

Scottish Parliament Region: West of Scotland

Case 200702891: Renfrewshire Council

Summary of Investigation

Category

Local government: Planning: handling of application (complaints by opponents)

Overview

The complainant (Ms C) complained on behalf of a local action group (the Action Group) about the way in which Renfrewshire Council (the Council) handled a planning application and granted permission for a security fence on part of a former Royal Ordnance Factory site (the ROF site).

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) planning permission was granted contrary to an undertaking given to the Glasgow and Clyde Valley Structure Plan Joint Committee and the Examination in Public (the EiP) (*partially upheld, to the extent that the Council did not communicate clearly to the EiP their intentions with regard to the security fence application*);
- (b) there was no need for a security fence (*no finding*);
- (c) the granting of planning permission prejudices the consideration of objections to the other applications pending (*not upheld*);
- (d) permission was granted, incorrectly, under delegated powers (*not upheld*);
- (e) the Council erred in accepting the application, which Ms C claimed should have had an accompanying environmental statement or information about contamination (*not upheld*); and
- (f) the Council's procedures for delegated powers were inadequate, in that the Director of Planning and Transport was not required to publish his delegated report in advance (*not upheld*).

Redress and recommendations

The Ombudsman recommends that the Council apologise to the Action Group that they did not communicate clearly to the EiP their intentions with regard to the security fence application.

The Council have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 15 February 2008, the Ombudsman received a complaint from Ms C on behalf of a local action group (the Action Group). She complained of the way in which Renfrewshire Council (the Council) handled a planning application to erect a security fence on the site of a former Royal Ordnance Factory (the ROF site). She said that the Action Group were particularly concerned because, in August 2007, the Director of Planning and Transport (the Director) used delegated powers (which she claimed were inadequate) to grant planning permission, although the Council had previously given an undertaking to the Glasgow and Clyde Valley Structure Plan Joint Committee (the Structure Plan Committee) and the Examination in Public (the EiP) that they would not decide any planning application for the ROF site until Scottish Ministers had issued a decision on a Glasgow and Clyde Valley Structure Plan (the Structure Plan) alteration and until it had come into effect. She alleged that the Council acted incorrectly in the first place by accepting the application, as it did not have an accompanying environmental statement or information about contamination. She considered that the application was granted, incorrectly, by the Director under his delegated powers and that the Council's procedures for applications where delegated powers are used were inadequate. Ms C further maintained that there was no need for a security fence on the ROF site and that, by granting permission to erect one, the Council had prejudiced the consideration of objections to the other applications pending on the ROF site.

2. The complaints from Ms C which I have investigated are that:
- (a) planning permission was granted contrary to an undertaking given to the Structure Plan Committee and the EiP;
 - (b) there was no need for a security fence;
 - (c) the granting of planning permission prejudices the consideration of objections to the other applications pending;
 - (d) permission was granted, incorrectly, under delegated powers;
 - (e) the Council erred in accepting the application, which Ms C claimed should have had an accompanying environmental statement or information about contamination; and
 - (f) the Council's procedures for delegated powers were inadequate, in that the Director was not required to publish his delegated report in advance.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between the Action Group and the Council. I have also had sight of the Structure Plan Committee's Statement of Publicity and Consultation (the Structure Plan Report) dated 30 January 2006; the developer's planning application statement of November 2006; the Council's Scheme of Delegated Functions, Powers Delegated to Officers (the Scheme for Delegation) dated June 2007; the report of the EiP of 23 July 2007, which explored specifically the proposal to identify Bishopston as a Community Growth Area (CGA); and the Director's report (the Report), finalised on 10 August 2007, about the planning application concerned and recommending approval. I have considered Scottish Statutory Instrument 2004, Number 219, The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004. On 7 March 2008 and 14 October 2008, I made formal enquiries to the Council and their responses were dated 7 April 2008 and 7 November 2008 respectively. I have also obtained independent planning advice from an adviser (the Adviser) on aspects of the complaint.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Ms C and the Council were given an opportunity to comment on a draft of this report.

Background

5. The Structure Plan is a key strategic development document, prepared jointly by eight local planning authorities in the west of Scotland, detailing the geographical and spatial strategy for the development of Glasgow and the Clyde Valley metropolitan area over the next 20 years. In April 2006, the Structure Plan Committee submitted their proposed alterations to the plan to Scottish Ministers. One of the proposals which was submitted was to identify Bishopston as a CGA with an indicative capacity for 2,500 houses and 'a range of appropriate mixed uses'. Although the submission was not site specific, it was indicated that the area that would be developed would include land on the ROF site.

6. The Scottish Ministers decided that, before reaching a decision on whether to approve the plan, they required additional information and that an EiP be held. The EiP report was published on 23 July 2007. The Structure Plan was approved by Scottish Ministers on 25 April 2008.

(a) Planning permission was granted contrary to an undertaking given to the Structure Plan Committee and the EiP

7. From the information available to me, I am aware that on 30 January 2006, the Structure Plan Committee issued the Structure Plan Report. Appendix X of that report attached an abstract prepared by the Council, concerning 'The Glasgow and Clyde Valley Joint Structure Plan – Alteration 2005 – Draft Finalised Supplementary Written Statement – Royal Ordnance Factory Bishopston' (the Draft Finalised Alteration 2005). Amongst other things, the Appendix X of the Structure Plan Report contained a statement confirming the Draft Finalised Alteration 2005's role as providing a strategic planning context, within which the merits of the development proposals for the ROF site could be considered. It went on to say that Scottish Ministers had a target of 40 weeks to issue a decision on the Draft Finalised Alteration 2005 and that:

'The Council will not determine any applications relating to the development of the site until the decision of the Scottish Ministers has been issued and come into effect.'

8. At that time (January 2006), it was understood that three applications would be submitted initially: an application for outline planning consent for the proposed development in principle, including a master plan showing the proposed pattern of land use and the facilities to be provided; an application for remediation, that is, ground works and other land engineering operations to decontaminate the site; and an application in relation to landfilling (approval for use of part of the site for the deposit of contaminated material). Thereafter, it was anticipated that a further detailed application for planning consent for motorway junction works would be submitted later in the year. The Council decided that they would not determine these four applications until the Scottish Ministers had concluded their deliberations on the proposed alteration to the Structure Plan and maintained that this course of action had been agreed with the applicants.

9. In November 2006, agents on behalf of the ROF site owners submitted a planning application to the Council for the erection of a security fence. They referred to the fact that the ROF site currently included an Environmental Testing Facility (ETF) and that the entire site was enclosed within a security fence. I understand from the Council that the site covered an area of approximately 923 hectares, with a perimeter boundary of some 16 kilometres. The ETF lay within the larger ROF site and extended approximately

174 hectares, with a proposed perimeter boundary of 6.2 kilometres. At the time of the planning application concerned, almost half of the boundary referred to existed. The planning application made was for the erection of some 3.14 kilometres of new fencing. The owners' view was that, with the plans for regeneration and diversification of use for the whole site, it was essential to separate the ETF. They, therefore, submitted an application for the erection of a three metre high security fence, including gate access, around the ETF within the ROF site and this application was formally registered with the Council on 15 December 2006.

10. In July 2007, the EiP report was published which stated:

'1.1...BAE intends to retain an Environmental Test Facility in the south-eastern part of the site.';

'1.4 At the time the Examination was held, Cass Associates had submitted the following planning application on behalf of BAE Systems/Redrow Homes to the planning authority [the Council]:

- an outline application with a master plan for a mixed-use community growth area;
- a detailed application for a new junction to the M8 at its intersection with the A8 south of Bishopton, between junction 30 (Erskine) and junction 29 (St James Interchange);
- a detailed application for engineering operations comprising remediation and reclamation earthworks; and
- a detailed application for the construction of a landfill facility.

BAE had also submitted a detailed application for the erection of a security fence around the [ETF]'; and

'2.13 While the Council does not intend to determine any of the applications that have been submitted for the site until Scottish Ministers have made their decision on CGA designation, it is continuing to process them and has appointed external solicitors and environmental consultants to provide specialist advice.'¹

11. Ms C's complaint to the Ombudsman concerned the Council's decision to determine this planning application for the security fence which, she said, contradicted entirely the undertaking given to the Structure Plan Committee in January 2006 and the EiP in July 2007. She felt that the master plan for the

¹ The Council have confirmed to this office that this is an accurate statement of what they said to the EiP.

outline application should have been decided prior to the detailed applications, including the fence application.

12. In their responses to me, dated 7 April 2008 and 7 November 2008, the Council said that they were obliged in terms of the current planning legislation (the Town and County Planning (Scotland) Act 1997) to determine applications made to them within a statutory timescale, unless material considerations indicated otherwise and unless the applicant had given express permission.

13. Further, that unlike the other four applications for the ROF site (see paragraph 10) the application for the erection of a three metre high security fence, including gate access, was not considered to be 'a matter of strategic, regional, council-wide significance or to have significance outwith the immediate locale of the proposed structure'. They said that, notwithstanding the uncertainty pending Scottish Ministers issuing their decision on the proposed alteration to the Structure Plan, the ROF site's owners had a reasonable expectation that this planning application would be determined, as it related to their current activities, and the Council said that to do otherwise would have been unreasonable, given the application's small-scale nature. The Council explained that, whilst BAE/Redrow were content that the four 'strategic' applications were dependent on matters meriting consideration at structure plan level, BAE did not take a similar view on the security fence application and required that the planning authority proceed to a decision. This was a view that the Director thought was proper and reasonable and not contradictory to the spirit of statements of intent previously made. The Adviser's view on this point was that the Council could not be required to determine the application by the applicant but it would have to have considered its position in regard to a possible deemed refusal appeal, at which expenses may have been awarded against them.

14. The Council clarified further, when commenting on a draft of this report, that they would not process the four applications referred to because they clearly required the CGA proposal in the then draft Structure Plan to be confirmed and approved by Scottish Ministers. This was in order to provide the strategic context for moving ahead with processing the various outline and detailed applications. They said that the assurances given should be read in context and, in particular, whether Scottish Ministers' views would be relevant to this application. The Council also said that the care taken in setting out the applications in the EiP report separated the four 'strategic' applications in the

bullet points from the 'minor' security fence application and, equally, distinguished that the applicants were different in both cases. The Council felt that the reference to the applications requiring specialist advice, distinguished the four 'strategic' applications which required this from the fence application which did not.

15. I have sought independent opinion on the Council's decision to determine the security fence application for the reasons above (see paragraph 12 to paragraph 14) and the Adviser agreed that it was reasonable. He also indicated that it would have been unrealistic to have awaited resolution of all outstanding matters at the EiP in the case of applications for developments which had no bearing on the strategic issues under consideration.

(a) Conclusion

16. I have considered both Ms C's and the Council's arguments carefully. The crux of this aspect of Ms C's complaint is that the Council gave assurances that they would not determine any application in advance of the Scottish Ministers' decision. This assurance was made twice, in the Structure Plan Report of January 2006 (before the security fence application was made) and in the EiP report published in July 2007 (after the security fence application was made). The application was decided in August 2007. The Scottish Ministers approved the Structure Plan in April 2008.

17. In January 2006, the application for the erection of the security fence was not one of the four applications considered and was made nearly 12 months later. I have concluded that the statement in the Structure Plan Report has to be viewed in context. At the time it was made, the Council anticipated four applications for the ROF site, all of which they considered to be of particular significance.

18. In July 2007, the application for the erection of the security fence was one of the applications mentioned in the EiP report and the Council were aware of its existence when they gave the assurance that they would not determine any application in advance of the Scottish Ministers' decision. I understand the Council's position is that they had to consider the application in line with their statutory obligations and that the security fence application was not of 'strategic importance like the others. The Council have also argued that the way the applications were set out in the EiP report distinguishes them as four strategic applications and one application which was of a minor nature.

19. This application was registered with the Council on 15 December 2006 but was only approved under delegated powers in August 2007 (some eight months later), therefore, Ms C was not persuaded by the Council's position that they were obliged to deal with the application as made to them, as they did not have permission from the applicant to do otherwise. She does not accept that the application has no strategic significance like those others which are pending for the site.

20. I have been guided by the advice I have received and am satisfied that the Council acted within their powers in determining the planning application for the erection of the security fence. I have also noted that the EiP report stated that BAE intended to retain an ETF in the south-eastern part of the ROF site, so were aware of BAE's intention in this regard (see paragraph 10). However, I do have concerns that the Council gave assurances to the EiP that they would not determine any of the applications submitted to them, when they were aware that the security fence application was one of these. I am not persuaded by the Council's argument that the way in which the applications were set out in the EiP report distinguished them as being of strategic/minor nature, and thus, the security fence application could be determined. It could equally be argued that the separation was due to the difference in applicants. I am also not persuaded by their argument that the EiP report distinguished the applications needing specialist advice from the fence application, which did not. Neither of these arguments adequately explained why the Council gave assurances to the EiP that they would not determine any of the applications submitted to them.

21. Therefore, I partially uphold this complaint, to the extent that the Council did not communicate clearly to the EiP their intentions with regard to the security fence application.

(a) Recommendation

22. The Ombudsman recommends that the Council apologise to the Action Group that they did not communicate clearly to the EiP their intentions with regard to the security fence application.

(b) There was no need for a security fence

23. Ms C, on behalf of the Action Group, maintained that there was no need for the erection of the security fence, because one already existed. She said that the new security fence was only necessary if all the proposals for the ROF

site went ahead. This was a view that she was entitled to take; however, the Council had no control over what applications were submitted to them.

(b) Conclusion

24. The Council, as planning authority for the area, was the statutory body to which this planning application required to be submitted for consideration. While the Action Group's view is that there was no need for a security fence, the Council have no control over what applications are submitted to them. In the circumstances, I have concluded that the complaint, which is that there was no need for a security fence, is not open to determination by this office. Accordingly, I make no finding.

(c) The granting of planning permission prejudices the consideration of objections to the other applications pending

25. It was Ms C's view that the perimeter security fence was clearly related to the future development of the ROF site because it defined the area which would be retained by its owners and thus restricted where the CGA can be located. She said that by granting planning permission the Council had separated the ETF from the remainder of the ROF site and, therefore, development could no longer be located there. The objections that the Action Group raised included that the development should be located at another part of the ROF site, a part of the site which was now fenced off because of the security fence application. She suggested that the Action Group's objections to the other applications could not be considered properly now that planning permission had been granted for the security fence because it effectively excluded this part of the site from being considered as a possible alternative location for the development.

26. Notwithstanding this view, the Council were of the opinion that the granting of planning permission for the security fence had no material bearing on the consideration of the four strategic planning applications relating to the ROF site. In response to my enquiries (see paragraph 3) the Council explained that the determination of the application had or will have no significance or influence in relation to any other planning application relating to the redevelopment of the site². They explained that the Action Group's objections to the other applications would be considered in the context of these applications where they were matters relevant to planning. It would then be a matter for the

² The Council have advised that two of the four applications have now been withdrawn. The remaining two have recently been considered by the Planning Board.

members of the Council's Planning and Economic Development Policy Board to decide whether the development proposals in the other applications were acceptable or not. They explained that the role of a planning authority was to determine the planning application, as submitted and on its merits, and to have regard to any material planning consideration – not to conjecture whether there were other more suitable locations where the redevelopment of the site could be accommodated. The concerns raised by the Action Group that other locations had not been properly considered were dealt with in Paragraph 8.1, Issue 6I of the Structure Plan Report.

(c) Conclusion

27. I appreciate Ms C's point that, once the security fence was given planning permission, the area it encompassed could no longer form part of the area identified as the CGA. It is important to note that the Structure Plan alteration for the CGA does not provide a site specific basis for the development, only an indicative one. However, I do not agree that the granting of permission of the security fence prejudices the consideration of the Action Group's objections because, as the Council have argued, the objections would be considered in light of the application submitted and it would not be for the Council to speculate on alternative locations. Therefore, I do not uphold this complaint.

(d) Permission was granted, incorrectly, under delegated powers

28. Ms C was of the view that the planning application concerned was of such significance that it should not have been determined by the Director using his powers of delegation (in accordance with the Scheme for Delegation). She maintained that as the development of the ROF site was so controversial, the application should have been considered by the Council's Planning Board. In particular, she claimed that as the planning application 'requires an 8m clearance running the length of the 3.14km fence, [and] covers an area over 25,000sq m ...' it fell into the category of 'Business and industry proposals exceeding 1 hectare or 1,000sq m' and hence should have been defined as a 'major' proposal. She argued that this being the case, the application could not be dealt with under the Scheme for Delegation and that the Director did not have authority to grant planning permission for this planning application. Additionally, she said that applications where objections were made by more than five individuals should be determined by the Council's Planning Board. In this case, she said, the Action Group made objections to the application and that it represented significantly more than five individuals. Ms C said that the

Director failed to make the Council's Planning Board aware of these facts and went on to consider the application.

29. In commenting on this specific aspect of the complaint, the Council advised me in their response of 7 April 2008 that the Scheme for Delegation authorised the determination by officers of planning applications where the proposed development of the site or buildings does not exceed an area of 1 hectare or 1,000sq m. They considered that the planning application concerned fell within the scope of delegated authority on the basis that 'the fence has a height, but is not considered to have a mass, volume or area'. They said, further, that their interpretation was supported by the Town and Country Planning (Fees for Applications and Deemed Applications)(Scotland) Regulations 1994, as amended, in that a sliding scale of fees is generally payable according to site area or floor space created and that the fee payable for minor operations not creating floor space, such as the erection or construction of gates, fences, walls or other means of enclosure for development was set at £130.

30. Ms C also made the point that the Action Group she represented made objections to the planning application for the proposed security fence and that this should have been treated as an objection from each individual member of the group. She was aggrieved that it was treated as a single objection and hence allowed the application to be considered under the Scheme for Delegation. She said that the Council should have been 'well aware that the ... Action Group comprises more than 5 individuals, since ... has met at least 6 different members of the group at various Community Liaison Group meetings'. The Council's view about this was that it was accepted practice that the substance and relevance of an objection to a planning application was in the weight it carried rather than 'simply the number or volume or party from which it emanates' and that it was not feasible or practicable to consider an objection from an organisation or group as a multiple or number of objections. While the Council said that they had no specific policy or guidance relating to this type of situation, they said that under the planning legislation, Community Councils had been afforded a formal status so that when a Community Council submitted an objection to a planning application, that application fell to be determined by the Council's Planning Board. In this case two Community Councils were consulted but neither responded.

(d) Conclusion

31. Ms C and the Council have conflicting views about the size of the security fence and I have sought independent professional advice on these differing opinions. I have been told by the Adviser that the Council's interpretation of what defines a development is not unreasonable and that a fence can be seen as a development in its own right and separate from the land it encompasses. In these circumstances, I agree that the security fence concerned did not have, in planning terms, 'a mass, volume or area'. Accordingly, it was appropriate to consider the application under the Scheme for Delegation.

32. Similarly, the advice I have received is that the Council's approach to the Action Group's objections represented normal practice throughout Scotland's planning authorities where the tendency, with government encouragement, is to seek maximum delegation in the interests of efficiency. In all the circumstances, I am unable to criticise the Council for not treating the Action Group's objections as Ms C would have wished.

33. I have to be guided by the advice I am given, taking the foregoing into account (see paragraphs 31 and 32), I do not uphold the complaint.

(e) The Council erred in accepting the application, which Ms C claimed should have had an accompanying environmental statement or information about contamination

34. Ms C said that by granting permission for the erection of the security fence when there was no information on the subject of contamination, local residents, including the Action Group, had been denied the opportunity to scrutinise and comment on matters which ultimately affected their health. She said that the erection of the security fence would involve the removal of contaminated material but that no information was given about the removal of such material. The Structure Plan Report, paragraph 8.1 states that:

'Issue 6A: Risks to Health and Safety including Responsibility for Assessing Contamination

Response: The applications, particularly for the remediation of the site will provide full details of the identified problems of contamination and set out what is required in terms of remediation...'

35. The application also made no reference to the EiP report which considered contamination of the whole site, including the area of the security fence application. In the absence of an accompanying environmental statement or

information about contamination, she said that the application should not have been accepted.

36. In connection with this and in accordance with the Planning Advice Notes on Development of Contaminated Land and on Environmental Impact Assessment, the Council sent details of the application to all statutory consultees including Scottish Natural Heritage, Scottish Environment Protection Agency (SEPA) and the Health and Safety Executive (Explosives Inspectorate). The Council's Director of Environmental Services also considered the application. No objections were made by these consultees, subject to the Council taking action on specific points made by them. As a consequence, conditions were attached to the planning consent; in particular, concerning a construction method statement to be approved (in consultation with SEPA prior to works commencing) for testing and disposing of any waste or spoil. This method statement was to take account of the potential impact of any works upon the water environment. Also, on completion of works, a validation report was to be submitted to the Council for their approval, providing details of the works undertaken, methods employed, validation sampling undertaken, test results etc and together with plans for any required monitoring in the future.

37. In relation to the statement in the Structure Plan Report about full details of contamination being provided, the Council commented that this report pre-dated the submission of the security fence application and the issue referred to related to the remediation of the site in the context of its redevelopment as a CGA and that development connected with its existing bona fide planning use was not a matter for a structure plan to intervene. The Council also said that the EiP (which was to gain additional information prior to Scottish Ministers deciding whether to approve the alterations to the Structure Plan) was of no relevance to the planning application for the security fence and this was why there was no reference to it in the planning application report on the security fence.

(e) Conclusion

38. The Council received a planning application for the erection of a security fence to delineate the area of land used for environmental testing from the remainder of the larger ROF site. It was their view, with which I agree, that the area of ground which was fenced off did not form part of that application. They were of the view that the application could be considered under their Scheme for Delegation (see paragraphs 29 and 30). Nevertheless, they were also aware of the sensitivity of the site's use. In accordance with government

planning guidance, the application was passed to appropriate statutory consultees, who did not object to the terms of the planning application nor advise of the need for Environmental Assessment, although some of them made it clear that their position was subject to the Council actioning certain matters. I am satisfied that this was done.

39. Taking the foregoing into account, I have not seen evidence to suggest that the Council erred in accepting the planning application. Thereafter, they took account of representations made on environmental and land contamination aspects of the application. I do not, therefore, uphold this complaint.

(f) The Council's procedures for delegated powers were inadequate, in that the Director was not required to publish his delegated report in advance

40. Ms C stated that the Council's procedures were inadequate for planning applications which were to be determined by officials using delegated powers. She said that, prior to the application being decided, the Director failed to publish his report (the Report) on the application; it was not available on the Council's website; and copies were available only on written request. She said that this demonstrated a lack of transparency and was unacceptable. She also said that, when the Action Group contacted the Council after the application was granted, she was told that to obtain a copy of the Report, they would need to put the request in writing.

41. In response, the Council said that the planning application concerned was placed on the weekly list for 15 August 2007 and circulated to all 40 members of the Council. This list is also published on the Council's website with an indication of whether a specific planning application is to be determined by the Council's Planning Board or by officers using delegated powers. Contact numbers are provided. No councillor asked for the matter to be referred to the Council's Planning Board. The Council also said that all members received copies of the Report (through the delegated weekly list) before consent was issued but that the list was not published outside the Council, although it may be issued on request. They added that when an application has been considered by officers using their delegated authority, a copy of the Report was published on the Council's website after a decision has been made and this happened in this case. Accordingly, no written requests were required as the Report was readily available. The Report was also published separately on the

website under the section which deals with ROF applications in particular on or around 31 October 2007.

(f) *Conclusion*

42. I have reviewed the Scheme for Delegation which says that the Director, who has delegated authority, is:

'authorised, subject to circulation of a weekly list of proposed decisions to all elected members, who will have the opportunity to request a site visit, or that an application or proposal be dealt with by the planning and economic development policy board, if such a request is made within 5 working days of the circulation of the list ...'

43. From this, then, it appears that the Council dealt with the application in terms of their usual policy. However, Ms C considered this to be inadequate and believed that the Council should have published the Report in advance. It is clear that the Report was available to councillors in the delegated weekly list in advance of a decision being made and, once a decision had been reached, the Report was published on the Council website, freely available to all.

44. I have viewed the Scheme for Delegation and I am satisfied that their action complied with this scheme, with regard to this application. The Director was not required by the Scheme for Delegation to publish the Report more widely than to councillors but its existence was advertised. Councillors had the opportunity, had they wished, to ask for the matter to be considered by the Council's Planning Board. They did not do so. Although Ms C did not have sight of the Report in advance of officers reaching a decision, this did not cause her injustice because, notwithstanding any opinion she may have held on the Report, the decision on the planning application was to be made by officers. In addition, the Action Group submitted objections to the application which were taken in to account in the Report. In all the circumstances, I do not uphold the complaint.

45. The Council have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Council notify him when the recommendations have been implemented.

Explanation of abbreviations used

Ms C	The complainant
The Action Group	A local action group
The Council	Renfrewshire Council
The ROF site	A former Royal Ordnance Factory site
The Director	The Director of Planning and Transport
The Structure Plan Committee	The Glasgow and Clyde Valley Structure Plan Joint Committee
The EiP	The Examination in Public (the report of which was published on 23 July 2007)
The Structure Plan	The Glasgow and Clyde Valley Structure Plan
The Structure Plan Report	The Glasgow and Clyde Valley Structure Plan Joint Committee's Statement of Publicity and Consultation and Report on Matters kept under Review (Survey) published 30 January 2006
The Scheme for Delegation	The Council's scheme of delegated functions, powers delegated to officers
CGA	Community Growth Area
The Report	A report prepared by the Director of Planning and Transport finalised on 10 August 2007
The Adviser	The Ombudsman's independent planning adviser

ETF

An Environmental Testing Facility

SEPA

The Scottish Environment Protection Agency

List of legislation and policies considered

Scottish Statutory Instrument 2004, Number 219, The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004