

Case reference	NA-NLS-048
Application details	Full and temporary works to stabilise embankment and tree removal works
Site address	Garrion Gill, Overtown Road, Waterloo, Wishaw
Applicant	Network Rail
Determining Authority	North Lanarkshire Council
Local Authority Area	
Reason(s) for notification	Category 2 (objection by SNH)
Representations	Nil
Date notified to Ministers	1 August 2016
Date of recommendation	12/08/16
Decision / recommendation	Clear

### Description of Proposal and Site:

- Planning permission is sought for permanent and temporary works, including grouting works and retrospective consent for tree removal, to stabilise an embankment slope adjacent to the West coast mainline at Garrion Gill.
- The site comprises of two separate areas of land approx. 0.5ha divided by the West Coast Mainline at Garrion Gill, which is south west of Wishaw.
- The embankment site is within the designated Garrion Gill Site of (national) Special Scientific Interest (SSSI) and (international) Clyde Valley Woods Special Area of Conservation (SAC) (Garrion Gill site).
- This section of the West Coast Mainline has a history of undermining and has had previous and ongoing works to stabilize it. A landslip occurred adjacent to the West Coast mainline at Garrion Gill in 2013. Further evidence has revealed that the Garrion Gill embankment will experience continuous movement if not addressed by engineering intervention. If the embankment fails it could impact all traffic on the West Coast Main Line.

### EIA Development:

- The application was screened by Council who concluded that EIA was not required. However, an Environmental Appraisal Report (following Habitat Regulations guidelines) and ecological surveys accompanied the application.

## **Consultations and Representations:**

- SNH have objected to the proposal on grounds the proposal will affect internationally important natural heritage interests. This is because the proposal will result in a permanent loss of 0.445 ha of qualifying habitat with a further 0.955 ha of the SAC impacted by indirect effects, and that there is no mitigation available to avoid these impacts.
- SNH have provided guidance in relation to a compensatory habitat elsewhere at a site in Cambusnethan Woodlands local nature reserve.
- There are no objections from other statutory consultees or third parties.
- Following notification, the Scottish Government's Natural Resources Team was consulted and do not recommend Ministerial intervention on the basis that a compensatory habitat is secured.

## **Assessment:**

1. The Council is minded to grant planning consent for this proposal with an extant objection from SNH and the application has been duly notified to Scottish Ministers.
2. Action which will damage European sites is allowed under the Habitats Directive only in certain limited circumstances i.e. when there are imperative reasons of overriding public interest, there is no suitable alternative and provided that the necessary compensatory measures are taken (i.e. the designation of suitable compensatory habitat).
3. North Lanarkshire Council has already identified an area of suitable compensatory habitat (in the Cambusnethan Woodlands local nature reserve, which it owns). SNH has confirmed the suitability of this land provided an appropriate management scheme is implemented.
4. It has been demonstrated that there are no alternative solutions to the proposal in this case given the public safety issues. In the event of an embankment slip (or data indicating further movement) there will be severe disruption to both passenger and freight services on the West Coast Mainline. The proposal provides a permanent solution within the shortest timescale. The Council considers the works to this significant transport link are unavoidable and considered to be acceptable in this instance subject to conditions and s75 securing appropriate mitigation and compensation.
5. While the proposal will have a negative impact on a European Site, it is considered that in this circumstance, there are imperative reasons of overriding public interest for the project to proceed. There are no alternative options, and it is considered that the designation of compensatory habitat will help protect the overall coherence of the Natura 2000 network of protected sites. On this basis it is not recommended that Ministers intervene in this application.

## **Decision/Recommendation:**

- It is recommended that the application is cleared back to the Council.



**Photo 1: showing area of slope where monitoring equipment has been installed (2013 to present)**



**Photograph 2: Garrion Gill looking towards the NW.**

Appendix 1 diagram showing locality, activities and boundaries

