can reasonably be realised elsewhere on a site or sites with appropriate zoning. Any residual economic benefit is not sufficient to outweigh the significant negative impacts on the character and function of the Green Belt and the impact on local communities.

2.59 Whilst the council acknowledges that such a development would have to be located next to a railway line, there is no evidence that the development must be located in the appeal site. In particular, it notes that some or all of the development could be accommodated elsewhere within North Lanarkshire within sites which are appropriately zoned.

2.60 The council's view is that the development will have significant and adverse impact on the function of the green belt and on the amenity of local communities, from which there is significant local objection including 1032 letters of objection. Concerns of local communities include matters relating to the green belt status of most of the site, impacts on natural and cultural heritage, including green infrastructure, landscape and the wider environment. These concerns are reasonable and understandable particularly given the prospect of the local community being totally surrounded by industrial estates and roads/infrastructure. All of this is at odds with principles of good placemaking and the health and wellbeing of local communities.

2.61 The council acknowledges that the development includes some provision for public access through a buffer to screen the development in the existing area of greenbelt. It says the development will prevent current and future access onto a significant and larger area of existing green belt that provides a break for the existing residential properties with the neighbouring industrial uses and major roads. The community woodland would also be adjacent to a fenced industrial area that raises questions as to the benefits in relation to health and wellbeing.

2.62 The council concludes on balance that the proposed development is not an acceptable departure to the proposed strategic development plan. In this respect, the position in relation to strategic policy, its assessment remains fundamentally unchanged since the Council's decision to refuse planning permission in September 2014, including this reason for refusal.

2.63 In the original North Lanarkshire Local Development Plan (Proposed Plan) the appeal site was zoned for "*Promoting Development Sites and Infrastructure Improvements (Specialised Business)*". The justification for this zoning (in particular the area which is currently zoned as green belt within the adopted local plan) was the planning permission then granted for the proposed development. Now that the decision to grant permission has been quashed, the green belt part of the site can revert to that status. Irrespective of what is shown in the proposed plan, the council's view is that little or no weight should be given to the emerging LDP at this stage. The Proposed SDP is further ahead of the emerging LDP in terms of examination and therefore can be given more weight. The council considers the proposed development does not accord with the aims of the proposed SDP and is not an acceptable departure.

CHAPTER 3: FREIGHT TRANSPORT

The case for the appellants

3.1 Peter D. Stirling Ltd has owned and operated the established rail freight terminal at Mossend Railhead since 1981. Current freight movements equate to approximately 1.344 million tonnes per annum and these movements typically generate around 402 HGV vehicle movements per day (201 in and 201 out). The facility handles a range of commodities including steel, limestone, sand, cement, scrap metal, chalk, supermarket products, paper, vehicles and bulk liquids. The Mossend Railhead, which provides a direct road-to-rail link to all major transport routes including the Channel Tunnel, was expanded in 2004 at a cost of more than £3 million. In October 2007 a cement storage facility was opened at a cost of £2.6 million, moving 180,000 tonnes of cement per year and saving 58,000 tonnes of CO2 emissions.

3.2 Peter D Stirling Ltd has developed specialist rail freight facilities and seeks to maintain and improve the competitiveness of the Mossend Railhead including further diversification of freight activity into new market sectors through extended logistics support. Fundamental to continued growth is:

- Securing market share based on the quality of service and competitiveness of the facility that is dependent upon the quality and scale of the facilities and infrastructure.
- Securing improved road access to the A8/ M8 and Scottish motorway network.
- Maintaining high quality integrated rail/road handling with associated crange and logistic support.

3.3 Mossend Railhead is a key node within Scotland's freight network and is located within an hour's drive of 75 per cent of the Scottish population as well as major distribution and manufacturing centres. It is an important facility within wider freight-focused developments covering an area of 2.6 million square metres, including Eurocentral Freight Village and the Euroterminal, and Gartsherrie Freight Terminal at Coatbridge. Mossend Railhead is recognised as a National Gateway within the Scottish Multi-Modal Freight Locations Study on the basis of existing infrastructure.

3.4 The logistics sector is a hugely important part of the UK economy. The Strategic Rail Freight Interchange Policy (appellants' document 34, Appendix 2) sets out the UK Government policy for strategic rail freight interchange infrastructure. Key objectives include:

- Reduce road congestion
- Reduce carbon
- Support long-term development of efficient rail freight distribution logistics
- Support growth and create employment.

The SPP (paragraph 270) states that there is a requirement for a shift to more sustainable modes of transport to reduce transport emissions in achieving Scottish Government greenhouse gas emission targets. SPP recommends that development plans allocate sites for manufacturing, processing, distribution and warehousing which are readily accessible to the strategic road network or suitable railheads.

3.5 The SDP sets out the strategic vision for the long-term future of the Glasgow city region. The proposed development would contribute to:

- Economy by providing part of a network of sustainable transport which will help drive a regional low carbon economy.
- Urban Fabric by attracting economic activity which will generate urban renewal and help maintain a sustainable compact city region.
- Infrastructure by securing sustainable transport investment linked to private capital funding.
- Environment by the provision of a Green Network and by planting of a new area of community woodland which would be integral to the urban area's green infrastructure planning.

3.6 The SDP (paragraphs 4.35-4.36) identifies and promotes Strategic Freight Transport Hubs (including Mossend Railhead) and requires measures to be put in place to safeguard relevant investment in these locations. In particular, Strategic Support Measure 6 states that ancillary land allocations adjacent to such facilities, where appropriate, should be designated freight parks and safeguarded solely for the purposes of freight activity. The appellants maintain that the appeal site is an appropriate location for the proposed development in accordance with the SDP.

3.7 Direct access to reliable and cost competitive rail freight services is an increasingly important commercial consideration for the distribution and logistics industry. National, strategic and local planning and transportation policies advocate that new warehousing should be rail-linked, as they promote modal shift from road to rail and deliver significant wider environmental benefits in terms of reduced traffic congestion, lower CO2 emissions, and improved road safety and quality of life for local communities. The ability to operate full length trains between rail terminals, and the co-location of large logistics warehousing with rail terminal facilities, strongly support modal shift from road to rail. Scotland's first 775 metre electric rail terminal would handle longer trains and carry 3 times more goods per journey, with each train typically taking 90 lorry journeys off the road. A switch from diesel to electric trains means there would be no emissions at the point of use and an ultra-low carbon footprint.

3.8 Rail freight operates most economically when goods are moved in full length (775 metre/90 tonne box) Euro standard trains between rail terminals. A large proportion of rail freight's costs are fixed, so the cost per unit moved falls as the length of train increases. The ability to operate full length trains enhances rail's cost competitive position compared with road transport. Without that advantage it is difficult to compete. The development of large distribution parks has an important role to play in promoting rail freight by concentrating rail freight goods at one location, thereby providing full length train opportunities. Full trainload rail flows between rail freight terminals in the English Midlands and Scotland should always be cost competitive with road transport carrying freight between two non-rail connected facilities.

3.9 Central Belt facilities will gain additional economic benefits when the English origin of cargo is a rail connected port or distribution centre. For example, a major retailer in the food sector with shops throughout Scotland is likely to supply its Scottish network from a national distribution centre in the Midlands via a regional distribution centre in Central Scotland. Significant economies can be gained when the two distribution centres are rail connected rather than road connected.

3.10 A key benefit of co-location of distribution facilities with rail terminal facilities is the cost benefit of rail freight against road transport. Modal shift from road to rail reduces fuel costs and there is an 80 per cent reduction in emissions for every tonne of freight moved by rail in comparison to road. Where distribution centres are not located at a rail linked site, road haulage is required between a rail terminal and the warehouse. Even over short distances of a few kilometres, this can add around £100 per unit to the overall door-to-door transport costs, which is an economic disadvantage.

3.11 At a rail-linked site, use of the public roads is avoided and the road-rail transfer costs are significantly lower. At an intermodal terminal, electric powered yard-tractors can transfer goods between the rail terminal and the distribution centre. In the case of directly rail connected warehouses, goods can be unloaded from rail wagons using forklift truck equipment and transferred straight into storage. In addition, 44 tonne containers from the 775 metre Euro standard trains can be moved directly to the distribution centre on the internal private road network. These are 30 per cent heavier than permissible on the public road network.

3.12 A project of this scale has a lead time of 3-5 years. Transport Scotland has specified that construction of the new roundabout connection onto the A8 will only be permitted to commence following the M8-M73-M74 Motorway Improvement Scheme becoming fully operational. This scheme is now under construction and due for completion in late 2017/early 2018. The appellants are therefore seeking planning permission in principle at the earliest opportunity in order to kick start the delivery programme to facilitate rail freight and distribution operations towards the end of this decade. While the completed development could not be accessed until the completion of the motorway improvement scheme, the appeal site would be accessible for construction purposes by road and rail through the existing Mossend Railhead which is accessed off Reema Road.

3.13 A new 775 metre European Class rail terminal and 200,000 square metres of bespoke, carbon neutral distribution, service and logistics facilities would make Mossend Railhead one of the UK's most advanced 'inland dry ports'. Its central location next to the electrified WCML and major road networks (M8/M73/M74) would link North Lanarkshire to the UK's premier seaports and to the Channel Tunnel. It is the only freight location in Scotland which has rail connections north, south, east and west. The upgrade of the A8/M8 will allow direct access from the site to the motorway network. The new access road to the north of the site from the A8 would remove all associated HGV traffic from the local road network during operation, improving safety and reducing adverse noise and air quality issues.

3.14 The appeal site is the only large scale area of available and developable land which satisfies the following critical locational requirements:

- Direct WCML connection close to the Glasgow conurbation
- Proximity to high volume freight users and large distributors seeking a freight facility running full sized trains linked to national freight distribution facilities and offering competitive rates
- Offering 'open access' freight facilities with capability and flexibility for customers
- Location adjacent to the WCML, which offers a primary rail route with freight train capacity to service the proposed development

- Northern limit of W10 loading gauge which is essential to handle the full range of freight/intermodal units
- Rail access connections available to serve the north of Scotland and the East Coast
- Direct access to the strategic road network via the upgraded A8
- Access to a skilled labour market.

The proposed development represents, in the appellants' view, the only realistic and feasible opportunity to develop this type of international and strategically important rail freight facility in Scotland.

3.15 The appellants have consulted widely with key stakeholders and rail freight operators. The following have expressed support for the proposed development:

- Network Rail, Head of Freight Market Development
- DB Schenker Rail (UK) Ltd, Head of Property
- GB Railfreight
- Direct Rail Services
- Malcolm Logistics, Managing Director
- Tesco Stores Ltd, UK Head of Property Funding and Distribution Acquisition
- EMR – European Metal Recycling, Group Property Manager
- Omya Management AG
- Yuill & Dodds Ltd Haulage Solutions, Managing Director
- Stobart Group
- Uniserve (Holdings) Ltd
- Kuehne + Nagel Ltd
- Chivas Brothers Pernod Ricard – Logistics Manager
- Scottish Council for Development and Industry, Director of Policy
- Scottish Chamber of Commerce, Head of Policy and Research.

3.16 As regards the proposed Kilgarth Railfreight Facility to the south of Gartcosh, five years on from the council's original decision that it was minded to grant planning permission, there has been no progress on the completion of the Section 75 agreement. The Environmental Statement which assessed the proposal will now be out of date and no longer fit for purpose in terms of European and Scottish legislation. The appellants also note that the council's decision on the Kilgarth proposal was based on a range of material considerations (including a market and specific locational need, contributions towards substantial economic, social and environmental benefits, and acceptable levels of impacts on the local environment) which were of sufficient weight to overcome the proposal being contrary to Green Belt policy in the then development plan. The Kilgarth proposal is, in the appellants' view, now moribund.

3.17 With regard to the Freightliner terminal at Gartsherrie the appellant notes that the proposed development is designed to be focused on domestic traffic, targeting the direct road haulage. In contrast, it says Freightliner is focussed on deep sea traffic, that is the importation of containers from large southern UK ports to Scotland, then exportation of containers back to those large southern ports.

3.18 The proposed development's domestic traffic requires onsite warehousing and vehicle maintenance facilities to facilitate the fast loading/unloading of 775 metre electric trains in under two hours. Typically, a container would arrive loaded and depart loaded

within 12 hours. The proposed development is not designed for the storage of export containers. This would be in contrast to Freightliner's deep sea traffic which requires a considerable storage area for containers due the slower nature of reloaded export container traffic.

3.19 The appellants do not dispute that the Gartsherrie terminal has capacity to increase and considers that the approval of the proposed development would not compromise Freightliner's ability to implement the headshunt at the north end of the terminal with the main line utilising the £3 million of funding from the Scottish Strategic Rail Freight Investment Fund approved by the Scotland Freight Joint Board.

The case for the council

3.20 From the evidence of the appellants, a number of external decisions and actions will have a direct influence on the successful development of this facility:

- The access road arrangements rely on the completion of the major motorway improvements, where construction of the new roundabout connection onto the A8 would only be permitted to commence following the M8-M73-M74 improvement scheme becoming fully operational (due for completion in late 2017/ early 2018).
- While Network Rail have indicated that they would work with the appellants during the development phase, in the interim there would be limited capacity in the existing network for rail freight movements, based on 775 metre electric trains serving the proposed terminal. This limited capacity would be especially prevalent at main passenger peak times, so that any spare capacity is more likely to be night-time slots, thereby affecting the local community with increased activity in the quieter hours of the day.
- The high speed rail link facility which is identified by the appellants as a means of resolving this issue is programmed beyond 2019 and is therefore unlikely to materialise before the review of the LDP has concluded.

3.21 The council's view is that this development is contrary to the LP, adopted in 2012, and is premature at best, pending the review of the LDP commencing in 2015. As the proposal cannot be accessed until the completion of the motorway improvement scheme, there is no need to allow planning permission in advance of the LDP process.

3.22 In response to the SDP recognising the role in Schedule 3 of the Mossend/ Eurocentral Strategic Freight Hub and requiring its safeguarding, the council allocated significant additional land (24 hectares) as shown on the LP Proposals Map under policies EDI1 A1 and EDI2 A. This land allocation is located within the south west corner of the appeal site (adjacent to the existing railhead facility) and accounts for the proposed rail freight area. This additional land was previously zoned for industrial use as a result of consent granted in 1999 for upgrading the existing bulk mineral rail loading facility and associated engineering. The council considers therefore that the provision of a significant area of land recognises the need for the expansion of the existing Mossend Railhead which would support the vision of the SDP and accord with Strategic Support Measure 6.

3.23 In the council's view, an appropriate expansion could be achieved on the 24 hectares allocated in the local plan which would be in conformity with the SDP. The whole rail freight area proposed would cover 28.2 hectares (including the existing facility and part of this allocated land) and therefore an expansion of this nature could be considered acceptable.

3.24 In addition, the council has indicated that it is minded to grant consent for a substantial additional freight facility south of Gartcosh (Kilgarth) on the same electrified freight line with direct access to the WCML. The proposed development would have an impact on the Kilgarth site, which is designated within the LP Proposals Map as an International Transport Facility. Kilgarth is a former landfill site, and the council considers that the granting of permission for a development of a similar scale and nature at Mossend would not support either the direction of planned growth to the most appropriate location, or support regeneration (since Kilgarth would re-use a brownfield site). In the council's view, the Kilgarth site would ensure a similar jobs benefit to Mossend. The council considers it very unlikely that both schemes could progress.

Freightliner Limited

3.25 Freightliner owns and operates a rail freight terminal at Gartsherrie Road, Coatbridge. Like Mossend to the south, this is accessible to trains of W10 loading gauge using the WCML. While supportive of rail freight growth in Scotland and not totally opposed to the Mossend development, Freightliner has considerable concerns about the appeal proposal. Freightliner's plans for investment to improve its existing facility would have to be reconsidered if the Mossend scheme were approved, and this could seriously prejudice Freightliner's ability to remain competitive at Coatbridge. Ultimately the Coatbridge terminal could face closure, with the loss of 65 jobs. In the event of permission being granted, Freightliner suggests that planning conditions should restrict the expansion of the railhead until a significant proportion of the new warehousing is completed. This would ensure that the enhancement of the Mossend terminal was geared to new demand, and not to undermining the Coatbridge facility.

Conclusions on freight transport

3.26 The appeal site occupies a particularly advantageous position in relation to transport links, being located alongside the WCML and close to the A8/M8. Direct access to the upgraded A8, and from it to the motorway network, can now be available following the virtual completion of the improvement scheme. In this respect the newly aligned M8 is open to traffic and the overbridge giving access across it to the appeal site has been completed

3.27 The proposed development would support modal shift in the freight sector from road to rail, reducing traffic congestion and lowering carbon emissions. Many of these benefits would be achievable with the proposed freight terminal on its own. This would extend and improve the existing Mossend Railhead, enabling it to handle longer trains and thereby securing economies in unit costs. The terminal would be located on brownfield land which is allocated for industrial use in the LP.

3.28 The proposed railfreight park would yield some additional benefits by enabling freight to be moved between the terminal and warehousing/factory units without travelling on the public road. Heavier vehicles using electric traction could therefore be employed, with further savings in unit costs and carbon emissions. The co-location of the railfreight park with the terminal would be mutually beneficial, providing easy rail access for the former and a guaranteed customer base for the latter. However, the railfreight park would be located on green belt land which is not allocated in the development plan for this use.

3.29 Some policies in the SDP provide support for the proposal. The spatial development strategy (Diagram 3) lists freight hubs as core components, though these also include the

green belt. The SDP notes an imperative to invest in freight hubs in key locations to enable modal shift to occur. Such hubs require locations which maximise access to ports and rail networks and which are capable of taking the increasing scale of freight infrastructure. Schedule 3 sets out locations for freight hubs, which in North Lanarkshire include Eurocentral/ Mossend and Gartsherrie, Coatbridge. Strategy Support Measure 6 requires that measures be put in place to safeguard relevant investment in such locations, and that ancillary land allocations adjacent to such facilities, where appropriate, should be designated freight parks and safeguarded solely for the purposes of freight activity.

3.30 Policies in the LP support the freight terminal element of the proposal, but are less supportive of the railfreight park. Local regeneration priorities include Hattonrigg/Mossend. Policy DSP1 requires additions to industrial (Class 5/6) land supplies of more than 2,000 square metres to be justified in terms of supply and demand outside Policy EDI1 A and EDI1 B2 industrial/business areas. Policy EDI1 supports existing industrial and business areas, by considering development against criteria including:

- extent to which there is a surplus in the land supply for industry and business
- potential undermining of the attractiveness as a location for industry and business
- specific locational requirement for the proposal
- whether the proposal would result in significant economic benefit to the plan area
- existence of suitable alternative sites
- impact on travel patterns and accessibility by public transport
- whether the development would re-use vacant or under-utilised industrial land.

3.31 The freight terminal would comply with these criteria, having a specific locational requirement and re-using vacant industrial land. The policy lists Euro-freight Terminal/ Mossend and the Gartsherrie/Kilgarth rail freight facility as strategic locations. A locational requirement can also be made out for the railfreight park, but it would be on greenfield land and needs to be seen against a background of surplus land supply for industry and business and the existence of alternative sites such as Kilgarth. Policy EDI2 and Schedule EDI 2A include industrial development sites which encompass the proposed freight terminal. They do not include any of the proposed railfreight park.

3.32 NPF3 provides support for modal shift of freight transport from road to rail. Mossend, along with Coatbridge and Grangemouth, is identified as an important interchange in the Central Belt. The Scottish Government states its intention to work with the rail freight sector to develop a more strategic view of future development priorities for rail freight within the broader operational context of the network as a whole. Mossend has not, in the current NPF, been designated as a national development. Priority developments in the freight sector will be identified for inclusion in NPF4.

3.33 Some caution is therefore necessary in assessing the weight to be assigned to NPF3 in its support of the proposal. It needs to be borne in mind that Mossend is one of a number of existing and proposed rail freight developments in North Lanarkshire. Freightliner Limited operates an existing facility at Coatbridge with spare capacity and some development potential, and this could be put at risk by the appeal proposal. There is another existing, and competing, terminal at Eurocentral just to the east of the appeal site. A new site at Kilgarth remains designated in the development plan and, despite the apparent lack of progress in bringing it to fruition, it is not beyond doubt that it could be revived at some time in the future. A strong case can be made out for a strategic look at rail

freight needs and priorities at the national (NPF4), regional (SDP review) and local (LDP) levels, so as to ensure the optimum pattern of development.

3.34 SPP supports development that contributes to sustainable development. The appeal proposal is in accord with some of the criteria, including giving due weight to net economic benefit; supporting delivery of infrastructure, including transport; and mitigating climate change. It sits less comfortably with some other aspects, and in particular needs to be balanced against potential environmental impacts, particularly in relation to the green belt and local residential amenity.

3.35 SPP also supports patterns of development which optimise the use of existing infrastructure, enable the integration of transport modes, and facilitate freight movement by rail. Strategic freight sites should be safeguarded in development plans. Where appropriate, development plans should identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail, and should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or the strategic road network. The proposal is consistent with these aspects of SPP.

3.36 Drawing these matters together there is significant support for the principle of expanding the Mossend terminal. In terms of the railhead itself and loading facilities this can be achieved within the area designated in the local and proposed local plans. There is no significant dispute about that.

3.37 The key issue in freight transport terms is the supporting freight park. Strategically it has the great advantage of having virtually direct access to the new M8 motorway, via a short stretch of the old A8 dual carriageway. Potentially this has the ability to remove a significant amount of traffic from the existing access roads around Mossend which serve Reema Road. This can only be of benefit to the local community. That said the existing Eurocentral terminal has similar good access, but without the potential expansion ground and no firm suggestion has been made that this could be an alternative proposal.

3.38 The council still favours the Kilgarth site, for which it was anticipated planning permission would be granted subject to relevant agreements. Despite this it has not brought forward any evidence to suggest that this is likely to come forward in the foreseeable future. I am unable therefore to conclude that it forms a realistic alternative to the proposed development in terms of freight transport and modal change in the central belt and North Lanarkshire in particular at the present time.

3.39 I am satisfied from the evidence before me, and from what I saw at my site inspection, that in purely freight transport terms Mossend is a suitable site for the proposed development.

CHAPTER 4: GREEN BELT AND SUSTAINABLE LOCATIONS

Description of the area

4.1 As described in paragraphs 1.1 and 1.2 above, the site for the proposed railfreight park consists of farmland lying between Hattonrigg and the A8. This forms a corridor about 1 kilometre wide, measured in a north-south direction. It is now crossed by the M8 extension running approximately east-west, which divides the site into a smaller northern parcel between the new motorway and the existing A8, and a larger southern parcel (roughly three times the size) between the motorway and Hattonrigg. The proposed development would include buildings in both areas, though much the greater part of the railfreight park would be in the southern part, which would be re-profiled to provide horizontal development platforms. A 5-metre high visual and acoustic screen bund would run near the southern edge of the site.

4.2 The proposed development on the farmland would also include a new internal road from the A8, crossing the motorway on the newly constructed overbridge and turning eastwards to run parallel to the WCML to the proposed new sidings and the existing freight terminal; three SUDS ponds, two of them in the southern area and one in the northern; and a network of community green space and woodland. The main part of this green space, in the southern area, would comprise relatively narrow corridors to the south and north of the major development area, opening into a broader area to the west including the largest SUDS feature and linking to the North Calder Water. The developed area of farmland would comprise 59.4 hectares, or 61 per cent of the total, with the remaining 38.2 hectares (39 per cent) being green space and woodland.

4.3 The Environmental Statement (ES) notes that the site has local amenity value, the open fields and tracks being used for dog walking and informal recreation, although no formal provision or core paths run through the site. The site has integrity as an agricultural, undeveloped landscape with scenic qualities and a tranquillity of character which would be sensitive to direct large-scale development. Landscape sensitivity is therefore medium – high. I agree with this assessment. This part of North Lanarkshire is heavily urbanised, and areas such as the site of the proposed railfreight park help to provide some relief from built development. The belts of mature trees which cross the site and run on its southern boundary also add to the relatively rural feel of the area. The appellants do not dispute the green belt status assigned to the area in the LP.

The case for the council

4.4 In refusing planning permission in principle, the council concluded that the proposed development would represent a major intrusion into the green belt at a location where it serves a useful function by separating urban areas and enhancing the amenity of the adjoining settlement, and so it would be contrary to the SDP and the LP. The council's reasons for refusal included:

1. That the proposed development is not supportive of the spatial development strategy of the SDP in that the proposed industrial development in the green belt conflicts with the principles of the green belt as set out in the SDP, specifically in directing planned growth to the most appropriate locations, supporting regeneration and creating and safeguarding identity.

2. That the proposed development is contrary to Policies NBE3 and DSP2 of the LP, in that it would involve uses not considered compatible with a green belt location and would adversely affect the existing clearly defined urban/ rural boundaries in the area.

4.5 The council considers that the extent and scale of the proposed development goes beyond 'extension' of the existing railhead and would remove the entire green belt at this locus which separates Bellshill from the M8/A8 corridor and southern Coatbridge beyond. In the council's view, the proposal to provide 38.2 hectares of green network open space hardly compensates for the loss of 97.6 hectares of green belt/open farmland that currently exists on site. This buffer forms a strategic green wedge between Bellshill and Coatbridge.

4.6 The council points out that the LP, as adopted in 2012, is a recent document which has been the subject of a considerable level of public consultation and debate, culminating in an examination where the reporter commented on this area of green belt when reviewing the objections to the plan by Peter D Stirling/Carnbroe Estates. The reporter concluded as follows:

"Taking into account the function of the greenbelt in this vicinity, the industrial and business land supply and the most recent programme information for the M8 link construction programme, I do not consider there is a case for the release of land from the greenbelt in this part of the A8/M8 corridor. The proposed future review is the most appropriate method to initially address the potential for land-use change in the vicinity of the new motorway. This would allow a comprehensive and co-ordinated approach and in due course would allow the preparation of a masterplan for the entire corridor. On the other hand, the earlier release of an isolated area at this location could prejudice an orderly process. On the foregoing basis, I conclude that the local plan green belt allocations under Policy NBE3A at this part of the A8/M8 corridor should be retained."

4.7 In the view of the council, this issue has recently been debated through the local plan process and, following a clear recommendation by the reporter, this valuable area of green belt should be protected, at the very least, until the next review (currently about to begin) of the LDP.

4.8 In terms of the SDP, the site is within the strategic green belt and therefore protected from inappropriate development. Strategy Support Measure 8 states that "the green belt should continue to be designated". The council submits that, in allocating 24 hectares of land adjacent to the existing facility, it has taken a balanced approach in recognising a need to expand the existing railhead, whilst recognising the green belt as an important strategic tool in achieving key environmental objectives. These are outlined in the SDP and include:

- directing planned growth to the most appropriate locations;
- supporting regeneration; and
- creating and safeguarding identity through place-setting and protecting the separation between communities.

4.9 The development proposals would result in a significant loss of an area which currently serves as a buffer between the residential properties in Bellshill and the A8/ M8 corridor. The loss of this area of designated green belt would not be in accordance with the

objectives of the SDP, given that the local community would no longer be protected from the existing and proposed industrial development. Furthermore, the loss of such a significant area of existing green belt would detract from the existing rural identity that characterises the surrounding area. An expansion of the scale proposed would result in the creation of an industrial setting which would not integrate successfully with the surrounding residential development or the green belt.

4.10 The allocation of green belt land supports the process of regeneration by encouraging redevelopment of designated brownfield sites. Therefore by allowing development of the scale proposed within an area of designated green belt, preferential sites (that have been assessed and confirmed for suitability) within the adopted LP would remain undeveloped or vacant.

4.11 In the council's view, the allocation of industrial land to the west of the existing railhead supports the SDP, which provides for ancillary land adjacent to strategic freight transport hubs to be designated as freight parks and thus safeguarded solely for the purposes of freight activity (Strategy Support Measure 6). The measure does not provide justification for a significant encroachment into the green belt. The council does not accept the appellants' suggestion that Support Measure 6 outweighs the green belt status of the vast majority of the proposed development site. This is not reflective of the policy or the overall guidance contained in the spatial vision and spatial development strategy of the SDP.

4.12 Local plan Policy NBE3 (Assessing development in the green belt and rural investment area) provides for a number of acceptable types of development in the green belt in addition to a list of assessment criteria that such development must satisfy (see paragraphs 1.25 - 1.26 above). While the development proposals do in part accord with the types of development acceptable within the green belt (the creation of the green network/community woodland), the construction and operation of the railfreight park is not in accordance with Policy NBE3. Therefore the granting of planning permission to such a development would be contrary to the development plan.

4.13 When considering the impact criteria detailed in Policy NBE3 for the assessment of development deemed acceptable, whilst it is accepted that there would be positive economic benefits associated with the operation of the railfreight park, the very scale and form of the development would be inappropriate in a greenbelt location. It is considered that the loss of almost 60 hectares of designated green belt for the construction of a railfreight park would not minimise any adverse environmental impacts, and would indeed create one. A development of this nature has a specific locational need, but it is not the sole site as the former Kilgarth Landfill Site has already established that other sites are available. Development of the nature proposed is considered to be of an inappropriate scale in such a location. The development would result in the loss of the rural character that the green belt currently conveys. While acknowledging that the community woodland area has been proposed as a means of mitigation, the council does not consider that it justifies such a significant departure from planning policy.

4.14 Both national planning policy and the development plan place a strong emphasis on the importance of areas of designated green belt. The loss of such areas is not supported, particularly in the creation of industrial developments. The council's SPG 07 (Assessing Development in the Green Belt) states that green belt boundaries are defined by the local plan and are subject to annual monitoring. The current boundaries will be subject to review

in response to the SDP and any proposed changes will be incorporated into the draft LDP which will be subject to public consultation.

4.15 Local plan policy DSP2 assesses proposed developments in terms of relevant locational criteria including green belt, environmental assets, accessibility, community, and health and safety. The railfreight park component of the proposal is not consistent with the locational criteria contained within Policy DSP2, which states that development within the green belt must maintain clearly defined urban/rural boundaries. The loss of green belt land would result in the amalgamation of settlements (Bellshill and Coatbridge) to the north and south either side of the existing A8 route corridor, whilst also surrounding existing residential properties with industrial development.

4.16 In the SDP, Spatial Framework 2: Environmental Action provides further guidance in relation to the importance of the Green Belt. The green belt is central to the sustainable planning of the city region and provides support to the positive action-orientated green network programme. The SDP (page 34) also states the important role the green belt plays in achieving key environmental objectives. The council therefore submits that the development proposals would involve the loss of such a significant area of designated green belt that they would not reflect the spatial development strategy and its related frameworks or be supportive of the spatial vision and strategy of the SDP.

4.17 It is therefore up to the local authority to assess the merits of the proposed development, giving consideration to Diagram 4 of the SDP. The diagram outlines seven criteria which must be satisfied in order for the development to be deemed in line with the spatial development strategy. If a development does not adhere to these criteria then it is within an 'unsustainable location'.

4.18 The proposed development would contribute positively to reduction in greenhouse gas emissions and minimise the carbon footprint of the city region in line with the criteria. However, the criteria include a sub-heading relating to development proposals requiring them to minimise the development footprint of the city region. Given that the proposals would result in the loss of a significant area of green belt land, it is concluded that the proposed development would not contribute positively to minimising the development footprint of the SDP area. The proposal would contribute positively towards the development of a low carbon economy and, by reducing the number of road vehicle movements, would contribute to sustainable transport. The proposal would not in the council's view contribute positively towards green network objectives, and therefore is not supportive of the Spatial Development Strategy. The provision of appropriate SUDS schemes is considered to minimise any potential impacts on flood risk. The remaining criteria are not considered relevant.

4.19 In the council's view, the development proposals would be contrary to the overall spatial vision of the SDP and are therefore considered to be within an unsustainable location.

4.20 LP Policy DSAP identifies Hattonrigg/ Mossend under 'Local Regeneration Priorities'. The proposals map shows an area at Mossend which falls within this designation and includes the existing Mossend Railhead development. However, it does not include the area of green belt proposed for development. Therefore the council considers that the proposed development is not compliant with this policy, given that it goes beyond the area allocated within the proposals map. There is nothing to prohibit the development of the

allocated 24 hectare site or the land to the west to Hattonrigg. The 'Local Regeneration Priorities' are properly focussed by the council on the brownfield land zoned in the LP. In the council's view, there is no reason why this designated site could not be exploited by the appellants as an appropriate extension to the existing rail freight terminal, at a more appropriate scale in conformity with the current development plan.

4.21 The council considers that the proposed development is at the very best premature and, due to the constraints on the timing of any development, the matter can be debated appropriately through the forthcoming review of the LDP, where the entire corridor can be masterplanned to achieve the wider aims of both the SDP and the LDP. It is acknowledged this is an important zone for employment uses, but this requires to be balanced by ensuring that the green belt principles are also respected in the long term and that the settlements of Bellshill and Coatbridge are not merely separated by two roads.

4.22 There is a balance to be struck in respect of the negative effects that this scale of development would impose on the local communities it is adjacent to. The scale issue relates to the proposed 200,000 square metres of floorspace including very significant industrial sheds (up to 20 metres high), dominating the landscape. The council considers the combined scale and massing of the proposal would be excessive in its context.

The case for the appellants

4.23 The appellants consider that the construction of the M8 dual three-lane motorway and the upgrading of the dual two-lane A8 all-purpose road will provide a major infrastructure buffer between Bellshill to the south and Shawhead/Coatbridge to the north, which will prevent the coalescence of these two communities. The appellants refute the council's suggestion that the proposed development would remove the entire green belt in this location, on the basis that the 38.2 hectares of green network would enhance the quality of the areas of green belt to be retained around the proposed development. In line with SPP, the retained green belt and enhanced green network would properly function as a green wedge-shaped buffer between Hattonrigg and the railfreight park and the M8 corridor. The loss of the site area would represent only 0.4 per cent of the North Lanarkshire green belt.

4.24 The appellants disagree with the council's statement that the loss of green belt would detract from the existing rural character of the surrounding area. The green belt at this location has a highly urbanised context strongly influenced by the presence of existing large-scale commercial/industrial development including Eurocentral, Bellshill Business Park, major transport corridors (A8, M8, A725 and the WCML) and other adjacent industrial and residential development. While the green belt portion of the appeal site has semi-rural characteristics in the form of agricultural land and tree belts, the appellants consider that it can be described as an isolated parcel of land in the process of transition which will result from the potential for land use change in the vicinity of the new M8 motorway. The appellants' proposed green network and extensive woodland planting would provide effective landscape mitigation and integrate the development into the surrounding landscape once mature.

4.25 The appellants do not accept that the council has taken a balanced approach in reconciling SDP Strategy Support Measure 8 (green infrastructure: an economic necessity) and Strategy Support Measure 6 (strategic freight facilities), and consider that the council has placed undue and unnecessary weight in this case on the protection of the green belt.

4.26 The appellants point out that strategy support measure 8 also states that “Delivery of the Green Network and review and designation of the inner and outer boundaries of the Green Belt should be priorities for LDPs so as to ensure that the key environmental objectives, set out above, are achieved”. Therefore, there is recognition of the need to review the green belt area in order to ensure both the achievement of the key environmental objectives and the concentration of economic development in the sustainable development locations identified in Diagram 3: spatial development strategy and indicative compatible development, which includes the Eurocentral/Mossend strategic freight transport Hub.

4.27 The council’s view that the appeal site is within an ‘unsustainable location’ is not supported by the identification of Freight Hubs, including Eurocentral/Mossend, as sustainable development locations in Diagram 3 in the SDP. In addition it is contrary to the view of the council’s head of planning and regeneration, who in the committee report (appellants’ document 49, paragraph 8.10) states that “on the basis of the outcome of the assessment, it is considered that the site is a ‘sustainable location’ in terms of the spatial vision of the SDP and supports its spatial role and function”.

4.28 In relation to Diagram 4 of the SDP:

Climate change - the proposal would develop an existing location based on established rail and road infrastructure, which would help minimise the carbon footprint of the city region and reduce greenhouse gas emissions through the modal shift of freight from road to rail.

Low carbon economy - the proposal would support sustainable economic competitiveness by reducing transport costs for low carbon distribution, service and logistics facilities and maintain Scotland as an economic location for these key business sectors.

Sustainable transport - the switch from diesel to electric trains would promote sustainable transport by producing no emissions at the point of use and secure an ultra-low carbon footprint. Rail freight is cleaner than road freight, reducing CO₂ by 80 per cent for every tonne of freight transported.

Green network - the retention of 39 per cent of the site as green belt and development as green network/community woodland would provide a green setting for the proposed development and a natural environmental link with adjacent areas of Green Network and the river valley of the North Calder Water. The green network/community woodland would also promote local biodiversity.

4.29 The appellants consider that the proposal, despite the tensions with the green belt, would result in a positive assessment under Diagram 4 and would therefore be a ‘sustainable location’. There is also a known need/demand for the proposed development. While the proposal would result in the loss of an area of green belt, it is located adjacent to an existing freight hub in a strategic sustainable location with direct access to the WCML and the M8/A8. In addition, the construction of the M8 motorway will generate further economic development which the development planning system will seek to capture, and would (in the appellants’ view) result in the identification of additional land for business and industrial development within the M8 corridor. The resultant loss of green belt could be

mitigated by the compensatory provision of improved green space/green network, as is the case with the proposed development.

4.30 The proposal would minimise the development footprint of the city region by its siting in an identified 'sustainable development location', which would not be the case if the proposal required the release of land in an 'unsustainable location'. The council's assertion that the loss of green belt would result in the development proposals being contrary to the overall spatial vision of the SDP fails to recognise that the spatial vision comprises five components: economy, urban fabric, infrastructure, environment, and energy, within which there are synergies and dynamic tensions. The resolution of these tensions is the purpose of the planning system.

4.31 The proposed development specifically addresses two strategic drivers for change in Diagram 8: Climate change mitigation and sustainable low carbon economy. The appellants consider that the delivery of these Strategic Drivers for Change set against the loss of Green Belt is of sufficient weight to justify the proposed development's compliance with the SDP's Spatial Vision to 2035.

4.32 The appellants note that the examination of the LP was held during 2011 with the report published on 31 January 2012. The appellants point out that in parallel with and subsequent to the publication of the report and the adoption of the local plan in September 2012, a number of significant events have occurred:

- Transport Scotland (TS) confirmed that it would, at its cost, upgrade the proposed access bridge over the M8 at Carnbroe Mains Farm to a width of 7.3 metres in order to retain the opportunity to develop land to the south of the motorway for a development requiring HGV access from the A8 and rail access from the WCML. This bridge has now been completed.
- TS has now completed construction of the motorway.
- The council has not undertaken the preparation of a master plan for the M8 corridor referred to in the LP examination report.
- Scottish Ministers have approved the SDP, which includes Eurocentral/Mossend in Schedule 3 as a strategic freight transport hub. Such hubs are identified as 'sustainable development locations' in Diagram 3.
- The planning application was submitted and was accompanied by a comprehensive ES. The planning assessment by the council's planning officer resulted in a recommendation for approval.
- The Scottish Government has published the SPP, which introduces the policy principle that there is a presumption in favour of development that contributes to sustainable development (of which the proposed development is, in the appellants' view, an exemplar), and highlights the principle of giving due weight to net economic benefit.
- The Scottish Ministers have issued a recall direction in relation to this appeal on the basis of their recognition of the importance of this interchange site in NPF3 and their consideration of the proposals to be an issue of national significance.

These are significant events that have occurred since the examination of the LP. Due to the lead-in time for implementation of the project, the appellants do not consider that the appeal is premature.

4.33 The appellants point out that the 24 hectares of additional land allocated in the LP Proposals Map under policies EDI1 A1 and EDI2A was already zoned as an established industrial and business area under the previous LP. This land is proposed in the application

as the site of the new railway sidings and transit sheds which would form an integral part of the Mossend strategic freight transport hub. This is a separate component from the railfreight park, which in accordance with SDP Strategy Support Measure 6 is identified and safeguarded solely for the purposes of freight activity (storage, trans-shipment, break-bulk infrastructure and related services). The appellants consider that strategy support measure 6 is area specific, on the basis that the ancillary land allocations require to be adjacent to strategic freight transport hubs, one of which is located at Eurocentral/ Mossend. In providing this support, it must have been known and acknowledged that this would involve some development in the green belt.

4.34 The council's view that the land designated under EDI2A is sufficient for the rail freight park significantly underestimates the 28.2 hectares of land identified in the development proposals for the expansion of the rail terminal to accommodate the four rail sidings, transit sheds, overhead gantries and container laydown areas. The appellants disagree with the council's view that the land designated under EDI2A addresses the requirement in strategy support measure 6 to identify land adjacent to the strategic freight transport hub as a freight park. The location of the railfreight park in the restricted south-west corner of the site would preclude the provision of the proposed northern access to the site from the A8 on cost grounds, and would result in the loss of the recognised community benefit of the removal of significant volumes of HGV traffic from the local road network.

4.35 The appellants do not accept that the scale of the railfreight park would be unacceptable, on the basis that the specific locational need, positive economic benefit and sustainable development characteristics are of sufficient weight to justify a departure from LP Policy NBE3. In terms of the impact criteria of the policy, the railfreight park would be of a similar scale and form to Eurocentral to the east and Strathclyde Business Park to the west. The protection of existing residential areas from industrial development is not a key environmental objective of the green belt, as listed in section 4.48 of the SDP.

4.36 In relation to LP Policy DSP2, the appellants consider that this part of the green belt is in an area of transition, the future of which will be heavily influenced by the construction of, and access to, the M8/A8 upgrade scheme. The appellants consider that, while the proposed development would occupy part of the green belt, the construction of the M8 motorway will reinforce the separation of Bellshill and Shawhead/Coatbridge, which in turn will preclude the physical or perceived coalescence of the two settlements. The proposals would contribute to urban regeneration through the use of brownfield land for the rail terminal component. The council's internal and external consultees have raised no objections to the proposal based on the loss of environmental assets. The proposal would support the transport hierarchy by the provision in the Green Network of walking and cycling routes with good connectivity to the existing network of such routes north and south of the A8 corridor. The proposal would promote enhanced social inclusion and integration through the provision of 38 hectares of woodlands, footpaths and cycle routes which would form part of the development. The appellants would like to develop this community resource in partnership with local residents and to put in place locally supported management of the facilities.

4.37 In terms of the council's impact criteria for assessing acceptable development in the green belt, the appellants maintain that, if the principle of the proposed development were acceptable in policy terms, the impact criteria would be satisfied. The proposal would have a positive economic benefit; would minimise adverse environmental impacts; would not pose undue infrastructure implications; has a specific locational need in relation to proximity

to the road and rail networks, customers and skilled labour; would be of a suitable scale and form for the location; would incorporate a high quality enhancement scheme and include a minimum 100 metre landscape buffer between the development and existing residential areas; would not affect European sites; and is supported by policies in SPP.

4.38 While national planning policy and the development plan place a strong emphasis on the importance of areas of designated Green Belt, the protection of the Green Belt is not sacrosanct and in the consideration of the planning balance there is provision to set aside a Green Belt designation where other statutory planning policies and material considerations justify approval. In the case of this appeal the introduction in SPP of the policy principle that there is a presumption in favour of development that contributes to sustainable development and the principle of giving due weight to net economic benefit adds, in the appellants' view, significant weight in favour of a grant of consent.

Other parties

4.39 The council received 1038 letters of objection, including three petitions with 780, 74 and 37 signatures. Loss of green belt was one of the main grounds in these representations. Objectors expressed concern that the site of the railfreight park is the last piece of green belt remaining in the area, and is therefore particularly deserving of protection. The land is valued for its contributions to the amenity of the neighbouring residential area, the scenic quality of the landscape, recreational opportunities, wildlife habitat, and helping local children retain contact with nature. Its loss would result in Bellshill being completely surrounded by commercial and industrial development, much of which is under-utilised.

4.40 Objectors consider that the proposal represents an inappropriate form of development within the green belt which would have a harmful impact on its open, rural and undeveloped character. They draw attention to the reporter's findings in the LP examination. They do not consider that the proposed green network would be an adequate substitute for what exists. Mature trees subject to TPOs would be lost, while replacement planting would take several years to reach full height. Recreational potential could be compromised by antisocial behaviour, deterring use and requiring increased police activity.

Conclusions on green belt and sustainable Locations

4.41 The part of the appeal site that lies within the green belt, as described in the ES, has an agricultural, undeveloped landscape with scenic qualities and a peaceful character which is sensitive to large-scale development. The agricultural landscape as such is compromised by the loss of Carnbroe Mains Farm to the construction of the realigned M8, with the farm steading being demolished. This impacts on the usability of the remaining land although the annual let for grazing could well continue. This part of North Lanarkshire is heavily urbanised, and areas such as the site of the proposed railfreight park help to provide some relief from built development. The belts of mature trees which cross the site and run on its southern boundary also add to the relatively rural feel of the area. This is the only remaining section of green belt around Bellshill. I agree with the first reporter that while it is an isolated parcel of land and that the potential for land use change in the vicinity of the new M8 motorway will require to be reviewed, it does not follow that large-scale development would be appropriate or inevitable.

4.42 The future use of the land involves a strategic planning choice which should preferably be made through the development planning process. Such a choice requires due recognition of the benefits of retention of the area as green belt, which include maintaining the separation of the communities of Bellshill and Coatbridge; protecting open space and sustainable access; providing recreational opportunities; providing some scenic variety in an otherwise heavily urbanised landscape; and assisting biodiversity by providing habitat including mature trees and hedgerows as well as open grassland.

4.43 The proposed development includes the freight terminal on brownfield land, and the green network/community woodland on 38.2 hectares of the green belt area, with the railfreight park resulting in the loss of 59.4 hectares of green belt land. This element of the proposal is contrary to LP Policy NBE3, since the proposed development is not of a kind supported under the policy. The impact criteria of the policy do not apply, since the proposal does not qualify as acceptable development. For the same reason, the criteria set out in SPG.07 are not relevant.

4.44 The case for excluding the site from the green belt designation was considered in 2011-2012 in the context of the LP examination. The reporter concluded that the land should be retained as green belt for the purposes of that LP. He considered that a review of the potential for land-use change in the vicinity of the new motorway would allow a comprehensive and co-ordinated approach and in due course would allow the preparation of a masterplan for the entire corridor. Under normal circumstances I would agree with that conclusion and accept the LDP process is the appropriate vehicle to review the green belt designation.

4.45 I have had regard to the 'significant events' cited by the appellants at paragraph 4.32 above. In particular the M8 extension has been completed and is now open to traffic. The access bridge over the M8 at Carnbroe Mains Farm to retain the opportunity to develop land to the south of the motorway for a development requiring HGV access has also been completed. I also note that the council has not undertaken the preparation of a master plan for the M8 corridor, with the proposed plan appearing largely to carry over proposals from the extant plan. Although the LDP is now under way, with consultation completed, it may not be adopted until 2019 depending on the time taken to complete the remaining processes. I will go on to deal with issues arising from approval of the SDP and the publication of SPP and NPF3. I note also that the planning application was accompanied by a comprehensive ES, and that the planning assessment by the council's Planning Officer resulted in a recommendation for approval.

4.46 As noted in the previous chapter, the proposal is supported by some policies in the SDP. The SDP supports strategic freight transport hubs in the locations set out in Schedule 3, which include Eurocentral/ Mossend, and strategy support measure 6 seeks to safeguard relevant investment in such locations and to designate freight parks on adjacent land, where appropriate. In terms of the proposal, the strategic freight transport hub comprises the existing Mossend Railhead and the proposed freight terminal located on brownfield land. The proposed freight park would be an ancillary allocation of adjacent land, but strategy support measure 6 does not provide unqualified support. It needs to be considered whether such an allocation would be appropriate, and what its extent should be.

4.47 The SDP's spatial development strategy as set out in Diagram 3 also includes the green network and green belt. The proposal would contribute 38 hectares to the former at the expense of a loss of 59 hectares of the latter, in an area where green belt is a limited

resource. I concur with the council's view that the proposal would involve the loss of such a significant area of green belt that it would not reflect the spatial development strategy and its related frameworks or be supportive of the spatial vision and strategy of the SDP.

I acknowledge that the designation of Mossend as a strategic freight hub and the application of strategy support measure 6 recognises the possibility of some incursion into the green belt, but there is a question of scale and balance. Substituting built development for green fields across the full width of the corridor between Bellshill and Coatbridge, even acknowledging the green network/community woodland proposals, would present a major incursion into the green belt. I therefore find that the railfreight park element of the proposals would not be in accord with the Spatial Development Strategy.

4.48 Since the proposed development is not in line with the strategy, it is subject to a sustainable location assessment in terms of SDP Diagram 4. The development as a whole would score positively against a number of the criteria (minimising the carbon footprint of the city region and mitigating greenhouse gas emissions; promoting a low carbon economy; sustainable transport; developing green infrastructure; managing flood risk). It would score less well on minimising the development footprint, and poorly on supporting Green Belt objectives. However, the positive benefits would arise mainly from the railfreight terminal and the green network, while the negative impacts would be associated with the railfreight park. The former would qualify as sustainable locations, in terms of Diagram 4, while the railfreight park, considered on its own, would not.

4.49 The appellants' position is that the proposal has to be considered as a whole, and that the railfreight park is necessary to complement and cross-fund the other elements, including the road access to the A8. Again, it is a question of scale and balance, but arguably a development comprising 53 per cent 'sustainable location' and 47 per cent 'not sustainable location' is not consistent with the vision and strategy of the SDP with regard to the green belt.

4.50 Returning to the local plan, Policy DSAP supports the regeneration of brownfield land on which the railfreight terminal would be located, but does not extend to the railfreight park within the greenbelt element of the site. In terms of Policy DSP2, I thus accept the council's view that the railfreight park component of the proposal is not consistent with the requirement that development within the green belt must maintain clearly defined urban/rural boundaries. The development would substitute an urban/urban boundary, with the division between Bellshill and Coatbridge being marked only by major roads.

4.51 Along Rosebank Road in Hattonrigg, along the southern edge of the freight park, existing houses would be separated from the proposed buildings by only a 100 metre green strip dominated by a noise reduction bund. It is a question of balance as to whether this negative impact would outweigh the positive contributions from the regeneration of brownfield land and creation of the green network, but in isolation the proposal is not supported by Policy DSP2.

4.52 My overall conclusion is that the proposal would have a significant adverse effect on the green belt; that it would not be consistent with development plan policies relating to the green belt. In reaching this conclusion I note this position is accepted by the appellant. It therefore rests on whether material considerations justify a development not in accordance with the development plan.

CHAPTER 5: ENVIRONMENTAL AND AMENITY IMPACTS

Description

5.1 The application was accompanied by a comprehensive ES (appellant's document 26) that considered the impacts of the proposed development under the following headings:

- Geology and Soils
- Land Use and Agriculture
- Landscape and Visual
- Noise and Vibration
- Air Quality
- Water Quality and Drainage
- Ecology and Nature Conservation
- Pedestrians, Cyclists and Community Effects
- Cultural Heritage
- Traffic and Transport
- Disruption due to Construction.

5.2 Large adverse residual impacts were identified in respect of soil loss. The grouting of mineworkings would have a moderate/ large beneficial impact on ground stability in the central area of the site. Residual contamination impacts were considered to be neutral. The proposal would result in the loss of a locally significant amount of agricultural land and the termination of the annual agricultural let.

5.3 Significant adverse landscape effects during construction and operation were predicted for the farmland landscape. The significant effects would be due to the industrialisation of an increasingly rare area of intact farmland and the resultant further fragmentation of the farmland landscape along the North Calder Water separating Coatbridge and Motherwell. Visual receptors in Hattonrigg south of the site were predicted to experience significant adverse visual effects during construction and operation, where open views to fields would be curtailed by screen planting, with industrial scale buildings sometimes in sight. When viewed from a distance, the proposals would usually be seen within an already developed urban context, set amongst developments of a similar scale. Overall landscape and visual effects were summarised as significant adverse for the development site and the local farmland landscape of the North Calder Water, but would not be significant at a wider landscape scale.

5.4 On my site visits I viewed the development area from the representative viewpoints shown in the ES. The landscape and visual impacts would be most significant when viewed from the residential area of Hattonrigg, where the large features of the railfreight park, sheds 20 metres high, noise reduction bund five metres high topped with a two metre acoustic fence, would be prominent and would replace an open outlook over farmland. The ES found moderate to substantial adverse post construction impacts at Bridgeford Avenue, Glengariff Road and Kelvin/Hattonrigg Road, and a slight to moderate impact at Love Drive. Moderate adverse impacts were predicted from Shawhead, north of the A8, and from the recreation ground near Shirrel Industrial Estate.

5.5 I agree with these assessments on the basis of my visits to the area. I would also add Rosebank Road, which runs west from the north end of Bridgeford Avenue and would arguably be the most seriously affected by proximity to the large freight park buildings. It is

also important to note that these are only representative locations, and the impacts of the development would be visible over an extensive area.

5.6 The ES found that noise and vibration impacts were likely to result from the proposed development, emanating from increased rail activity on the WCML and increased industrial noise impacts from activities occurring within the railfreight park, including fixed plant, movement of containers and other associated activities. A revised noise assessment was submitted as an Addendum to the ES (appellants' document 41), and incorporated the following mitigation measures:

- A five metre high acoustic bund along the southern boundary of the railfreight park supplemented with a two metre high acoustic barrier to mitigate noise at properties in the Hattonrigg area;
- A 10 metre high, 135 metre long, semi-circular acoustic wall located at the south-western end of the rail sidings to protect the residential amenity of properties on Centenary Crescent and Love Drive;
- Two 10 metre high acoustic walls located to the rear of, and linking, the three transit sheds on the north side of the rail sidings: these noise barriers and sheds would protect residential properties in Hattonrigg from noise associated with the operation of the electric cranes and the loading and unloading of containers;
- A 10 metre high, grassed earth bund surmounted by a two metre high acoustic fence, located along a curved line from the north-easternmost transit shed to the boundary of the railfreight park, to protect the residential amenity of properties in Hattonrigg and the recreational amenity of the adjacent community woodland from noise associated with the operation of the rail sidings;
- A four metre high, 150 metre long acoustic wall located along the access road to the north and south of the gate house.

5.7 Overall the operational noise impact assessment indicated that all surrounding noise sensitive receptors would be subject to an impact of less than marginal significance, after mitigation. The highest increase would be for residential properties on James Hamilton Drive which would experience a daytime increase of 3.6 dB and a night-time increase of 1.2 dB above background levels. This is not considered significant. Construction noise impacts would depend on the phasing, construction methods and plant used. They would be temporary in nature and would not be constant through the construction phases.

5.8 As regards air quality, construction would give rise to dust and emissions from diesel plant used on site. The air quality impacts should be negligible, providing appropriate dust mitigation measures are in place. Operational air quality impacts are likely to arise from changes in local traffic flow combined with the use of diesel tractor units to move containers within the freight park. The use of electric locomotives, including shunting stock, would not contribute to local air pollution. The most significant traffic flows would be HGV traffic on the access road and the A8. There are no sensitive receptors within 200 metres of the access road, and only one within this distance of the A8. There would be a small reduction in HGV traffic through Bellshill and an increase in HGV traffic along the A725 to the west of the town. The predicted changes in air quality would be imperceptible and of negligible significance. Nationally, the proposal would lead to a small reduction in the CO2 emissions

associated with importing goods into Scotland as a result of modal shift of freight from road to rail.

5.9 The proposals include a comprehensive sustainable drainage system (SUDS) which would manage runoff flow rates and protect and enhance water quality. Mitigation measures include the early construction and appropriate maintenance of SUDS features, adherence to SEPA pollution prevention guidance, and appropriate grouting methodology. Monitoring of water bodies would assess impacts and allow a rapid response to adverse effects, if any occurred. Assuming adherence to guidance and best practice, no significant impacts were predicted during the construction phase. Impacts during the operational phase, with mitigation, have been assessed as neutral for the surface water bodies, groundwater and flooding.

5.10 The ecological assessment found that the site has no statutory designated sites on or adjacent to the boundary. A Local Nature Conservation Site (North Calder Water – SINC), listed for its woodland interest, adjoins the north-west boundary. No European or UK protected species were found to be resident. Foraging bats, common and soprano pipistrelles, have been recorded over the site but appeared to roost outwith the site boundary. The site is dominated by improved pasture, poor semi-improved pasture and disturbed ground, all of lower interest for flora and fauna. Within the site are planted shelterbelts and scrub.

5.11 Bird surveys reported a typical list associated with farmland, recording 38 species overall, 28 during breeding bird surveys. Seven species were Red List Species of Conservation Concern. No plant species of importance against any rarity or biodiversity criteria were found. The overall assessment of effects concluded that, after mitigation, the residual level of impact for sites, habitats and species lay in the range slight to moderate-major. The latter is applicable to the loss of woodland, and only in the short term. The medium to long term assessment for the woodland was positive, because the 1.85 hectares of woodland and 0.12 hectares of scrub loss would be mitigated by the planting of a new 20 hectare community woodland.

5.12 There are no core paths, rights of way or formal pedestrian or cycle routes within the site. However, areas of the northern section, particularly Carnbroe Road, are used by members of the local community for informal recreation. Temporary construction impacts could affect the amenity of adjacent dwellings and users of the local road network, and give rise to community severance and loss of access to areas for informal recreation. During the operational phase, there would be a positive impact due to the removal of HGV traffic associated with the existing railhead and proposed development from the local road network. Loss of access to Carnbroe Road and Carnbroe Mains agricultural land and the designated Green Belt area would have an adverse effect on pedestrians, cyclists and the community due to loss of land used for informal recreation. This would be offset to some extent by the proposed green network that forms part of the proposal.

5.13 The development area contains eight sites of cultural heritage interest with a further site recorded within 100 metres of the site boundary. The Mount, a tree-ring plantation, would be safeguarded within the development. The proposal would have no impact upon the settings of listed buildings or ancient monuments. Subject to the council's agreement, archaeological mitigation would ensure that any sub-surface remains could be identified, investigated and recorded prior to development.

5.14 Potential environmental impacts would arise from increased traffic flows during both construction and operation. With mitigation, these impacts could be minimised to an acceptable level. Sustainable travel such as walking, cycling and public transport use would be enhanced and actively promoted. A new path network within the proposed community woodland would link the site and new access road with the wider pedestrian/cyclist path network. The proposal would generate HGV traffic on the new site access road to the A8, but would remove HGV traffic from the local road network in Bellshill which would improve local air quality and noise, while reducing community severance and improving road safety locally. The proposal would lead to a significant reduction of some 140,000 tonnes of CO2 emissions annually due to a substantial reduction in HGV mileage.

5.15 Construction impacts would arise from: noise, emissions and dust from vehicles, plant, machinery and earthworks; visual impact of construction sites and large plant; construction traffic on the local road network; and loss to informal recreation access caused by construction activities. The main effects would be on the residents of Hattonrigg. The natural environment would also be affected, and mitigation would be required to avoid impacts on water quality and ecology. Some construction impacts would be unavoidable, and would require mitigation by standard conditions, restrictions and responsibilities placed upon contractors. Some construction impacts have the potential to be moderate to major adverse. However, with appropriate mitigation, the construction impacts could be made acceptable and kept to the short term.

Consultations

5.16 The council's planning officials consulted with other council departments and statutory bodies about the acceptability of the proposal and measures needed to mitigate impacts. Subject to appropriate planning conditions being imposed, there were no objections from Scottish Natural Heritage, Scottish Water, the Scottish Environment Protection Agency, the Health and Safety Executive, Historic Scotland, Transport Scotland, the Coal Authority, Scottish Gas Networks, Network Rail, SP Energy Networks or the council's archaeology advisers.

5.17 North Lanarkshire Council Greenspace noted that although not within the site itself, the north-west boundary of the application site bounds SINC: 76/31 North Calder Water: Rosehall Bridge- Carnbroe Mains, and the riparian woodland associated with this SINC is classed as Ancient Woodland. It also noted that there are mature treebelts throughout the site covered by TPOs. As regards protected species (bats, badgers, great crested newts, water voles and otters), as well as ornithology, it was concluded that conditions requiring appropriate protection/mitigation plans and further surveys at appropriate times would suitably address the matters raised. In respect to access, there are several well used paths and tracks including Carnbroe Road, and it was recommended that the council's access officers be involved in the design of the footpath network in the proposed green network in order to link to nearby core paths and other path networks. These matters could all be addressed through planning conditions and a detailed planning application.

5.18 The council's landscape officers advised that the proposal would change the existing landscape character of the northern part of the site comprising the agricultural land (railfreight park area) to a more urban character similar to that of the nearby Eurocentral site. They noted that the proposals would remove trees protected under TPOs and would result in this area becoming more visually prominent to the Hattonrigg residential areas to the south and west of this part of the site.

5.19 While the proposed railhead extension would fit well within the surrounding landscape, the adjacent properties at Love Drive and Centenary Crescent would be adversely affected in terms of visual impacts. They recommended that the visual impacts of the development could be mitigated through careful design of the development platforms and re-profiling of the land as well as appropriate design and materials of any future buildings. They also noted that the proposed community greenspace could be connected with the North Calder Valley, with replacement planting of native species to mitigate the loss of the trees covered by the TPOs. These matters could be addressed through the use of planning conditions and a detailed planning application.

5.20 The council's protective services advised that they were content with the noise and vibration and air quality impacts. They recommended planning conditions covering the requirement for the ground investigation report and in relation to controls over the noise levels generated within the site. Any future detailed application should require to be accompanied by an updated noise impact assessment to ensure that appropriate mitigation was provided.

5.21 The council's traffic and transportation officials raised no objection subject to conditions. They advised that no construction traffic should access the site from Reema Road, the existing railhead access, and that the proposed roundabout on the A8 should be constructed prior to the site becoming operational.

The case for the council

5.22 The council's reasons for refusal included: "That the proposed development is contrary to Policy DSP4 of the North Lanarkshire Local Plan, in that the large scale industrial and distribution uses would not integrate successfully into the local area and would have an adverse impact on the adjoining residential areas, including significant adverse visual effects as concluded in the applicants' Environmental Statement and the impact of noise from the 24 hour operation of the sidings and the distribution park".

5.23 In Policy DSP4 (Quality of Development), criterion 3f requires that development should achieve a high quality in terms of integrating successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy or amenity, overshadowing, or disturbance. The proposal would result in large-scale industrial and distribution uses being located close to existing residential areas. As identified within the ES the proposed development would have significant adverse visual effects. These effects would be most pronounced in the residential area of Hattonrigg, and during both the construction and operation phases of the proposed development. These effects would arise from the loss of existing views into open countryside and from lighting after dark.

5.24 While the council notes that the noise levels associated with the proposal may be within the acceptable guidance levels (as identified within the ES), the very nature of the railfreight park (proposed 24 hour operation) would make the development inappropriate alongside existing dwellings. Properties along James Hamilton Drive are predicted to be subject to operational noise impacts of greater than marginal significance. Such an impact would be contrary to criterion 3f of Policy DSP4 with regards to causing harm to

neighbouring amenity. This would be amplified by the freight slots on the WCML by necessity being dominated by night-time operations.

5.25 Within the appellants' submission it is stated that "the highly urbanised context of the proposed development would tend to restrict the extent of these effects". The council contests this viewpoint, particularly given the acceptance on behalf of the appellants that the majority of the proposed development would be located within an area of designated green belt and therefore cannot be considered to be within an urban context. With regard to the issue of noise, the council considers that the proposal, as a 24 hour operational facility located adjacent to residential properties, would result in persistent disturbance to local residents. While it is acknowledged that the development proposals include mitigation measures, these measures cannot detract from the creation of a facility that would operate 24 hours a day.

The case for the appellants

5.26 From the outset the appellants have recognised the need to integrate the proposed development with the local area and to avoid adverse impacts on the neighbouring residential amenity such as overlooking, loss of privacy or amenity, overshadowing, or disturbance. Following concerns expressed by local residents and the council, the indicative design of the railfreight park was revised to increase the separation distance from the housing to the west at Hillview Crescent from the original 118 metres to the revised 236 metres. In order to protect the residential amenity from visual impacts, the provision of the Green Network/community woodland provides a green landscape buffer between the proposed built elements of the railfreight hub and park and the local residential properties.

5.27 The council's protective services and landscape sections raised no local amenity concerns, subject to the imposition of planning conditions relating to controls regarding the provision of noise mitigation measures and the detailed design of the proposed green network. The council has presented no evidence to support the statement that noise levels associated with the proposed development would make it inappropriate alongside existing dwellings. This statement is not supported by the council's senior environmental health officer who in relation to noise, stated that she had no objection to the grant of consent subject to the imposition of eight planning conditions. The noise assessment in the ES addressed the night-time operations of the rail terminal, and these were included in the assessment of the noise impacts by the council's senior environmental health officer. The appellants welcome the council's acceptance that the proposed development would operate within the noise limits specified in national guidance. The appellants also point out that the existing Mossend Railhead, the WCML, the Eurocentral Rail Terminal and the strategic road network are all 24 hour operations, all of which contribute to the urban context of Hattonrigg/Bellshill.

5.28 The appellants contest the council's view that the identification of part of the appeal site as Green Belt precludes its consideration within an urban context. The appellants consider that the following factors confirm the site's highly urbanised context:

- M8/ A8/ Shawhead/ Coatbridge to the north
- A725/ North Road/ Bellshill/ Strathclyde Business Park to the west
- Hattonrigg/ Bellshill/ Mossend Railhead to the south
- WCML/ Eurocentral to the east.

Other parties

5.29 Environmental and amenity impacts were prominent among the issues raised by objectors. Most of the 1038 letters of objection mentioned these matters. Specific concerns included:

- Noise, both during the construction period and from operations due to increased HGV traffic close to residential areas and up to 12 long trains arriving, loading and unloading daily;
- Air pollution from increased HGV and site traffic;
- Light pollution;
- Loss of amenity: the existing pleasant, peaceful and safe environment would be significantly altered, resulting in deterioration of the quality of life for the residents;
- Loss of view and visual scar on the Green Belt;
- Detrimental effect on wildlife due to loss of green space, noise and air pollution;
- Risk of pluvial flooding.

5.30 Some objectors expressed particular concern about aspects of nature conservation, including the loss of trees and the adequacy of the bat survey undertaken for the ES. Another concern was the prominence of the proposed development arising from its scale and size, with visual effects on the character of the landscape from significant earthworks. The development would result in Bellshill being surrounded by industrial estates. There would be a loss of an area of land for recreation.

Conclusions on Environmental and Amenity Impacts

5.31 The findings of the ES and the responses of consultees indicate that most of the impacts of the proposed development would be acceptable, or could be made so by the imposition of planning conditions. The major exception would be the landscape and visual impact of the railfreight park. This would be increased by some of the measures proposed to reduce noise impacts. There would be a significant adverse effect for many residents of Hattonrigg, whose present outlook to green fields would be replaced by a view of 20-metre high industrial units with a high earth bund and acoustic fence in the foreground. For residents of Rosebank Road, these features would be only 100 metres away and would be visually dominant. Figure 8.8b of the ES shows the approximate height of the buildings as they would be seen from the adjacent Bridgeford Avenue. New tree planting could in time soften the impact, but the massive scale of the development in close proximity to dwellings could be seen as oppressive by residents.

5.32 While conditions could be applied to mitigate the nuisance impacts during construction, it appears to me that there are bound to be some residual impacts for the local community in terms of noise, dust and air pollution, and given the scale of the project these could extend over several years. I also note that there is a conflict between the advice of the council's Traffic and Transport officials that construction traffic should not access the site from Reema Road (paragraph 4.18 above) and the appellants' view that such access should be used to enable construction to begin before M8/A8 completion (paragraph 2.12).

5.33 Policy DSP4, criterion 3f requires development to integrate successfully into the local area and avoid harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy or amenity, overshadowing, or disturbance. Given the significantly adverse visual

impact, I find that the proposed development would not accord with criterion 3f. While the proposal would meet other criteria of the policy, it would not accord with Policy DSP4 as a whole.

5.34 Policy NBE1 (Protecting the Natural and Built Environment) safeguards sites of importance for natural heritage and biodiversity from development. These include TPOs, trees and woodlands. The ES notes the loss of 1.85 hectares of woodland, including trees subject to TPOs, with an impact of moderate-major significance. While in the long term the lost trees would be replaced by the more extensive community woodland, there would be an absence of mature trees for a period of several years. The proposal would not therefore conform to Policy NBE1 in the short term.

CHAPTER 6: ECONOMIC IMPACTS

Description

6.1 The application was supported by an Employment and Socio-Economic Case (appellants' document 34). This took the estimated total construction costs as just under £260 million, and assumed that 50 per cent of the development would be completed by 2020, with a further 25 per cent completed by 2025 and the remaining 25 per cent by 2030. Over the 15 years of construction, it was estimated that employment would equate to an average of 120 full-time employees throughout the construction period, though in practice the numbers were expected to be higher in the early years and then reduce. Overall, these jobs would equate to a 1 per cent increase in construction jobs in North Lanarkshire.

6.2 Assuming completion of 200,000 square metres of floorspace in the railfreight park, there are estimated to be between 2,200 and 3,200 net additional permanent jobs created in transport and storage by 2030, with a mid-range estimate of 2,700. The range takes account of different assumptions about displacement of existing economic activity, leakage and multiplier effects. Gross jobs were estimated at 1,400 by 2020, 2,100 by 2025 and 2,900 by 2030. There was estimated to be, at the mid-range, an increase of 37 per cent in the number of transport and storage jobs in North Lanarkshire. The annual gross value added (GVA) arising from transport and storage was estimated at a range of £111.2 million to £162.1 million by 2030, with a mid-range value of £136.6 million. The 25 year discounted (at 3.5 per cent per year) gross value added by net additional construction and operational jobs was estimated to generate economic value of £2,730 million to the North Lanarkshire economy.

6.3 In considering the initial appeal the reporter sought further written submissions from the appellants, the council and two other railfreight operators who had written in support of, or opposition to, the proposal. Of the latter, only Freightliner Limited responded. The information requested was:

“The basis for the assumptions made about the level of displacement of existing economic activity and employment in arriving at the estimate of 2,700 net jobs and £136.6 million Gross Value Added by 2030, taking account of:

- (a) Effects on existing road/rail freight interchange facilities in Central Scotland including Gartsherrie, Eurocentral and Grangemouth;
- (b) Effects on existing road freight, warehousing and distribution operations, including any reduction in long-distance road freight activity and employment; and
- (c) Growth that could be expected to occur at other locations in Central Scotland in the absence of the appeal proposal.”

The case for the appellants

6.4 The jobs and GVA impacts were assessed using a bespoke economic impact appraisal (EIA) model and represent the mid-point impact of high/low scenarios at the North Lanarkshire level. EIA is the standard method of assessing the net additional impacts that will arise through project activity. It is used by all public sector organisations and takes it

framework from HM Treasury's 'The Green Book - Appraisal and Evaluation in Central Government'.

6.5 The operational EIA took account of:

- Displacement – the extent to which activity at Mossend would take away demand from elsewhere. Gross impacts were reduced by 10-25 per cent at the North Lanarkshire level and 30-50 per cent at the Scottish level;
- Leakage – the extent to which on-site operational jobs would be taken by residents living outwith the target area. Gross impacts were reduced by 15-30 per cent at the North Lanarkshire level and 0-5 per cent at the Scottish level; and
- Multipliers – the indirect and induced impacts that would arise from additional business and employee spend patterns – based on Scottish Government data (Input-Output Tables for appropriate industry sectors), gross impacts were increased by 48 per cent at the North Lanarkshire level and 96 per cent at the Scottish level.

6.6 The proposed development displays very strong additionality at the local and national levels, and the EIA concludes that it would help to grow activity across the sector, supporting a major modal shift and building a new industry base in both North Lanarkshire and Scotland. The proposal would not, in the appellants' view, detract from other local operators whose sites are constrained by rail gauge limitations, lack of capacity to accommodate 775 metre sidings and trains, location on the non-electrified rail network, lack of adjacent developable land and lack of direct access to the strategic road network. In addition, local operators could benefit from the onward transfer of rail freight delivered to the Mossend Strategic Freight Transport Hub by highly efficient and sustainable 775 metre electric freight trains.

6.7 The reduction in long-distance road freight activity and employment is implicit in the Scottish and UK Governments' long term strategy of modal shift of freight from road to rail. The proposed development has considerable potential to support industry expansion and increase rail freight volumes from both existing and new occupiers. The growth in total freight movements would result in an increase in employment in the distribution of goods and materials from the freight terminal and railfreight park to customers throughout Scotland.

6.8 The appellants point out that the analysis also takes account of time additionality. While development and growth could happen elsewhere, Mossend Yard is the only current Strategic Rail Freight Interchange development proposal in Scotland, and as such allows impacts to come forward earlier than would otherwise be the case. The proposed development is based on an existing successful rail freight operation rather than a new business venture. It would be an 'open access' terminal that allowed the whole industry to take advantage of operational efficiencies.

The further information request

6.9 The author of the appraisal and report (appellants' production 34) on the socio-economic effects arising from the Proposed Development was Mhairi Donaghy, associate director with EKOS: Economic and Social Development. She has over 25-years of relevant industry experience and has been employed at EKOS Economic and Social Development

for 15 years, the past ten as associate director with overall responsibility for regeneration and development research.

6.10 Ms Donaghy prepared the original impact appraisal for the proposed development in 2012/13, based on the development description in the original planning application, using standard industry techniques and official data sources. The analysis estimated that 2,900 gross jobs would be accommodated at the 200,000 square metre distribution and logistics park, based on an average co-efficient of 70 square metres per gross job (Source: OffPAT Employment Densities Guide, 2nd Edition 2010, Homes and Communities Agency). Based on Ms Donaghy's knowledge and experience she undertook an Economic Impact Appraisal (EIA) gross to net calculation, taking account of the relevant factors classified in the HM Treasury Green Book:

- displacement – reducing gross jobs to take account of the negative effect that the proposed development was estimated to have on other businesses;
- leakage – further reducing gross jobs to take account of the proportion of jobs that would be taken by people living outwith the target area; and
- multipliers – increasing gross jobs to take account of positive spin-off effects through employee (wages) and business (supply chain) patterns (Source: Scottish Government Input-Output Tables).

6.11 This EIA process established the net additional jobs that were estimated would be generated through the 200,000 square metre of new floorspace proposed. In setting the baseline against which these net impact could be considered, the appraisal was based on SIC07 Code: Section H Divisions 49 to 53 "Transport and Storage" (Source: Office for National Statistics, Annual Business Survey, compiled by Scottish Government). All of the estimated net additional jobs were based on the development of the distribution and logistics park as part of the proposed development and therefore relate to the distribution and logistics sector. As clarified in the introductory text in the 2013 EIA Report "Different data sources use different terminology when referring to the distribution and logistics sector, most notably SIC 2007 refers to it as the transport and storage sector. EKOS therefore used the most appropriate definition for each data source as appropriate".

6.12 The original 2013 EIA report was prepared at the North Lanarkshire Council level (each of the EIA factors have different effects at different spatial levels) and adopted sensitivity testing at low and high impact scenarios with reporting at the mid-point, estimating 2,700 net additional jobs (within a range from 2,200 to 3,200). Although not included in the written report, the appraisal also included analysis at the Scottish level – this was included in the appellants' response to the original reporter's economic questions in March 2015 where EKOS recorded the net additional effect at the Scottish level at 3,500 net additional jobs (within a low and high impact range from 2,300 to 4,600 jobs). For clarification and ease of referencing the high-low impact scenarios for net additional jobs at the two spatial levels are presented in the Table 1 below.

Table 1	North Lanarkshire Level		Scottish Level	
	Low impact	High Impact	Low Impact	High Impact
Floorspace	200,000 sqm	200,000 sqm	200,000 sqm	200,000 sqm
Employment density ¹	70 sqm per job	70 sqm per job	70 sqm per job	70 sqm per job
Gross jobs	2,900	2,900	2,900	2,900
Less displacement	25%	10%	50%	30%
Less leakage	30%	15%	5%	0%
Plus multiplier ²	1.48	1.48	1.96	1.96
Net additional jobs	2,200	3,200	2,300	4,600
Mid-point	2,700		3,500	

Note: All jobs rounded to the nearest 100. 1 Source: OffPAT. 2 Source: Scottish Government.

In all EKOS reporting, jobs are consistently referred to as within the 'Transport and Storage' sector, which includes Warehousing within Section H Division 52 "Warehousing and Support Activities for Transportation" [Source: ONS SIC07 Codes].

6.13 Paragraph 5.16 of the original reporter's report states:

"It appears to me that if Mossend were to succeed in attracting business, much of it would be displaced from other locations. This is more likely to be true of distribution activity than of manufacturing, some of which might be attracted to the railfreight park and could represent a net gain to Scotland. There would be a real prospect of the closure of the Freightliner terminal at Coatbridge, and potentially a risk to other facilities in Central Scotland. Therefore, I consider a cautious approach should be adopted in assessing the net economic benefits."

6.14 In the original reporter's report 'Conclusion on economic impacts' section (in both the summary report and at Chapter 5), the first reference to 1,000 net additional jobs is reported. This value is derived from the low impact scenario at the Scottish level (50% displacement, 5% leakage) but is not based on the full development of 200,000 square metres and does not reflect the significant uplift arising from the multiplier effects. The original reporter has reduced the gross jobs from the full development value of 2,900 by 2030 to the lower 2025 value of 2,100 on the basis that:

"On the conservative assumption that the site might not achieve the full potential until sometime after 2030, the 2025 estimate of 2,100 gross jobs would equate to slightly over 1,000 net additional jobs at the Scottish level, to which multiplier effects would need to be added".

6.15 In preparing a development EIA, the impact of the full proposed development should be taken into account, albeit that the jobs are often recorded against interim stages. It would therefore have been more appropriate to extend the time period for reporting impacts, than to adopt an interim value, but even on the basis of the 1,000 jobs the multiplier effect would increase this value by 1.96 to 2,000 net additional jobs at the Scottish level (as recommended in HM Treasury Green Book all jobs are rounded to the nearest 100 to avoid 'spurious accuracy'). It is also important to note that the EIA is based on development of 200,000 square metres distribution and logistics park. The net additional jobs therefore arise within the distribution and logistics activities, rather than in transport or manufacturing. There will be impacts on both of these sectors but they have been taken into account through both the displacement (negative) and multiplier (positive) effects.

6.16 In the Scottish Ministers' decision letter, the 1,000 net jobs value is taken forward but the definition of these jobs has unfortunately been shorthanded to 'new transport' jobs rather than 'Transport and Storage' jobs. This has somewhat confused matters as the jobs arise within the distribution and logistics sector which, as defined earlier, sits within the SIC07 Section H Divisions 49 to 53 "Transport and Storage" code. Ms Donaghy considers that the accurate description and value (adopting the low impact, or conservative assumption) is 2,300 net additional transport and storage jobs at the Scottish level, as defined at Table 1 above.

6.17 In the Opinion of the Court of Session delivered by Lord Drummond Young, dated 23 August 2016, paragraph 36 states:

"We should perhaps add that we have some scepticism about figures for the gain in transport jobs used by both the reporter and Scottish Ministers. The immediate result of technical innovation is usually a loss of jobs in the sector concerned; the point of innovation is to enable the same task to be performed more efficiently, which normally involves using less labour. In the long term, of course, great benefits are likely to flow from the reduced costs of the improved technology, and these may result in an increase of employment, usually in other sectors whose costs have been reduced. This is especially so with improvements in freight transport. Freight transport is not an end in itself; it involves the movement of goods from producer to consumer, usually through many intermediaries. Consequently, the growth of freight transport is dependent on increased production and consumption of goods rather than efficiencies in the transport system itself. A recent example is the development of container transport, which produced substantial job losses in traditional docks and old-fashioned transit points. It did, however, result in enormous efficiencies in freight transport as a whole, which reduced the cost of most goods to consumers. It is not clear from the decision letter (or, it must be said, from the report) how the increase in transport jobs, as against related manufacturing jobs, is said to arise."

6.18 The above extract illustrates that the short-handing to 'transport' jobs rather than 'transport and storage' by the reporter and the Scottish Ministers has been taken at face value as read by the Court of Session. As a result the Court considered that the 1,000 net additional jobs exclusively related to freight transport jobs i.e. road, rail, docks and transit points. As a result, the Court was unaware that this figure referred to storage and logistics jobs rather than transport.

6.19 Analysis of official Scottish Government data (BRES) shows that there has been substantial growth in the 'freight rail transport' and 'freight transport by roads' SIC sub-sectors in North Lanarkshire over the period from 2010 to 2015 (latest available data), growing at 20% and 14% respectively. North Lanarkshire is also a major and growing centre for such employment – in 2015 it accounted for 60% of all Scottish employment in the 'freight rail transport' sector and 12% of the 'freight transport by road' sector.

6.20 Over the same period (2010 to 2015) there has also been growth in the number of jobs in the 'warehousing and storage' sub-sector (SIC07 52.10) both in absolute numbers and in relative terms:

- in North Lanarkshire the total number of jobs has increased from 1,750 to 3,500; and from 1.4% to 1.7% as a proportion of total jobs; and
- at the Scottish level the total number of jobs has increased from 9,000 to 14,000; and from 0.4% to 0.6% as a proportion of total jobs.

This demonstrates that there has been significant growth in the sector that is targeted by the proposed development over recent years, and that North Lanarkshire is an attractive

location for businesses operating in this sector, accounting for 25% of the total Scottish jobs in 2015 (19% in 2010).

6.21 The appellants attach an updated economic impact appraisal, which updates Table 1, shown as Table 2 below. Since the original was prepared a number of the key input data factors have changed:

- construction costs have been up-rated from £260m to £280m to account for inflation using the Construction Output Prices Indices;
- the gross jobs have been reduced from 2,900 to 2,600 to account for a revision in the 2015 OffPAT Employment Densities Guide – Regional Distribution Centre now recommended for appraisal at 1 FTE per 77 sqm (2011 Guide = 70 sqm);
- sector level data updated to reflect latest releases from official Government sources (BRES, Nomis, Input-Output Tables) covering turnover, multiplier, GVA and salary; and
- the development timescale has been amended, pushing start and completion stages out by five years.

Following the same layout as Table 1 (from the original EIA), Table 2 presents the updated estimate of job creation at MIRP. It is important to note that the displacement and leakage factors are consistent but that multipliers have been amended, reflecting current Scottish Government data.

Table 2	North Lanarkshire Level		Scottish Level	
	Low impact	High Impact	Low Impact	High Impact
Floorspace	200,000 sqm	200,000 sqm	200,000 sqm	200,000 sqm
Employment density ¹	77 sqm per job	77 sqm per job	77 sqm per job	77 sqm per job
Gross jobs	2,600	2,600	2,600	2,600
Less displacement	25%	10%	50%	30%
Less leakage	30%	15%	5%	0%
Plus multiplier ²	1.44	1.44	1.89	1.89
Net additional jobs	2,000	2,900	2,300	3,400
Mid-point	2,600		2,900	

Note: All jobs rounded to the nearest 100. 1 Source: OffPAT. 2 Source: Scottish Government.

6.22 All jobs will be within the ‘Transport and Storage’ sector and relate to the use of the 200,000 square metre Railfreight Park i.e. distribution and storage. The jobs are presented as at full completion and occupation of the whole development. Adopting the ‘worst case’ scenario of 50% displacement as per the original reporter’s report, Table 2 shows that the development is forecast to create 2,300 net additional jobs at the Scottish level by 2044.

6.23 The Court of Session also referred to manufacturing jobs, which the original reporter referred to in paragraphs 5.16 and 6.1 of the original report. However, it should be noted that manufacturing jobs were not addressed in the original EIA, nor in the updated EIA, as the employment generation figures are based exclusively in the ‘Transport and Storage’ sector.

6.24 In the Opinion of the Court of Session paragraph 40 states:
“The third factor that is referred to is the expected substantial economic benefits of the proposal. Here, however, the reporter advised that economic benefits be treated with caution, and it might be thought that a development on an alternative location could

produce broadly comparable economic benefits. No explanation is given as to why this particular development might have greater economic benefits.”

6.25 As presented at Table 1, treating the economic benefits with caution generates a net additional impact of 2,300 jobs at the Scottish level. While other rail freight sites could be redeveloped to accommodate an expanded rail halt (but not to accommodate 775 metre electric trains), or other development sites could potentially accommodate a 200,000 square metre distribution and logistics Park, Ms Donaghy is not aware of any other site that readily provides capacity for both elements together, or provides direct access to the strategic road network (M8, A8, M73 and M74). On this basis Ms Donaghy would conclude that an alternative location is incapable of producing broadly comparable economic benefits.

The case for the council

6.26 The council questions whether the forecast economic benefits are achievable, and of a level that could justify the adverse environmental impacts. There are also concerns regarding the potential impact of the proposed development at Mossend on other existing (and proposed) developments within North Lanarkshire and beyond. While the council recognises the new business the proposal aims to attract, it considers that this would be to the detriment of existing facilities. In the council's view, the 2,700 net additional jobs and corresponding GVA claimed by the appellants do not reflect the wider impact the proposals would have on existing business within both North Lanarkshire and the surrounding area. These concerns were highlighted by Freightliner Limited in their objection to the planning application, which cast doubt on that operator's ability to remain competitive at Coatbridge in light of the proposed development. In the council's view, it is inevitable that there would be job losses within North Lanarkshire should this development proceed, especially in facilities 'up-line' from Mossend. The rail hub at Mossend would capture, as intended, the market for rail freight to the detriment of existing facilities within and beyond North Lanarkshire.

6.27 The council considers that the proposed creation of an 'inland port' at Mossend would result in a number of existing facilities being by-passed by the development, thus creating an imbalance in the competitive market. While accepting that the centralisation of rail freight activity to one facility could reduce some environmental impacts (through reduction in lorry movements), the council considers that the loss of existing employment and the potential loss of a competitive market in North Lanarkshire and beyond would be inappropriate. The potential for the emerging dominance of one facility in Scotland would suggest that the benefits of a competitive (regional) market would be lost, with the proposed development competing predominantly against existing facilities in England. The presence of a large number of retail distribution centres within the Central Belt of Scotland suggests that there is already an effective network in place for the distribution of goods. It is questionable whether these existing warehouses and associated companies would be willing to relocate from these areas as suggested in the appellants' original submission.

6.28 As described in Chapter 2 above, the council is minded to approve the proposed Kilgarth Railfreight Facility (subject to a Section 75 agreement). If the proposed development at Mossend were approved, the knock-on effect on the proposal at Kilgarth would result in that site no longer being viable. The council draws attention to the reference on page 27 of the Main Issues Report of the developing Clydeplan (2015) to the protection of five 'Strategic Freight Hubs' including that located at Gartsherrie (as well as Eurocentral/ Mossend and Coatbridge). The scale of the proposed development would in the council's

view be at odds with the emerging Clydeplan, given that it would result in the likely loss of facilities proposed to be retained.

6.29 While the council recognises that the proposed development would provide opportunities for employment and for additional GVA, it considers that a sizeable percentage of the increase would be drawn from existing facilities, thus reducing the net benefits of the proposals. Furthermore, the council draws attention to the unpredictable nature of the railfreight industry (which was highlighted in the appellants' Economic Need and Evaluation document) and the consequent uncertainty about the benefits associated with the proposed development. In the council's view, these factors reduce the justification for the proposed development below a level that would support the irreversible loss of environmental features as an acceptable departure from the development plan.

The further information request

6.30 In its submission of 2 March 2015 (in response to the procedure notice dated 9 February 2015 relating to economic benefit) the council noted that the potential for the economic benefits associated with the proposals were not questioned by the council. Rather, the concern of the council related to the proper location of where the benefits should be realised. Since March 2015, the Scottish Government has issued "*Draft Advice on Net Economic Benefit and Planning*" for consultation (March 2016). (NLC Document). This is considered relevant to the assessment of the appeal. In particular, the council would refer the reporter to paragraph 13 of that guidance and in particular:

"Deadweight effects: outcomes which would have occurred without the decision to proceed. This could be because the same or similar development could have been accommodated on another site in the local authority area which has been identified as suitable for that type of development."

6.31 It is the Council's view that there are other sites within North Lanarkshire which offer an alternative and appropriate location for this development. Accordingly, the council believes that there is a significant element of deadweight evident. Looking at the example scenarios given in "*Draft Advice on Net Economic Benefit and Planning*" (page 9) the degree of deadweight for the proposed development would reasonably be assessed as being between medium to high. On this basis the estimated level of net economic benefit from the proposal should be adjusted downwards accordingly.

6.32 Mossend is one of four sites within North Lanarkshire which in part or entirely benefit from zoning within the adopted North Lanarkshire Local Plan as "*International Transport Facilities (ITF)*". This policy confirms "*Support for the capacity and effectiveness of the international transport network and docks, rail freight facilities and road links*".

6.33 Given Kilgarth's local plan zoning as an "*International Transport Facility*" the council considers it clear that a significant part the appeal development could be accommodated within that site and be in accordance with the approved local plan. In the emerging LDP the site at Kilgarth is zoned as "Promoting Development Sites and Infrastructure Improvements (Specialised Business)".

6.34 The council acknowledges that the planning service has not received correspondence from the applicant at Kilgarth for some considerable time. It states that this is a legacy planning application which must now be brought to a conclusion. Even if the applicant at Kilgarth were to rekindle its interest in concluding the proposed Section 75

agreement, it would be highly likely that this could not be accommodated given the time scale and change in circumstances since the supporting information (including environmental statement) was prepared and also the time since the council was first minded to grant permission.

6.35 It is clear that the appellant would wish the reporter and Ministers to attach great weight to the fact that the applicant at Kilgarth has, for whatever reason, not taken forward its interest to the extent that the proposed Section 75 has been concluded and the planning permission issued. The council emphasises that there exists a significant area of land which is capable of accommodating a development similar to that put forward by the appellant. The fact that the current applicant at Kilgarth has not progressed the current planning application does not justify the appellant from discarding this alternative and appropriate site. It is also noted that through appropriate technical assessment through EIA and the planning application process, the application at Kilgarth has demonstrated that a significant rail freight hub with ancillary logistics can be accommodated without any unacceptable local impact, unlike the appeal site.

6.36 The Council states it does not have information which would allow it to offer detailed comment on the impact of the appeal proposals on the sites at Gartsherrie (Freightliner) and Eurocentral (DB Schenker).

Freightliner Limited

6.37 The Freightliner terminal at Gartsherrie Road, Coatbridge employs 65 staff. Freightliner is concerned that the Mossend proposal could result in displacement from its site, though the extent would depend on choices made by customers. The costs of the terminal are mainly fixed, and therefore container throughput is vital to providing a service that is competitive with road and ship. Loss of throughput would increase the cost per container and reduce competitiveness. Gartsherrie has capacity to move more trains than at present, and further capacity could be created through investment. Such investment would require an extended pay-back period, and would be less likely to go ahead if the Mossend scheme were to proceed. This could seriously prejudice Freightliner's ability to remain competitive at Coatbridge. Any significant reduction in throughput could lead to closure of the terminal and loss of jobs.

6.38 'Deep-sea' container volume in Scotland is export-led, while rail services are more lightly loaded in the import direction. There is already capacity on existing services to move more imported containers. There is a risk that a further imbalance between import and export flows could be created, making movements uneconomic for rail freight operators. Export demand is driven by the spirit industry, which has large peaks and troughs. During peak times, due to lack of import demand, export-only services are required and rail freight cannot compete with feeder operations from Grangemouth and Greenock, which dominate the market and set the price. A new facility would not overcome this problem.

Further information response

6.39 Suitable rail freight facilities are key to support and service the movement of goods domestically within Scotland and between other parts of the UK and Scotland, and therefore Freightliner strongly supports the development of appropriate new, or improved, rail freight facilities. Government support in Scotland is critical to enable this, and it is important that this support forms part of the wider UK rail strategy.

6.40 Regarding the impact on Coatbridge Freightliner is a long established provider of rail services in Scotland and has a concern about the impact on its business should the proposed development at Mossend proceed. Natural traffic imbalances between imports and exports, as well as competitive pricing from feeders, have seen rail volumes challenged over the years. Freightliner remains concerned that any reduction in throughput at Coatbridge resulting from the proposed development, could result in the loss of jobs at the site. If information could be provided to demonstrate that this new site is not simply extracting business from the existing rail sites in the area, then that may allay some of these concerns.

6.41 There is capacity to increase throughput within the Freightliner terminal at Coatbridge to accommodate additional rail freight demand in the area. Furthermore the planned enhancement to Network Rail infrastructure outside the terminal will further increase capacity. £3m of funding from the Scottish Strategic Rail Freight Investment Fund has been approved by the Scotland Freight Joint Board to link the headshunt at the north end of the terminal with the main line. This enhancement will significantly improve the flexibility of the terminal and will increase capacity by allowing:

- 1) all deep-sea intermodal trains to be extended to 30 wagons,
- 2) all domestic intermodal trains to be extended to 18 IKAs, and
- 3) an additional train slot created within the terminal

6.42 There is a risk that the outputs of this investment will be undermined should the new site at Mossend be positioned to extract business from existing facilities. The appellants advise that they are not specifically targeting the deep sea market, which is Freightliner's core traffic, but they do recognise that their scheme is a risk to our business. The proposed plans for 775 metre length roads to make a cost efficient rail model is eminently sensible, but there needs to be a sizeable rail market opportunity in order to make best use of such a large facility.

6.43 Freightliner understands the appellants have identified around 8,500 light goods vehicle movements each day on the A1 and M74. Their target is to convert 30% of these movements to rail via their proposed railhead, which they suggest could be up to 2,000 containers per day. However without establishing the origin and destination of this potential rail traffic, it is difficult to determine the suitability and viability of the Mossend development in attracting new to rail business.

6.44 Freightliner suggests that in the event of planning permission being granted conditions should be attached making the development of the rail facility contingent on the development of the warehousing. This would help ensure that the new facility is not simply positioned to extract business from Freightliner's existing Coatbridge terminal.

DB Cargo (UK) Limited (formerly DB Schenker)

6.45 In response to the December 2016 further information request DB Cargo (UK) Limited referred to the impact on rail freight facilities. It states that it operates the Eurocentral Freight Terminal on the east side of the Mossend yard railway junction. It welcomes the UK and Scottish Governments' recognition of the key economic and environmental importance of the rail freight industry and are strong supporters of the need to upgrade Scotland's rail infrastructure to reflect modern standards which currently exist in England and continental Europe.

6.46 It welcomes the proposed introduction of 775 metre electric freight train capacity to the Scottish network and considers that Mossend is the natural strategic freight transport hub for Central Scotland. In addition it considers there is no other freight facility in North Lanarkshire adjacent to the WCML with direct access to the strategic road network of the M8, A8, M73 and M74 which has the developable area and site capacity to accommodate this new standard of electric freight train.

6.47 It adds that securing modal shift from road to rail requires a more competitive proposition which delivers significant cost, time and economic benefits. It considers the proposed development will complement and enhance the operation of its Eurocentral facility.

6.48 With regard to Kilgarth it says it is unaware of any business interest in the site from a rail freight industry perspective. It considers the proposal is in long term abeyance with little, if any, prospect of implementation.

Conclusions on economic impacts

6.49 The first reporter's report concluded that while the proposal has potential to generate substantial economic benefits, there is considerable uncertainty about whether, and how quickly, that potential would be fully realised, and the extent of displacement of existing economic activity that would result. Realisation would depend on market conditions and the willingness of businesses to relocate to the Mossend railfreight park, or to route their traffic through the terminal. The council draws attention to the large number of retail distribution centres within the Central Belt of Scotland and suggests that there is already an effective network in place for the distribution of goods. Much would depend on whether the operators of those centres, and of other businesses requiring bulk movement of goods, perceived Mossend as offering them a competitive advantage over their existing arrangements. I accept these general conclusions.

6.50 In their response to the December 2016 further information response the appellants point to a misunderstanding, in their opinion, by the Court of Session in referring to 'transport' jobs rather than 'transport and storage'. Thus, they state, the court considered that the 1,000 net additional jobs exclusively related to freight transport jobs, that is road, rail, docks and transit points. As a result they say the court was unaware that the figure referred to storage and logistics jobs rather than transport.

6.51 Irrespective of the merits of this argument the key point made by the Court, in my opinion, is that it is not clear from the Ministers' decision letter, or the original report, as to how the increase in jobs (*whether in transport or transport and storage – my insertion*), as against related manufacturing jobs is said to arise. See extract from the Court decision at paragraph 6.17 above.

6.52 The appellants have provided a revised version of the Table 1 from the original EIA, produced as Table 2 above. This takes into account revised assumptions, including increased construction costs; revised OffPAT Employment Densities Guide; updated sector level data; and amended development timescale. Multipliers have also been amended to reflect current Scottish Government data.

6.53 The table has a high and low impact range of job projections for both the North Lanarkshire and Scottish levels. This produces a mid-point level for each that decreases slightly for North Lanarkshire to 2,600 (from 2,700) but significantly for Scotland to 2,900 (from 3,600). Adopting the 'worst case' scenario of 50% displacement is in the original report, there would be 2,300 additional net jobs at the Scottish level by 2044 (See Table 2 above).

6.54 The original report concluded that: "If Mossend were to succeed in attracting business, much of it would be displaced from other locations. This is more likely to be true of distribution activity than of manufacturing, some of which might be attracted to the railfreight park and could represent a net gain to Scotland. There would be a real prospect of the closure of the Freightliner terminal at Coatbridge, and potentially a risk to other facilities in Central Scotland. Therefore I consider a cautious approach should be adopted in assessing the net economic benefits."

6.55 I have some difficulty in attaching credence to any figures attempting to present accurate forecasts over 25 years into the future, especially when the figure of 2,300 jobs is, in absolute terms, relatively small. The appellants note the increase in the substantial growth in the local area over the five year period 2010 to 2015 (paragraph 6.20 above). If this were to continue it bodes well for the industry as a whole in North Lanarkshire and would arguably increase jobs in the sector by a much greater amount than forecast.

6.56 It is also important to understand exactly where the figures originate. The original report quotes (paragraph 5.17) quotes the 2,300 gross jobs (Table 1 Scottish Level Low Impact) as equating to just over 1,000 net additional jobs, but this does not include the multiplier of 1.96 (Scottish Government figure) as acknowledged in the report. Translating this figure to the updated Table 2 would give the same net figure of 2,300 jobs but with the multiplier slightly reduced to 1.89 as opposed to 1.96. Assuming the 1,000 job figure is maintained in relation to the gross jobs this would still equate to nearly 2,000 net additional jobs at the Scottish level.

6.57 In addition the construction activity, even if the whole of the railfreight park were not completed, would also provide the equivalent of around 100-120 jobs for a decade or more. Taken together these are very considerable economic benefits that are an important material consideration to be taken into account in the overall balance. However, it is also possible that a substantial proportion of the benefits could be realised by rail freight developments in alternative locations.

6.58 In relation to this the appellants' final argument (paragraph 6.25 above) rests on the suitability of the appeal site to accommodate the proposed development with a net additional impact of 2,300 jobs at the Scottish level. They say that (paragraph 6.25 above) while other rail freight sites could be redeveloped to accommodate an expanded rail halt (but not to accommodate 775 metre electric trains), or other development sites could potentially accommodate a 200,000 square metre distribution and logistics park, they are not aware of any other site that readily provides capacity for both elements together, or provides direct access to the strategic road network (M8, A8, M73 and M74). On this basis they conclude that an alternative location is incapable of producing broadly comparable economic benefits.

6.59 Drawing these matters together the council still maintains that Kilgarth is a better site, largely on grounds relating to the greenbelt arguments. Whilst understanding the logic

of the council's case, I have already referred above to Kilgarth, and the lack of any evidence before me that the site could be developed in the foreseeable future. Evidence from Freightliner and DB Cargo presents a cautious welcome for a new development such as that proposed. This is tempered by some concerns about the future of the freightliner depot but the appellants have provided an explanation about the different markets served. There are of course no guarantees that this situation would remain in the future.

6.60 Overall, whilst having some concerns about the long term nature of some of the projections I am satisfied that that there would be considerable economic benefits from the proposed development. I agree with the previous reporter that these are an important material consideration to be taken into account in the overall balance.

CHAPTER 7: OVERALL CONCLUSIONS AND RECOMMENDATIONS

Benefits and disbenefits

7.1 The proposed development would offer substantial benefits. These include:

- Improvement to Central Scotland's freight infrastructure and enhanced competitiveness for distribution and manufacturing;
- Modal shift from road to rail, reducing HGV movements, carbon emissions, traffic congestion and environmental impact on communities;
- Economic benefits in the form of net additional jobs and GVA;
- Re-use of brownfield land for the rail terminal;
- Removal of HGV traffic from the local road network by taking advantage of direct access from the A8 and new M8 extension.

7.2 Set against those are significant disbenefits, including:

- Major loss of Green Belt and protected trees;
- Continuous built development so that only main roads would separate Bellshill from Coatbridge;
- Significant visual and amenity impacts on the community of Hattonrigg;
- Loss of recreational space, partly compensated by proposed green network/ woodland;
- Existing and proposed alternative sites for rail freight may be adversely affected.

7.3 The appellants' case is that Mossend offers clear advantages over the alternatives and, given the long lead times for a major development of this scale, should be allowed to proceed now so that the undoubted benefits can be secured earlier than would otherwise be the case. It is also the appellants' position that the elements of the proposal (rail terminal, railfreight park, A8 access road and green space) are not separable and that the railfreight park is necessary to cross-fund the rest of the development. On the contrary the council believes the loss of green belt and the availability of an alternative site at Kilgarth mean that granting of planning permission for the proposed development is not justified and there are no other material considerations that indicate a different decision.

Compliance with the development plan

7.4 In relation to the SDP, I have found that the Spatial Development Strategy (Diagram 3) provides partial support for the proposal, but also supports the Green Belt, and that on balance the proposal is not consistent with the strategy; Schedule 3 and Strategy Support Measure 6 provide support; and while the application of Diagram 4 shows both positive (arising from the freight terminal and green network) and negative (arising from the railfreight park) aspects, the proposal as a whole is not entirely consistent as a 'sustainable location' in accordance with the vision and strategy of the SDP (see paragraphs 2.25 and 3.46-3.49 above).

7.5 As regards the LP, I have concluded that Policies EDI1, EDI2 and DSAP support the freight terminal but not the railfreight park; and the proposal would be contrary to Policies NBE1, NBE3, DSP2 and DSP4 (see paragraphs 2.26, 2.27, 3.43, 3.50, 4.30 and 4.31 above).

7.6 Considering the development plan as a whole, therefore, I find that the proposed development would not be in accordance. This is accepted by the appellants. The significant issue that affects the whole position regarding the development plan is the green belt, and associated issues of amenity and landscape.

7.7 In this situation the proposed development should normally be dismissed. It falls therefore, under the terms of section 25 of the Town and Country Planning (Scotland) Act 1997 to decide whether other material considerations indicate a different decision.

Other material considerations

7.8 NPF3 provides some support for the proposed development, but (as discussed in paragraphs 3.32-3.33 above) envisages further work being necessary to develop a strategic view of future development priorities for rail freight in time for NPF4. Some caution is therefore necessary in assessing the weight to be assigned to NPF3 in support of the appeal proposal.

7.9 That said there has already been a significant passage of time since the original application and NPF4 is unlikely to be adopted before 2020. The only other potential identified site that could accommodate a development on the scale of that proposed is Kilgarth. From the evidence discussed above I am satisfied there is no prospect of any development there coming to fruition within the foreseeable future. In addition the council has shown no evidence of progress on a strategic review of rail freight services in the broad M8/WCML corridor as a whole. This effectively leaves an impasse on new freight facilities provision. Such an impasse would not support the Scottish Government's intentions of moving to a low carbon economy and modal shift from road to rail freight transport.

7.10 SPP sets out policies and principles which lend support to the proposal (paragraphs 104, 270 and 282), but also ones that favour the retention of the green belt (paragraphs 49-52 and 220). The appellants cite the presumption in favour of development that contributes to sustainable development (SPP paragraphs 28-29, summarised at 1.31 above). This involves balancing the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

7.11 The proposal scores positively against some of the guiding principles. These include giving due weight to net economic benefit. I have concluded (paragraphs 6.57 and 6.60 above) that the economic benefits would be substantial, and even on the most conservative assumptions over 1,000 net new jobs would be created by 2030. The proposal would support delivery of transport infrastructure. It would contribute significantly to climate change mitigation by removing an estimated 140,000 tonnes of CO2 emissions annually due to reduction in HGV mileage. Although difficult to predict exact numbers there would be significant environmental benefits in the transfer of HGV movements from the local road network to the proposed new motorway access, both in terms of trunk traffic and movement between rail sidings and storage sheds.

7.12 The proposal scores less well on supporting good design and the qualities of successful places. While detailed design would be a matter for later decision, it is clear that very large industrial and warehouse buildings and high earth bunds would be constructed in close proximity to residential areas. Some mitigation could be achieved through the proposed green network/community woodland, and the detailed control of the location of

individual buildings. This would benefit primarily those in the vicinity of Hillview Crescent, farthest away from the developed part of the site.

7.13 The council supports the development of the brownfield land close to the eastern part of the built up area, around Love Drive and Clay Crescent. These housing areas would be protected by bunds, planting and acoustic fences and in this respect have a similar situation to houses closer to the development, as along Rosebank Road. Apart from the overall loss of greenbelt the main issue there is the presence of storage sheds only 100 metres from the houses as shown on indicative plans. Looking at the indicated layout as a whole there appears to be clear scope to move these buildings further to the north, giving an increased separation distance to reduce the dominating effect of the buildings' height. This could be subject to condition.

7.14 That said, although mitigation can go some way towards protecting amenity, there would be some loss and the quality of Hattonrigg as a residential environment would be diminished. Similarly, there would be a net loss of natural heritage, green infrastructure and landscape. By substituting continuous built development for most of the green space between Bellshill and Coatbridge, the separation of the two settlements by open country would be very substantially reduced.

7.15 Whether the proposal can be regarded on balance as development that contributes to sustainable development depends on the relative weight to be attached to different factors. There would be substantial economic benefits and carbon savings, and whether these are outweighed by the adverse impacts on quality of place, residential amenity and green space is a matter very finely balanced.

7.16 The SDP gives significant support for the proposal and it falls short of full support only because of the intrusion into the green belt. I have referred above to the delays in the preparation of an overall strategic plan for freight services, and this does not serve the Governments intentions of reducing carbon emissions encouraging modal shift from road to rail. The previous report concluded that further examination was required, including a review of alternatives. So far this has been restricted to the preparation, examination and submission to Ministers of the proposed SDP. The emerging LDP is still some way from completion and as such carries relatively little weight.

7.17 I am satisfied from the evidence discussed above, the representations before me and what I saw at my site inspections, both accompanied at the proposed site and unaccompanied in the wider area, that Mossend represents the best site in the area, and the only practicable one in the medium term, for the development proposed. In particular the opening of the new M8 extension and the good opportunity this presents for access to the strategic road network across central Scotland, removing HGV traffic from local roads presents strong support. I attach very significant weight to the strategic advantages of the site. The overall economic benefits of the proposal to the Scottish economy also weigh heavily in support of the proposal.

7.18 I accept the very strong and genuinely held concerns of the local community with regard to the loss of the green belt but believe the mitigation proposed will go a significant way to reducing this negative impact.

7.19 I have taken account of the developments since the adoption of the extant LP as cited by the appellants at paragraph 4.32 above, and of the likelihood that approval of the

appeal proposal would secure early delivery of the benefits. Also, other than the proposed SDP, now before Ministers, the lack of progress on forward planning referred to above. No specific proposals have been put forward elsewhere.

7.20 SPP makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and the SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

7.21 Other material considerations include the representations against and in support of the proposed development. The council received 1038 letters of objection, principally on grounds of loss of green belt and impact on residential amenity, and 12 letters of support. The concerns of the local community cannot be entirely addressed by mitigation measures, and merit considerable weight.

7.22 There are 32 proposed conditions based on those suggested by the council and which the appellants found acceptable. I consider that these conditions meet the tests set out in Circular 4/1998 regarding the use of conditions in planning permissions.

Overall conclusion

7.23 I conclude that the proposed development would not accord with the development plan. The support for the development of Mossend in the SDP, and the proposed SDP, despite being tempered by qualifications over the green belt, the excellent strategic location of the site, support for carbon reduction and modal shift, and wide economic benefits are material considerations which lend support to the proposal and carry significant weight. Against this there would be a significant loss of green belt and harm to residential amenity, although this could be mitigated to a considerable extent. Since the original application was submitted in 2013 there has largely been inaction over a strategic review and consideration of alternative viable sites. This does not provide encouragement for the possibility for an alternative proposal coming forward in the foreseeable future.

7.24 Taking all these matters into account the situation is very finely balanced. Since the first report was submitted the M8 extension and the overbridge access to the site have been completed. The strategic importance of the site has been endorsed in the proposed SDP, now before the Scottish Ministers. In contrast with this there appears to have been little, if any, action in terms of a strategic review of rail freight requirements leading to modal shift in central Scotland. No action appears to have been taken to further the development of the only realistic alternative site at Kilgarth. Given the passage of time these are important material considerations which support a recommendation contrary to that of the first report. Overall my professional opinion is that the material considerations in support of the proposal outweigh those against, and justify granting planning permission in principle for a proposed development that, whilst contrary to the development plan, supports the Government's strategic aims in contributing to economic development.

Recommendation

7.25 For the reasons set out above, I recommend that the appeal be allowed, and that planning permission in principle should be granted. In the event that Ministers agree with this recommendation, I attach at Appendix 1 a set of proposed conditions. I do not

recommend the condition sought by Freightliner Limited (see paragraph 3.25 above), since any justification for new warehousing on the site would rest on the need to have direct access to rail facilities from the outset.

Trevor A Croft

Reporter

APPENDIX 1: SUGGESTED CONDITIONS

General

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.

APPENDIX 2: LIST OF DOCUMENTS

Appellants' documents

Scottish Government Documents

- 01 National Planning Framework 3
- 02 National Planning Framework 3 – Assessment of Proposed National Developments Report
- 03 National Planning Framework 3 – Action Programme No. 27
- 04 Scottish Planning Policy (2014)
- 05 Europe 2020: Scottish National Reform Programme 2012
- 06 Government Economic Strategy
- 07 Scottish Rail Freight Policy
- 08 Scotland's Railways
- 09 Freight Action Plan for Scotland
- 10 High Level Output Specification
- 11 Carbon Reduction Strategy for Scotland (2013-2027)

The Development Plan

- 12 Glasgow and the Clyde Valley Strategic Development Plan
- 13 North Lanarkshire Local Plan
- 14 Supplementary Planning Guidance (SPG) 07 - Assessing Development in the Green Belt

Other North Lanarkshire Documents

- 15 North Lanarkshire Economic and Regeneration Strategy 2014-2017
- 16 SPT Regional Transport Strategy Delivery Plan 2014-2017
- 17 North Lanarkshire Local Transport Strategy

Pre-Application Documents (pre November 2013)

- 18 A8 Access Development Appraisal Report DBA (January 2009)
- 19 A8 Access Development Appraisal Letter (Transport Scotland) and Audit Report (JMP) (March 2009)
- 20 Brodies / Transport Scotland M8 Bridge Widening Letter (December 2011)
- 21 NPF 3 National Developments Submission to Scottish Government (December 2012)

- 22 EIA Scoping Document for MIRP (May 2013)
- 23 NLC Scoping Opinion for MIRP (July 2013)
- 24 Local Development Plan 'Call for Sites' Submission for MIRP (September 2013)

PPP Planning Application (November 2013)

- 25 Submitted Planning Applications and Drawings
- 26 Environmental Statement – Ironside Farrar (October 2013)
- 27 Planning, Design and Access Statement – Ironside Farrar (October 2013)
- 28 Pre-Application Consultation Report – Ironside Farrar (October 2013)
- 29 Health Impact Assessment - IOM & AECOM (October 2013)
- 30 Mining Stability Investigation Report – JWH Ross (August 2013)
- 31 Stage 1 Ground Investigation Report – Terrenus (August 2013)
- 32 Foul & Surface Water Drainage Strategy & Flood Risk Statement Report – DBA (Sep. 2013)
- 33 Transport Assessment - DBA (August 2013)
- 34 Economic Need & Evaluation Report Ekos/CBRE/Kilbride/Ironside Farrar (October 2013)

NLC's Consideration of the Planning Application (November 2013-June 2014)

- 35 IFL Response No 1 Statutory Consultees (07.02.14)
- 36 IFL Response No 2 NLC Planning (07.02.14)
- 37 IFL Response No 3 Noise (25.02.14)
- 38 IFL Response No 4 Coal Authority (12.02.14)
- 39 IFL Response No 5 NLC Planning (17.03.14)
- 40 IFL Response No 6 NLC Greenspace (19.03.14)
- 41 ES Addendum to Industrial Noise Impact Assessment (April 2014)
- 42 Roxhill Brochure
- 43 Review of Scottish Planning Policy and National Planning Framework 3 (June 2014)

Revised Proposals (July 2014)

- 44 Revised Proposals – Supporting Statement – Ironside Farrar (July 2014)
- 45 MIRP - Ten Key Factors
- 46 MIRP - Five Reasons for Approval
- 47 Updated Ecology Report (Parts 1 & 2) (August 2014)
- 48 Great Crested Newt Habitat Suitability Assessment Report (August 2014)

49 NLC Officers Application Report (September 2014)

Determination of the Application at Full Council Hearing (September 2014)

50 MIRP Presentations to Full Council Hearing (22 September 2014)

- Andrew Stirling, Peter D Stirling Ltd
- Julian Farrar, Ironside Farrar
- Gareth Williams, Scottish Council for Development and Industry

51 NLC Minute of Full Council Hearing (22 September 2014)

52 NLC Refusal of Consent Notice (25 September 2014)

Further Documents

53 City Deal for Glasgow and the Clyde Valley

54 NLC Committee Report – Glasgow and Clyde Valley City Deal (14 August 2014)

55 Letter of Support from Scottish Council for Development and Industry (24.06.14)

56 Letter of Support from Scottish Chamber of Commerce (29.07.14)

57 Circular 4/1998 Use of Planning Conditions

58 One Scotland – The Government’s Programme for Scotland 2014-2015

Council documents

NLC Production One: Letters of Representation made to Authority (Consultations received by Council)

NLC Production Two: Letters of Representation made to Authority (Representations received by Council)

NLC Production Three: List of Proposed Conditions

NLC Production Four: Proposed Kilgarth Railfreight Facility Committee Report (2008)

NLC Production Five: Extract from Local Plan Examination: North Lanarkshire Council Local Plan, Part Two, Pages 242-245 (2012)

NLC Production Six: Scotland’s National Transport Strategy (2006)

NLC Production Seven: SPT Regional Transport Strategy- A Catalyst for Change (2008)