

Extract from EIP giving Reporter's findings:

The measures required for the remediation of the site

5.37 The remediation strategy as it stands proposes the use of methods that have been successfully employed at other locations. However, this strategy is based on current knowledge of the nature and extent of contamination on the site. As this knowledge is incomplete, the strategy could alter as more information becomes available. The final strategy will also depend on the specific nature and disposition of uses on the site. These have still to be decided. Against this background, there is no evidence that there is likely to be an irreconcilable conflict between remediation and nature conservation interests and the remediation strategy in Cass/4.4 includes proposals for ecological mitigation, including an Ecological Management Plan. The Third Alteration does not mention an Environmental Test Facility, which is a matter for RC to consider.

5.38 The remediation of other RO sites, specifically Chorley, where techniques similar to those proposed at Bishopton were employed, are reported to have proceeded satisfactorily and without adverse public or health authority reaction. BCC, whose representatives visited Chorley, describe it as far more enclosed by residential areas in the Bishopton site. However, it cannot be assumed that these techniques would be equally suitable for Bishopton. While some sites are more similar than others, no two sites are identical. Experience of applying these techniques at other locations is nevertheless likely to be useful.

5.39 The remediation methods employed at Chorley included the in situ burning of the pre-prepared shells of buildings contaminated with explosives residue, which the CBI Code of Practice describes as a recognised technique for decommissioning and decontamination. It has the advantages of allowing burned rubble to be re-used and of reducing the risk to operatives. However, smoke from fires would have the potential to affect a wide area. Local concerns regarding the environmental effects of this remediation method are therefore readily understandable. In the event that this method was employed, it would not be subject to regulation by SEPA and might not be subject to regulation by the local authority. It would be regulated by the HSE, which the evidence indicates is likely to focus on on-site safeguarding distances rather than potential effects further afield. However, as alternatives to burning are available, burning is not "a measure required" for remediation. Chemical treatment, steam cleaning, pressure washing and/or grit blasting are envisaged for buildings closer to residences.

5.40 SPP 1 states that, even where legal or administrative measures outweigh the

planning system may exist for controlling a particular activity, this can still be a consideration to which weight is given in reaching a planning decision and that if a consideration is material in planning terms, it must be taken into account in reaching a decision. For example, the planning authority should have regard to the impact of a proposal on air or water quality, although the regulation of emissions or discharges will fall to be dealt with under other legislation. PAN 51: Planning, Environmental Protection and Regulation (CD/5), having explained that a planning permission carries no weight so far as environmental protection regimes are concerned, and that while each means of control should be used as required by its own legislation, when two or more are relevant to the same project, it is imperative that they complement each other.

5.41 It would be open to RC as planning authority, in the context of the policy and best practice advice in SPP 1 and PAN 51, to impose conditions on any planning permissions that encompassed remediation regulating or prohibiting burning. On the basis that burning is not “a measure required” any such conditions would not make remediation impractical.