

Report

Report to:	Planning Committee
Date of Meeting:	26 June 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	HM/17/0260
Planning proposal:	Erection of waste processing facility including waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre

1 Summary application information

Application type:	Detailed planning application
Applicant:	Clean Power Properties Ltd
Location:	Site at Whistleberry Road Hamilton ML3 0EG

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Refuse the application for the reasons attached.

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: Icen Projects
- ◆ Council Area/Ward: 17 Hamilton North And East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**
Policy 1 Spatial strategy
Policy 2 Climate change
Policy 4 Development management and placemaking
Policy 7 Employment
Policy 14 Green network and green space
Policy 15 Natural and historic environment
Policy 16 Travel and transport
Policy 17 Water environment and flooding
Policy 18 Waste

Supplementary Guidance 1: Sustainable development and climate change

- Policy SDCC2 Flood risk
- Policy SDCC3 Sustainable drainage systems

Policy SDCC11 Waste management facilities
Policy SDCC12 Waste management facilities
buffer zones

**Supplementary Guidance 3: Development
Management, Placemaking and Design**
Policy DM1 Design

**Proposed South Lanarkshire Local
Development Plan 2 (2018)**

Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 5 Development Management and
Placemaking
Policy 8 Employment
Policy 13 Green network and greenspace
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding
Policy 17 Waste

DM1 New Development
SDCC2 Flood Risk
SDCC3 Sustainable Drainage Systems
SDCC5 Waste Management Facilities and Buffer
Zones
SDCC6 Renewable Heat

◆ **Representation(s):**

▶	7,080	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters
▶	Online Petition with 2,922 signatures	

◆ **Consultation(s):**

British Telecom

Countryside and Greenspace

SEPA West Region

SP Energy Network

Transport Scotland

NATS

Environmental Services

Historic Environment Scotland

Roads Flood Risk Management Section

Scottish Natural Heritage

Roads Development Management Team

West of Scotland Archaeology Service

Bothwell Community Council

National Grid UK Transmission

Blantyre Community Council

United Clyde Angling Protective Association

Planning Application Report

1 Application Site

- 1.1 The application site extends to 4.54 hectares and is located within the settlement boundary of Hamilton. It is an area of vacant land that was formerly occupied by Craighead Special Needs School. The school buildings have been demolished and the site is currently unused. A palisade fence encloses the full extent of the site.
- 1.2 The East Kilbride expressway (A725) and Whistleberry Road are located to the north of the application site. The west of the site is the eastern boundary of the Whistleberry Road Industrial Estate. There is an area of broadleaved woodland (Backmuir Wood) on the eastern and southern boundaries of the application site which continues into the designated green network outwith the site boundary.
- 1.3 Access to the site is currently taken from Whistleberry Road, via Back Avenue which runs along the western boundary of the application site. This road also provides access to 8 residential caravans associated with the storage and maintenance of fairground equipment that are located to the rear of Whistleberry Industrial Estate at its south eastern corner.
- 1.4 The Whitehill area of Hamilton is located approximately 100m south of the site, Bothwell is located 180m to the north of the site and Blantyre is located circa 750m to the west of the site. The site is located within the designated Bothwell Bridge Battlefield. The Raith Interchange, which forms the junction between the A725 and the M74, is located 650m to the north east of the application site. The River Clyde is located 70m to the north of the application site and the Park Burn/Gow's Linn runs along the eastern boundary of the application site.

2 Proposal(s)

- 2.1 Detailed planning permission is sought for the erection of waste processing facility including waste recovery plant and thermal treatment facility for energy recovery with associated landscaping, access, parking infrastructure and education and visitor centre.
- 2.2 The proposals involve the erection of a 21 metre high (to ridge) warehouse style building with a gross floorspace of 15,095 square metres. A single stack of 3 flues with a height of 90 metres is also proposed as part of the building design. Within the building the following processes are proposed:
 - Reception and preparation
 - Mechanical separation/ Pre-treatment
 - Fuel store
 - Gasification
 - Steam turbine and generator
 - Gas treatment
- 2.3 Each of these processes is summarised below.

Reception and preparation

All waste will be delivered into the building's sealed reception area (operated under negative pressure to eliminate odour dispersion). The reception hall has been

designed to physically accommodate all available waste vehicles used for domestic and commercial waste collections. The waste feedstock can, therefore, comprise non recyclable waste from Council collected waste (i.e. domestic landfill bins) as well as non recyclable commercial waste. After inspection the waste is separated into categories which are, in essence; waste that can proceed directly to be used as fuel for the gasifiers, waste which requires separation and treatment before proceeding to be used as fuel and any non-conforming waste that cannot be used as fuel which is segregated, batched and then removed from site to an appropriate waste facility. It should be noted that the majority of waste received on site will either be ready to be used directly as a fuel source or will be waste that requires further separation and pre-treatment as the waste brought to site will be registered and sourced from commercial and municipal waste.

Mechanical separation/ pre-treatment

As noted, not all waste will be in a form that can be sent directly to the gasifiers and therefore within the reception area a proposed mechanical materials recovery plant will process any waste that does not already meet the required gasifiers specifications. The separation area will also recover any plastics, metals and other materials that will be sent off site for recycling or disposal where appropriate. Once separated the remaining waste will be batched and sent on for use as fuel in the gasifiers.

Fuel store

The waste that did not require separation and the separated waste is then placed within the fuel store where overhead cranes will load it onto feed conveyors to take the waste onto hoppers that are then fed into the gasifiers.

Gasification

3 gasification plant systems will gasify the fuel in a reduced oxygen environment and convert it to synthesised gas (syngas). In essence the gasifiers heat the waste to such a degree that a chemical transformation releases syngas from the waste leaving a residual ash. The syngas is then combusted to produce heat in 3 boilers to produce steam. The residual ash is cooled and can then be used as an aggregate replacement material in the construction industry.

Steam turbine and generator

The steam from the boilers is passed into a steam turbine and generator which converts the steam energy into electricity which is then exported to the national grid as well as powering the plant itself. It is proposed that the plant will have an approximate energy generating capacity of 18MW.

It is proposed that the plant shall also have a system that allows steam or hot water to be extracted from the process for district heating purposes if required. Any residual water from the steam is then recycled back into the boilers to minimise water usage.

Gas treatment

The gas treatment process involves the use of Selective non-catalytic reduction (SNCR) which is a process where catalysts (such as urea and lime) are injected into the gas to react with gases such as nitrogen oxide to form water. Filters are proposed to remove larger particulates from the gas. Following this treatment the remaining gas would be released via the three, 90m high chimneys. Whilst the gas would undergo treatment to remove pollutants, the proposed facility would still result in a certain level of emissions, including Nitrogen Dioxide, Carbon Monoxide, Sulphur Dioxide which would require constant monitoring of emission levels from the point of exit on the chimneys.

- 2.4 It is proposed that the operations would run 24 hours a day, 7 days a week. It is proposed that the site would generate approximately 35 HGV deliveries per day. The deliveries would not be 24 hour and would be restricted to the hours of 7am to 10pm Monday to Friday, 8am to 3pm Saturdays with none on a Sunday. It is stated that the proposals would generate between 25 to 30 full time jobs for the 24 hour operation of the plant. A new access shall be formed onto Back Lane at the corner it joins onto Whistleberry Road. It is expected that 150,000 tonnes per annum (tpa) of waste will be processed by the site but it has an operating capacity of up to 190,000 tpa. The site is designed so that all traffic shall enter and exit the site in forward gear with a circulation route round the full layout of the building to minimise lorry manoeuvres and on site staff parking is contained within the site.
- 2.5 As well as the plant building the proposals also include the provision of a dedicated conference/ education centre within the building. It is proposed that this facility allows visiting school, community or other interested groups to visit the site and receive presentations etc. within the proposed facility.
- 2.6 A 4m high, landscaped, acoustic bund is proposed on the south and east sides of the site with 4m fencing running along the northern and western boundaries of the site. Tree planting and landscaping is proposed around the plant, parking and internal road as well as retention of the existing woodland located within the eastern and southern corners of the site.

3 Background

3.1 National Policy and Guidance

- 3.1.1 The third National Planning Framework (NPF3) recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and, through effective waste management, create a sustainable legacy for future generations.
- 3.1.2 Scottish Planning Policy sets out a series of policy principles for achieving the zero waste policy Scotland has adopted through the National Zero Waste Plan 2010 (ZWP). SPP promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. Scotland's zero waste target is to recycle 70% of household waste and send no more than 5% of the country's annual waste to landfill by the year 2025.
- 3.1.3 SPP also notes that in determining applications for new installations, Planning Authorities should determine whether proposed developments would constitute appropriate use of the land and leave the regulation of permitted installations to SEPA. This is further noted within Planning Advice Note (PAN) 63 'Energy from Waste' which advises that Planning Authorities should not impose planning conditions on issues that are more suitably dealt with by waste management licensing conditions. PAN 63 also advises that SEPA's consideration of whether to grant a Pollution Prevention and Control (PPC) permit will include the potential effects of the proposed development on public health.

- 3.1.4 Following on from this SPP statement and further advice in PAN 63 it is prudent to set out the responsibility of both the Planning Authority (South Lanarkshire Council) and SEPA.
- 3.1.5 In Scotland, energy recovery facilities of this nature can only operate when planning permission is granted by the Planning Authority and a PPC permit has been issued by SEPA. SEPA will not, however, grant PPC permits until planning permission is granted.
- 3.1.6 As stated in SPP, the Planning Authority has a responsibility to determine planning applications in relation to land use planning. PAN 51 Planning, Environmental Protection and Regulation advises that during the planning process the Planning Authority is also required to consult with SEPA to establish whether or not the proposed development is potentially capable of being consented under the PPC licensing regime.
- 3.1.7 SEPA's main aim when determining an application for a PPC Permit is to ensure that the facility is operated in a way, and in accordance with conditions set in the permit, that protects human health and the environment from any harmful emissions. SEPA is legally obliged to issue a permit if an application meets legal requirements. The PPC permit, if granted, would control many aspect of the facility's operation, including;
- its operating standards;
 - plant maintenance standards;
 - types and quantities of waste allowed;
 - how waste is handled and disposed of;
 - strict emissions limits;
 - how emissions are monitored;
 - how emissions are reported;
 - noise and vibration limits;
 - environmental monitoring requirements;
 - methods for reporting breaches, or possible breaches, of limits and permit conditions to SEPA;
 - disposal (including recycling) routes for residues such as bottom and fly ash.
- 3.1.8 Finally PAN 51 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection.
- 3.1.9 All the national policy advice is considered in the assessment section of this report.

3.2 Development Plan

- 3.2.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 10 supports renewable energy and heat targets and Policy 11 reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.

3.2.2 In land use terms the site is designated as 'Other Employment Land' where Policy 7 – Employment of the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) applies. The proposal should be assessed also against the following policies;

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Development Management and Placemaking
- Policy 7 Employment
- Policy 14 Green network and greenspace
- Policy 15 Natural and Historic Environment
- Policy 16 Travel and Transport
- Policy 17 Water Environment and Flooding
- Policy 18 Waste

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance the following policies are relevant:

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 8 Employment
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 17 Waste

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems
- SDCC5 Waste Management Facilities and Buffer Zones
- SDCC6 Renewable Heat

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report.

3.3 Planning History

- 3.3.1 The application site formally accommodated the Craighead Special Needs School, which was demolished in 2009.
- 3.3.2 Planning permission in principle for the Erection of Mixed Use Development (Class 4,5,6,7, & 8) was granted in October 2010 (HM/09/0407). This proposal was not progressed to a detailed planning application and the permission has now expired.
- 3.3.3 In May 2014, South Lanarkshire Council's Planning Committee, in line with Officer recommendation, refused planning permission for the 'erection of a waste processing and resource recovery facility' on the application site (HM/13/0432). The reasons for refusal were:
- The proposals were within 250m of the closest residential property
 - The proposals would create an adverse impact on the Historic Environment (in relation to Bothwell Bridge and Bothwell Bridge Historic Battlefield)
 - The proposals would have a detrimental effect on the connectivity and function of the surrounding green network
 - That the proposals would result in the release of emissions that would adversely affect air quality and create an adverse impact to the Hamilton Low Parks SSSI (Site of Special Scientific Interest) and the Black Muir Plantation SINC (Site of Importance for Nature Conservation)
- 3.3.4 This decision was appealed to the Directorate for Planning and Environmental Appeals (DPEA) and the appeal was upheld in August 2015, allowing planning permission for the development subject to 24 conditions. The permission (hereon referred to as the Appeal Decision) was issued with a requirement to commence work within 3 years from the date of issue, and currently the applicant is working on discharging the pre-commencement planning conditions and starting work on site to secure the permission in perpetuity.
- 3.3.5 The current Planning application is similar in nature to the one approved through the appeal system but involves several key changes. The Appeal Decision incorporated 4 No. anaerobic digestion tanks which involved the processing of food waste via anaerobic digestion to create additional gas for combustion. All anaerobic digestion elements have been removed from the current scheme. The other key changes relate to the design and scale of the main building. The Appeal Decision is for a main building of some 5,710 square metres and the current proposals are increased from this to a floor area of approximately 15,000 square metres. The Appeal Decision is for a maximum building height of 9 metres with 2 No. flue stacks sitting at 25 metres in height. The current proposals are for a building height of 21 metres and a reduction from 2 No. to 1 No. flue stack but at an increased height of 90 metres.
- 3.3.6 Due to its nature and scale, the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community.
- 3.3.7 In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant held 3 No. public meetings at Bothwell Community Hall (21st April, 2017), Whitehill Neighbourhood Centre (22nd April, 2017) and Blantyre Miners Welfare Society (17th May, 2017) respectively. The events were advertised locally and invitations were sent to local

MPs, MSPs and Councillors as well as relevant Community Councils and Neighbourhood groups.

- 3.3.8 Having regard to the above, it is considered the applicant has met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.9 The application by nature of its scale and type falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The applicant has therefore submitted a statement in tandem with this application, which expressly states that it is an Environmental Statement for the purposes of the EIA Regulations. The application was also advertised as an EIA development within the Hamilton Advertiser and the Edinburgh Gazette as required by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 3.3.10 As part of the planning application process additional environmental information was submitted in January 2018. The planning application was then re-advertised for receipt of additional information in the Hamilton Advertiser (25.1.2018) and the Edinburgh Gazette (26.1.2018). All consultees were re-consulted for further views on the additional information.

4 Consultation(s)

- 4.1 **Scottish Environment Protection Agency (SEPA)** – stated that the the development will require a Pollution Prevention and Control (Scotland) Regulations 2012 Part A Permit under Section 5.1 (b) and originally objected to the application on the grounds of lack of information regarding projected emission in relation to these regulations. Following the submission of additional information to address these concerns, SEPA confirmed that they consider the proposed facility as being potentially consentable, as per the requirements of the PPC licensing regime and therefore removed their objection to the planning application
Response: Noted. SPP states that in determining applications for new installations, Planning Authorities should determine whether proposed developments would constitute appropriate use of the land and leave the regulation of permitted installations to SEPA.
- 4.2 **Environmental Services** –Note that the development will require a Pollution Prevention and Control (Scotland) Regulations 2012, Part A, Permit and this would be a matter for SEPA to progress with the developer. Environmental Services have stated that they are content that this permitting process will consider all relevant environmental aspects including, but not exclusive to, air quality, odour management and operational noise management. As such, Environmental Services have limited their consideration of the application to aspects which are not covered by the PPC permitting regime. Environmental Services recommend a number of conditions relating to construction and operational noise, air quality and dust. Environmental Services also recommend the use of an advisory note to advise the applicant that the site could be contaminated.
Response: Noted. Planning conditions could be used to control these aspects of the development, in the event the Planning Committee is minded to grant planning permission.
- 4.3 **Roads and Transportation Services** – A Transport Assessment was submitted as part of the planning application which carried out an assessment of the vehicle movement associated with the proposals running at maximum capacity (195,000 tonnes of waste per annum) and concluded that the proposals would result in an average of 16, additional two-way trips (a vehicle entering and exiting the site) on the

local road network which would result in a neutral traffic impact. Roads and Transportation Services raise no objections to the proposed development and Transport Assessment, subject to conditions which require that (1) no part of the development shall be occupied until the proposed modifications to the A725 Westbound off slip/ Whistleberry Road/Back Avenue junction are completed, and (2) on Back Avenue at the junction with Whistleberry Road a minimum junction sightline of 4.5m x 120m should be provided to the right.

Response: Noted. Planning conditions could be used to control these aspects of the development, in the event the Planning Committee is minded to grant planning permission.

- 4.4 **Transport Scotland** – do not advise against the granting of permission and have no comments to make.

Response: Noted.

- 4.5 **Roads and Transportation (Flood Risk Management Services)** – no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

Response: Noted. If planning permission is granted, a condition to address this matter shall be attached

- 4.6 **Scottish Natural Heritage (SNH)** – whilst not objecting, originally requested further information relating to protected species (otters, bats and badgers). On receipt of additional information confirm that they still do not object to the proposals but in relation to protected species advise that the additional information did not include an otter survey. Advise that planning permission should not be granted without an otter survey.

Response: Noted. The application should not be granted without an otter survey being carried out and, if required, the submission of an appropriate otter mitigation strategy.

- 4.7 **West of Scotland Archaeological Service** – note that the main issue associated with the development, in terms of archaeology, is the sites position within the area defined for the Battle of Bothwell Bridge in Historic Scotland's Inventory of Historic Battlefields. WOSAS note the site has been subject to substantial levels of previous disturbance. This would tend to limit the likelihood of deposits surviving in situ, particularly within the footprint of the former school buildings. Further, the ability to survey the site with a metal detector is limited, at the present time, as a result of the presence of rubble on the site. This rubble would be removed if the development is progressed and this would provide the best opportunity to survey the site. WOSAS suggest the use of a suspensive condition, in the event planning permission is granted, requiring a written scheme of investigation of archaeological works.

Response: Noted. If planning permission is granted, a condition requiring the approval and then completion of a programme of archaeological works, prior to any construction activities on site shall be attached.

- 4.8 **SP Energy Networks** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant's expense.

Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.

- 4.9 **Countryside and Greenspace** – The site lies immediately adjacent to Backmuir woodlands which is identified as one of South Lanarkshire’s proposed statutory Local Nature Reserves (LNR). The Backmuir woodlands function as an important local amenity providing outdoor recreational access for the residents of Whitehill and Burnbank and contains an extensive network of paths, the majority of which are designated as Core Paths. The proposals will have a significant visual impact on the locality, particularly in relation to the amenity of the woodlands.
Response: Noted. The application site does not impede any paths, Core or other. Issues of visual amenity and impact on the green network are assessed in Sections 6.4.41 to 6.4.42.
- 4.10 **Historic Environment Scotland** – state that the proposed stack will have an overall effect of moderate adverse significance on both the Designated Bothwell Battlefield and A-Listed Bothwell Bridge but they do not consider the effect adverse enough to raise issues of national importance and, therefore, do not object.
Response: Noted. Whilst not considered of national importance there is an adverse impact upon the A-Listed Bothwell Bridge and Designated Bothwell Battlefield which is also required to be considered at a local rather than national scale. Assessment of this aspect of the proposal is considered in Section 6 below.
- 4.11 **NATS** – the stack height does not conflict with their aviation safeguarding criteria.
Response: Noted.
- 4.12 **British Telecom** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant’s expense.
Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.
- 4.13 **Whitehill Neighbourhood Management Board** – No objections but facilitated public consultation for residents.
Response: Noted
- 4.14 **Blantyre Community Council** - object to the proposed development on the grounds of the impact a dominant waste facility, including 90m stack, would have on the perception of the area. The impact the proposals could have on local food manufacturing and retail within the local area due to the emissions from the proposal as well as the close proximity the site is from residential homes. The proposals shall create issues of Road Safety and increased traffic within the local area. The stack height will have a detrimental visual impact upon the landscape and the historic character of the area. The previous Appeal Decision was based on a proposal with a stack height of only 25m. The feedstock would use materials that should be recycled. The proposed development would adversely affect the health of residents, especially to embryo and infant development, within the local area including risk of particulate pollution and other pollutants such as heavy metals and organic chemicals. The cost to the task payer of these increased health risks. No evidence of operational expertise shown by applicant.
Response: Noted. In relation to human health, emissions and control of the operations, Section 3.1 of the report outlines the planning system’s remit in relation to proposals of this nature. There is no requirement for previous evidence of operation of similar plants required as part of any planning assessment and operational control is again led by the PPC licensing Regime. Issues relating to the impact the proposals may have on the landscape and the previous appeal decision are assessed within Section 6 below.

- 4.15 The following consultees made no comments in relation to this planning application:

Scottish Government
National Grid
Bothwell Community Council
United Clyde Angling Protective Association

5 Representation(s)

- 5.1 The application was advertised as both a Schedule 3 and EIA development as well as for non-notification of neighbours in accordance with Regulation 20 of the Development Management Regulations, within the Hamilton Advertiser on 22nd June 2017 and the Edinburgh Gazette on 23 June 2017.
- 5.2 Following the receipt of additional environmental information, further advertisement was carried out on the 25 January 2018 (Hamilton Advertiser) and 26 January 2018 (Edinburgh Gazette).
- 5.3 Following this publicity, 7,080 letters of objection have been received as well as an online petition objecting to the application that has currently received 2,922 signatories. Letters of objection have been received from Angela Crawley MP, Gerard Killen MP, Elaine Smith MSP, Margaret Mitchell MSP, James Kelly MSP, Claire Haughey MSP, Monica Lennon MSP, Richard Lyle MSP, Christina McKelvie MSP, Councillor Martin Grant Hose and Councillor Mark McGeever. North Lanarkshire Council have also submitted a letter of objection as have Cambuslang Community Council and Uddingston Community Council. The majority of the other letters of objection submitted are separated into two pro forma style letters with the remaining letters being bespoke individual letters.
- 5.4 The points raised in the objection letters are summarised below.

Letters from elected representatives (11)

(a) Angela Crawley MP objects to the application and states that the proposals are within 50 metres from residential properties which is contrary to the 250 metre buffer zone suggested within Scottish Planning Policy (SPP). Due to the proposed stack height, the proposals would be detrimental to the historic character of the area and specifically in relation to Bothwell Bridge, Bothwell Battlefield and the Hamilton bandstand. The proposals will have a detrimental impact upon the local economy and regeneration of the area and will affect property values.

Response: Noted. The issues raised are discussed in section 6 of the report. It should be noted that property values are not a planning matter.

(b) Gerrard Killen MP objects to the application and states that the proposals shall have a detrimental effect on local communities. The proposals are within close proximity of residential properties and do not meet the 250m buffer zone as suggested within SPP. The 90m stack height shall have a detrimental visual impact on the area and the historic character. Other concerns raised are that the proposals shall increase traffic in the area, the potential for dust/ fly ash pollution, the potential to impact on the River Clyde and other watercourses and the proximity to food producers whose production could be affected by emissions. The MP notes that impact on health/ pollution control is outwith the planning system's remit but puts on record concerns the proposals may have on health.

Response: Noted. The issues raised are discussed in section 6 of the report. As stated in Section 3.1 of the report above, PAN 51 and PAN 63 advise that SEPA's consideration of whether to grant a PPC licence would include the potential effects of

the proposed development on public health. PAN 63 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection. As such, it is considered that the potential impact of the proposed development on public health is not a material planning consideration.

(c) Richard Lyle MSP objects to the application on the grounds of visual amenity in relation to the stack height, proximity to residents and impact on traffic flow. Concerns are also raised regarding harmful by-products and emissions and the lack of data on gasification processes of this nature.

Response: Noted. The issues raised are discussed in section 6 of the report. Section 3.1 of the report outlines the planning system's remit in relation to control of emissions and regulation of proposals of this nature.

(d) Margaret Mitchell MSP objects to the application due to the scale of the proposals, height of the stack, volume of traffic on local roads and increasing existing traffic. There is also a concern that there is a lack of environmental and safety data on gasification plants and air emissions.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature.

(e) James Kelly MSP objects to the application due to the proximity of the proposals to homes and schools and the potential for noise and air pollution.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature.

(f) Claire Haughey MSP objects to the application due to its proximity to residents, food manufacturing and retail as well as the visual impact and impact upon the historical environments. The proposals shall lead to an increase in traffic as well as residential disturbance caused by the frequency and size of vehicles. There is little evidence the technology is effective and therefore there is a question of whether it would be effective and needed to meet waste targets. Due to emissions, the proposals will impact on Human Health which is governed by the Human Rights Act and the real time monitoring of emissions must be made available to the public.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the Human Health and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(g) Monica Lennon MSP objects to the application on the grounds that it is detrimental to local residents in terms of proximity to homes, schools and leisure areas and will undermine the function and connectivity of important outdoor space that has a valuable contribution to wellbeing and quality of life. The proposals breach the recommended buffer zone of 250m within SPP. The proposals are approximately 83 metres from residential caravans and will impact upon their Human Rights. It will generate emissions, including from additional traffic, which will further impact upon air quality and affect both human health and the natural environment including Hamilton Low Parks SSSI and the Black Muir Plantation. The proposals shall adversely impact on the A Listed Bothwell Bridge and Designated Bothwell Battlefield, contrary to national and local policy. The stack height will be an intimidating and obtrusive visual feature that will create an adverse precedent for development in the area. Notes SEPA have objected to the proposals. The risk of fire or other hazard created by the proposals and specifically, in such a densely populated area. The impact the proposals may have on water courses and specifically being approximately 120m from the River Clyde.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the gasification process and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature. The reference to the SEPA objection relates to SEPA's original response requiring additional information which SEPA have since removed (Section 4 above).

(h) Elaine Smith MSP wishes to support and endorse Monica Lennon MSP's comments and objections (g above) in relation to the application and is concerned that the proposals are within close proximity of residential properties and do not meet the 250m buffer zone as suggested within SPP, increase traffic into the area and specifically onto the East Kilbride Express Way and the visual impact of the height of the stack. Notes SEPA have objected and that there are now residential caravans adjacent to the site that were not present whilst the previous appeal decision was made.

Response: Noted. The issues raised are discussed in section 6 of the report. The reference to the SEPA objection relates to SEPA's original response requiring additional information which SEPA have since removed (Section 4 above). The residential caravans were in existence during the consideration of the appeal.

(i) Christina McKelvie MSP objects to the application on the grounds of visual impact and the dominating nature of the proposed stack, airborne fly ash, no recycling aspect and the increase in traffic associated with the proposals on the road network as well as residents and leisure users within the locale. The proposals involve new technology and there is a lack of data on proposals of this nature, including monitoring and action plans if Dioxin emissions exceed set limits.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to the Human Health and emissions, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(j) Councillor Martin Grant Hose objects to the application due to the scale of the proposals, including the height of the stack and the associated visual impact. Gasification is a new technology and therefore there is inadequate data to control a site of this nature. The air emissions from the proposals are potentially harmful to human health, especially given the proximity of the site to houses and schools. The volume of traffic would increase traffic on the local road network and especially on the A725.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to Human Health, emissions and control of the operations, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring.

(k) Councillor Mark McGeever objects to the application due to gasification being a new technology and, therefore, there is inadequate data to effectively control a site of this nature. The air emissions from the proposals are potentially harmful to human health, especially given the proximity of the site to communities and schools. The volume of traffic would increase traffic on the local road network and especially on the A725. The height of the stack is out of proportion with the surrounding landscape and built form. The proposals would have a detrimental effect on house values within the area.

Response: Noted. The issues raised are discussed in section 6 of the report. In relation to Human Health, emissions and control of the operations, Section 3.1 of the report outlines the planning system's remit in relation to proposals of this nature and any subsequent monitoring. It should be noted that property values are not a planning matter.

North Lanarkshire Council - object to the proposed development on the grounds of the emissions of the proposals having a wide ranging and adverse effect on communities outwith the immediate area. Strathclyde Park attracts 5.34 million visitors a year as Scotland's most popular outdoor visitor attraction and is in close proximity to the proposals in terms of adverse emissions and in terms of visual impact. North Lanarkshire also queried whether as a neighbouring Authority they would have been formally consulted as part of the application.

Response: Noted. The concerns regarding Visual Impact are assessed within Section 6 of the report and matters regarding control of emissions are detailed in Section 3.1 of the report, above. It is also noted that the planning application is not of a scale that would require formal consultation with neighbouring Authorities.

Cambuslang Community Council - object to the proposed development on the grounds that the applicant has provided an inadequate consideration to alternative schemes as required by Environmental Impact Legislation. There is no plan for the utilisation of the surplus heat generated by the proposals. There is insufficient detail on the technologies proposed and the applicants has failed to demonstrate previous competence in this field. The stack height is visually obtrusive and it is considered that this can be reduced to below 70metres and air quality dispersal at a lower height should be investigated.

Response: Noted. The planning application submission and associated Environmental Impact Assessment report, including the alternative schemes chapter, meets the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. SEPA are content with the details provided in relation to the technology which has allowed them to state that the proposals are 'potentially consentable' under the Pollution Prevention and Control regime. The history of the applicant is not a material consideration of a planning application. Visual Impact is addressed within Section 6 of the report below, although it should be noted that the applicant has not sought to reduce the height of the stack through the planning process. A heat plan has been submitted as part of the application submission. It is assumed that any agreements to provide neighbouring properties with surplus heat would only be formalised if planning permission were granted.

Uddingston Community Council - object to the proposed development on the grounds that the site is in a heavily populated area, including homes and schools, would increase traffic and add to existing noise levels and congestion. Note that the Community Council are aware that there is a need for alternative means of dealing with waste but on more suitable sites.

Response: Noted. The principle of the development and issues of noise and traffic are assessed within Section 6 below.

Individual letters of representation (7,080)

The main points contained within these representations are summarised below.

- a) **The proposal shall have an adverse impact on the biodiversity, ecology and connectivity of the green network, including a proposed Local Nature Reserve**

Response: Noted. The issues of ecology, green network and historic environment are assessed within Sections 6.4.41 to 6.4.42 below.

- b) **The proposed development would adversely affect the health of residents within the local area. The emissions would result in pollutants such as particulates, heavy metals, organic chemicals and other hazardous materials being released into the air and potential water borne pollution through wheel washing facilities. The pollution would also have an**

adverse impact on local businesses such as food manufacturers and car sales.

Response: As stated above, PAN 63 advises that SEPA's consideration of whether to grant a PPC licence would include the potential effects of the proposed development on public health. PAN 63 notes that planning authorities should therefore accept that PPC licensing is adequate and suitable for public health protection. As such, it is considered that the potential impact of the proposed development on public health is not a material planning consideration.

- c) The proposed development would create an unacceptable visual impact upon the local landscape and environment.**

Response: Landscape and Visual Impact is assessed within Sections 6.4.18 to 6.4.22 of the report below.

- d) The proposed development would create an unacceptable impact upon the local historic environment, especially in relation to the A-Listed Bothwell Bridge and Designated Bothwell Battlefield.**

Response: Impact on the Historic Environment is assessed within Sections 6.4.12 to 6.4.13 and 6.4.18 to 6.4.22 of the report below.

- e) The proposed technology is neither tried nor tested.**

Response: SEPA has confirmed that the proposed facility is potentially consentable under the PPC Licensing Regime.

- f) The proposed development will reduce the amount of recycling in the area.**

Response: It is likely that recycling rates would be improved as a result of the proposed development as separating and removing recyclable waste that should not be classed as residual waste forms part of the proposals.

- g) Vermin and birds will be attracted to the proposed development.**

Response: Subject to appropriate management and mitigation, it is considered that the facility is unlikely to attract vermin or birds.

- h) SPP states that developments must be at least 250m from sensitive properties such as houses, schools, offices etc.**

Response: SPP only suggests a buffer zone of 250m for developments of this nature. This further assessed within Section 6 below.

- i) The proposed development would create an adverse impact on the local area as a result of dust/ fly ash generated.**

Response: The Environmental Impact Assessment Report predicts that there would be negligible impact on nearby receptors by way of dust, during both the construction and operational phases of the development. These findings have been accepted by Environmental Services, subject to the implementation of mitigation measures.

- j) The scale and design of the proposed development is not in keeping with the surrounding area.**

Response: The scale and design of the proposed development is considered in greater detail within section 6 below.

- k) The mode of transportation to the site is restricted to road. Site access is very poor and road safety would be compromised as a result of the**

proposed development. The Raith Interchange is already very congested with traffic and will not be able to cope with the additional HGV's.

Response: The planning application includes proposals to improve the access/egress to the site. These proposals have been reviewed and agreed by the Roads and Transportation Service. Transport Scotland has confirmed that that there would not be any significant traffic or associated environmental impacts associated with the construction and operational stages of the proposed development.

- l) The proposed development would create an adverse impact on the local area as a result of noise generated by both the operation of the facility and also HGV's travelling to and from the facility.**

Response: The Environmental Impact Assessment Report predicts that there would be negligible impact on nearby receptors by way of noise, during both the construction and operational phases of the development. These findings have been considered and accepted by Environmental Services, subject to the implementation of mitigation measures.

- m) The proposed development would create an unacceptable impact upon the watercourses in the local area.**

Response: Hydrology is assessed within Section 6 of the report below.

- n) The proposed development will reduce the value of my property.**

Response: This is not a material planning consideration.

Petition (2,922 signatories)

The points of concern raised by the petition are as follows:

- **Visual Impact**
- **Associated Historical Impact**
- **Proximity to Residential Accommodation**
- **Proximity to Food Producers**
- **Proximity to Consumer Retail Businesses**
- **Risk of Cancer and Birth Defects**
- **Risk of Heart Disease**
- **No Proof of Previous Operation**
- **No Commitment to 'Fail Safe' Operation**
- **No Fail Safe process to deal with Fly Ash and Other By-Products**
- **Wheel Ash**
- **Traffic Load**

Response: It is considered that the concerns raised have also been raised through the letters of objection and are summarised above (a to n).

- 5.4** These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.1.2 On 29 May 2018 the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.1.3 As referenced within 3.3 above, the Appeal Decision, granting planning permission for a scheme of a similar nature on the application site is also a material consideration within the assessment of this planning application.

6.2 National Planning Policy

- 6.2.1 The third National Planning Framework (NPF3) recognizes that waste can be considered a resource rather than a burden. NPF3 states that it expects Planning Authorities to work with the market to identify viable solutions to create a decentralized network of waste processing facilities and through effective waste management, create a sustainable legacy for future generations.
- 6.2.2 The Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The SPP also promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy is: waste prevention, reuse, recycling, energy recovery and waste disposal. SPP also advises that industrial and business locations may be appropriate for accommodating waste management facilities. The SPP states that planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste although it caveats this by stating that this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.
- 6.2.3 PAN 63 Waste Management Planning provides advice on the role of the planning system for more informed consideration of development proposals for waste management facilities.
- 6.2.4 PAN 1/2011 'Planning and Noise' also establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. It provides further detailed guidance, to be read in tandem with PAN 50, on noise assessments and noise mitigation measures.

- 6.2.5 The application is for energy recovery from waste within an industrial location which meets the broad parameters of Scotland's waste hierarchy.
- 6.2.6 It is therefore considered that the principle of the proposal complies with National Planning Policy. The overall acceptability of such a development must however also meet other the detailed advice within PANs 50 and 1/2011 as well as other Policy and Development Management criteria. These issues are considered in further detail in the report below.

6.3 Strategic Development Plan

- 6.3.1 The Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP) is a strategic plan with a strong focus on future growth with a broad spatial framework and a lesser focus on detailed area/site specific policy criteria. Nonetheless, the GCVSDP recognises its position within the Development Plan process relative to development management. As such, Policy 11 Planning for Zero Waste reiterates the Scottish Government's waste hierarchy and also states, inter alia, that development proposals for waste management facilities will generally be acceptable, subject to local considerations, on land designated for industrial, employment or storage and distribution uses.
- 6.3.2 It is therefore considered that the principle of the proposal complies with the Strategic Development Plan (GCVSDP) given the proposals involve energy recovery from waste within a designated industrial area. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

6.4 South Lanarkshire Local Development Plan

- 6.4.1 At a local level the application requires to be assessed against the policy aims of both the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance. In addition as stated in 6.1.2 above as the Proposed SLLDP2 has now been drafted, it must also be considered as it is now a material consideration.
- 6.4.2 SLLDP Policy 1 'Spatial Strategy' states that developments that accord with the policies and proposals of the development plan will be supported. The application is located within an area zoned as 'Other Employment Land Use Area' under Policy 7 of the SLLDP which states that these areas are retained for industrial/ business use (Classes 4, 5 and 6). Policy 7 is designed to protect established business/ industrial uses by avoiding siting incompatible uses (such as residential) within these areas and to protect supply of business and industrial land. Supplementary Guidance 5: Industrial and Commercial Development expands on Policy 7 and provides further guidance on appropriate uses within Other Employment Land Use Areas. Paragraph 3.9 of the SG notes that SPP advises that industrial business locations may be appropriate for accommodating waste management facilities. The SG states that further guidance on this is found within the waste management section of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1) as well as in SLLDP Policy 18 'Waste'.

- 6.4.3 SLLDP Policy 18 'Waste' states that, in general, waste management facilities and transfer stations will be directed to employment land unless other material considerations indicate otherwise. The Policy also states that energy from waste facilities shall be located where there are opportunities to connect with heat/ power grids and users.
- 6.4.4 It is considered that energy recovery from waste involves a quasi industrial use that would be compatible within an industrial location and does not introduce any sensitive receptors (such as residential or retail) into the Other Employment Land Use Area that would then restrict the surrounding, existing industrial uses. Furthermore the site is located in an area where there are potential heat users (within the industrial estate) and connections to existing national grid infrastructure.
- 6.4.5 It is also considered that the principle of energy recovery on the site has also been established by the Appeal Decision and therefore the principle of the development therefore accords with the Development Plan and National Policy in this instance. The overall requirement and acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.4.6 SLLDP Policy 2 'Climate Change' states that new developments should minimise and mitigate against the effects of climate change by, inter alia, maximising the reuse of vacant and derelict land, having no significant adverse impacts on the water and soils environments, air quality and minimising waste.
- 6.4.7 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should, inter alia, have no significant adverse impacts on amenity as a result of light, noise, odours, dust or particulates. Policy 4 also states that development proposals should take account of and be integrated within the local context and landscape character. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.4.8 SLLDP Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected designations. Table 6.1 of the SLLDP defines the designations within each category but they can generally be summarised as Category 1 (International), Category 2 (National) and Category 3 (Local). SLLDP Policy 15 states that development within or likely to affect the integrity of Category 1 sites will not be permitted. Development which will have an adverse affect on Category 2 sites or a significant adverse affect on Category 3 sites will only be permitted where it adheres to a number of tests.
- 6.4.9 Given the inter-relationship between Policies 2, 4 and 15 it is considered appropriate to assess the proposals collectively in relation to their criteria. The criteria of these policies are protected designations, impacts on amenity (noise, dust, air quality etc.), Built Heritage/ archaeology, Visual and Landscape Impact and Natural Heritage/ Ecology.
- 6.4.10 The application site involves the re-use of previously developed land and the proposals are for the recovery of energy from waste in line with Scotland's hierarchy of waste. The proposals include provision of additional sorting on site to ensure any recyclable material is recovered from the waste stock rather than being used as feed stock for the energy process.

6.4.11 In relation to the category of protected designations, there are no category 1 sites within the application site or within close proximity of the application site. The following category 2 designations are found within or in the vicinity of the site and the proposal's impact upon these is assessed in the following paragraphs.

6.4.12 The application site is located within land on the Inventory of Historic Battlefields (Battle of Bothwell Bridge). The A Listed Bothwell Bridge is located within 500m of the application site. Historic Environment Scotland (HES) advise that the 90m stack of flues is likely to have an impact of moderate adverse significance on both the battlefield designation and A Listed Bothwell Bridge. HES state that they do not think the level of impact would raise issues of national significance and would be localised. Therefore, whilst not endorsing the proposals, HES do not object to them.

6.4.13 In terms of Category 3 designations, the application site is located within 250 metres to the south of Bothwell Conservation Area and within 500 metres of the B listed Gate Piers leading from Bothwell Road to the Sewerage Works and the B Listed Bothwell Obelisk. It is considered that whilst there may be a visual impact on the landscape that may have an effect on these designations, it is considered that topography, existing built form and distance from the site would minimise any impact the proposals would have on the setting of these features. As such it is considered that the proposals would not have a negative effect on these Category 3, historical features.

6.4.14 The application site has been previously disturbed by development and demolition debris is currently located on the site. The presence of material has restricted the ability to undertake any substantive archaeological investigation. Given the previous built development on the site it is highly unlikely that any in-situ artefacts from the Bothwell Bridge Battle would be recovered within the footprint of the former school. However as some of the application site was occupied by playing fields and therefore has not been developed an archaeological investigation would be required as part of any planning permission. WOSAS state that a condition requiring the implementation of a programme of archaeological works would mitigate for any potential impact on the archaeological interests that may still remain on site. This could be conditioned to any permission, if issued and would be in line with the Appeal Decision.

6.4.15 In terms of designated sites within a 10km radius of the application site. The sites are:

- Hamilton Low Parks Site of Special Scientific Interest (SSSI)
- Bothwell Castle Grounds SSSI
- Clyde Valley Woodlands National Nature Reserve (NNR)
- Hamilton High Parks SSSI
- Blantyre Muir SSSI
- Waukenwae SSSI and Special Area of Conservation (SAC)
- Avondale SSSI
- Millburn SSSI
- Bishop Loch SSSI
- Woodend Loch SSSI
- Clyde Valley Woods SAC

SNH have confirmed that they are satisfied that the qualifying interests of these sites will not be affected by these proposals.

- 6.4.16 In terms of protected species, as part of the Environmental Impact Assessment Report site surveys and an Ecological Impact Assessment were carried out. Further updated species surveys were submitted as additional environmental information as part of the planning application process. As with the Appeal Decision there was no presence of protected species found on site but due to the trees there was potential for the site to be used for foraging and roosting by bats. SNH are satisfied with the bat survey but would require a further 'at height' survey to be taken prior to any tree works being undertaken to further assess the roosting potential of trees on site. This would require a pre-commencement condition should approval granted.
- 6.4.17 In terms of otters, SNH note that the Ecological Impact Assessment 'scoped' out an otter survey on the basis that the streams on adjacent land (Park Burn and Gow's Linn) are considered by the applicant to be of a sufficient distance from the development. SNH have been consulted as part of the application process, once on submission of the application and a second time on receipt of the additional environmental information. In both responses, SNH have stated their concern regarding the lack of an otter survey and advise that as the watercourses are approximately 50 to 100m from the development an otter survey should be carried out. SNH advice is that watercourses within 200m of development sites should be surveyed for presence of otter. It is considered that the ecological impact assessment, in relation to otters, is not sufficiently adequate in terms of this protected species and specifically in relation to whether a) a species licence will be required and b) whether any required species licence could be granted. Therefore in this instance a pre-commencement condition would not satisfactorily address this issue as, if the presence of otter were found, SNH could not currently confirm that a protected species licence would be granted which would allow the development proposals to continue. It is therefore considered that in its current form the planning submission does not adequately address the issue of a protected species in relation to the proposals.
- 6.4.18 The application site is located within an area described as 'urban' within the The South Lanarkshire Landscape Character Assessment (2010). Whilst inter-related, landscape impacts and visual impacts are separate. Landscape impact relates to changes in the characteristics, character and qualities of the landscape whilst visual impact relates to the appearance of these changes. A landscape change is the physical effect a proposal has on the landscape whilst visual amenity relates to the perception of the change. A landscape impact has no visual impact effect if there are no views of the development. For the purposes of this assessment, the 2 issues are collectively examined as they are inter-related in terms of the proposed development and the criteria of the Development Plan.
- 6.4.19 In terms of the Appeal Decision, it is considered that an increase in building height from 9 metres to 21 metres and a stack height increase from 25 metres to 90 metres is of a magnitude that requires a fresh assessment of the landscape and visual impact of the proposals. Whilst the Appeal Decision may be considered to secure the principle of energy from waste on the application site it cannot be considered to secure the principle of the scale of the proposed development.
- 6.4.20 Whilst urban in nature and therefore more able to accommodate landscape changes and impacts the immediate landscape does not have any similar proposals (mainly in relation to a 90 metre stack height) and therefore there is an introduction of a vertical, linear feature at a height that is not in keeping with the surrounding built form. The Landscape and Visual Impact Assessment submitted within the Environmental Impact Assessment notes that within the landscape there are other vertical features such as lamp posts and masts yet states that given the lack of any other linear feature at the

proposed 90m height there is no issue of cumulative impact. It is considered that whilst linear features such as posts and masts are found within the surrounding area they are not at a scale that could be considered in proportion to a 90m height and therefore the stack would not be in keeping with other urban infrastructure. The lack of cumulative impact further highlights the lack of any similar structures on the landscape. The Appeal Decision noted that at 25m the stack height would have 5 metres of visibility to its tip (i.e. the tallest 20 to 25m of the stack) within the surrounding area. The proposed main building has been increased from 9m to 21m with the stack height increased from 25m to 90m, and therefore in line with the Appeal Decision, its form would be more visible within the surrounding landscape. Whilst the building may be considered suitable when viewed within the context of the adjacent industrial estate it is considered that it is likely to have an adverse landscape impact when viewed outwith the immediate urban context with views to the River Clyde and Bothwell Bridge.

6.4.21 In terms of visual impact, the location of the application site within an urban area therefore results in the visual amenity of a large number of receptors being affected by the development. Whilst an element of screening is proposed it is considered that it would only be effective for the lower portions of the proposed building and stack with the majority of the proposals rising above any screening. The urban nature and topography of the area would result in some screening being afforded by other buildings for some distant receptors but the height and unique nature of the stack would result in little screening from other built development. The site whilst not being in itself prominent, given the scale of the development it would have a visual impact to a large number of receptors, some permanent (residential) as well as transient (from the M74, leisure users etc.) and have an adverse impact on the visual amenity of a large number of receptors in the surrounding environs of the site.

6.4.22 It is, therefore, considered that, whilst the landscape has the potential to absorb change through existing built development surrounding the site and wider area, the proposed 90m stack and, to a lesser degree the proposed main building, would have an adverse landscape and visual impact upon the surrounding area as well as the moderate adverse impact upon the setting of Bothwell Bridge. Whilst the stack may not impact on the reading of the battlefield designation it is also considered that it will introduce an element of visual distraction on the reading and interpretation of the layout of the battlefield.

6.4.23 In terms of impacts on amenity (noise, dust, air quality etc) in relation to SLLDP Policies 2, 4 and 15, SLLDP Policy 18 'Waste' also states that waste management proposals should be tested against a set list of criteria which, inter alia, do not lead to an adverse impact on local communities and no significant impact in terms of local environment effects including noise, dust, vibration, odour and air quality.

6.4.24 Policies SDCC 11 and 12 of Supplementary Guidance 1: Sustainable Development and Climate Change (SG1) provide further guidance on the need to provide waste management facilities, including for recycling, in appropriate locations ensuring the facilities themselves are safeguarded from inappropriate, adjacent development such as housing and protecting established residential amenity by the suitable siting of facilities in areas where they will not create nuisance such as noise or dust. SG1 Policy SDCC12 states that consideration will be given for the need for buffer zones and, if required, prescribes set buffer zone distances for waste management facilities in relation to dwellings and other sensitive receptors. For thermal plants of this nature SDCC12 prescribes minimum distances of 250 metres from sensitive receptors. In this instance the adjacent residential caravans are the closest sensitive receptors from the proposals and the nearest caravan is approximately 83 metres from the application site.

- 6.4.25 One of the issues assessed as part of the Appeal Decision was the use of prescriptive buffers that were theoretical in nature and did not take account of the actuality of the development and local topography in relation to adjacent sensitive receptors. The Appeal Decision referenced that SPP states that planning authorities should consider the need for buffer zones between waste management facilities and sensitive receptors but that does not mean that buffer zones are necessary in all cases. The Appeal Decision noted that proposed noise levels (both construction and operation) would be acceptable in relation to surrounding sensitive receptors. The Appeal Decision ruled that in line with SPP and the nature of the site and proposals that a prescriptive buffer zone of 250m was not required in this instance and that the standoff distance between sensitive receptors and the proposals were acceptable in terms of maintaining expected levels of amenity for neighbours.
- 6.4.26 The proposed South Lanarkshire Local Development Plan 2 also requires consideration on this policy matter as it is now a material consideration in the assessment of planning applications. Therefore taking cognizance of the Appeal Decision, Policy SDCC5 Waste Management Facilities and Buffer Zones in Volume 2 of the proposed South Lanarkshire Local Development Plan 2 which replaces SG1 Policies SDCC 11 and SDCC 12 removes prescriptive distances and, in line with the SPP and the Appeal Decision states that, inter alia, 'if appropriate the Council will consider a buffer zone between dwellings or other sensitive receptors and some waste management facilities based on landform and other features.'
- 6.4.27 A noise assessment has been undertaken and submitted as part of this planning application. The noise assessment measured the existing noise levels at sensitive receptors, in close proximity to the development. Thereafter, assessment was made of the sound power output from the proposed development and, using this information; predictions were made of the likely operational noise levels which would be received at the individual properties. It is noted that all processing and combustion would be carried out internally in a purpose built building which would minimise external noise. The application submission proposes further noise attenuation through the conditioning of a noise management plan (including the use of acoustic barriers on the site boundary, staggering of vehicle deliveries etc.). It is concluded that the predicted noise levels to be generated and the distance from sensitive receptors are acceptable and Environmental Services have not raised any issues regarding noise.
- 6.4.28 In terms of Air Quality, the Appeal Decision referenced SPP and PAN51 and PAN 63, confirming that the planning system should operate separately from environmental licensing regimes and that Pollution Prevention Control (Scotland) licensing (PPC) should be accepted by the planning authority as adequate and suitable for public health protection.
- 6.4.29 Following the submission of additional environmental information as part of this current planning application, SEPA have confirmed that the proposals would require a PPC. SEPA also confirmed that the planning submission is now considered by them to be sufficient to advise that the proposals are potentially consentable in accordance with the requirements of the PPC Regulations. SEPA are therefore not objecting to the planning application and would assess the air quality aspect through the PPC licensing if planning permission were granted.

- 6.4.30 As noted, the consentability of the PPC is solely within the remit of SEPA and is separate to the planning system. Other issues such as airborne dust and odour are within the remit of the planning authority. It is considered that in relation to dust (or windblown fugitive waste) the nature of operating a single, fully internal, closed loading and processing building minimises any potential for this. A dust management scheme is also proposed and this could be conditioned to any planning permission if approved. Environmental Services have not raised any objections in relation to dust or fugitive waste.
- 6.4.31 In relation to odour, again this is minimised by the use of a single, fully internal, closed loading and processing building. The removal of the anaerobic digestion aspect of the proposals that were approved by the Appeal Decision also removes an additional odour source given it dealt with food waste. Environmental Services have not raised any objections in relation to odour.
- 6.4.32 The Scottish Government's Guidance Note 'Controlling Light Pollution and Reducing Energy Consumption' (March 2007) states, inter alia, that lighting should be carefully directed where needed only and be designed to minimise light pollution. The over use of lighting is also to be avoided.
- 6.4.33 Given 24 hour operating is proposed lighting will be required as part of the proposals. Given the urban nature of the site, Environmental Services have no objections on the grounds of light pollution but have requested a lighting scheme to be submitted for further approval if planning permission is granted.
- 6.4.34 It is therefore considered that the proposals are in accordance with National Policy and the Development Plan in regard to amenity and the aspects of pollution control arising from the emissions from the proposals would be dealt with separately under the PPC regime. It should be noted that it is presumed that the stack height has been designed in regard to PPC licensing yet this does not negate the visual impact the stack will have on the surrounding landscape under the planning system and as such whilst the design may be able to satisfy other legislation this does not negate the fact it is considered to be unsuitable in landscape and visual impact terms.
- 6.4.35 SLLDP Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire Council's 'Guidelines for Development Roads'.
- 6.4.36 A Transport Assessment formed part of the planning submission that noted that the Appeal Decision is for a proposal processing 190,000 tonnes per annum (tpa) and this current application has a similar maximum capacity. The Roads (Development Management) Team have no objections to the proposals subject to conditions regarding junction design, parking standards and visibility splays. Transport Scotland have no objections to the proposal given it will utilise the adjacent Trunk Road Network. It is therefore considered that there is no intrinsic change to the vehicle movements proposed in relation to that already permitted and therefore the proposals comply with the relevant criteria of the Development Plan in this regard.
- 6.4.37 SLLDP Policy 17 'Water Environment and Flooding' states that, in relation to the water environment, development proposals outwith flood risk areas must accord with supplementary guidance. Supplementary Guidance 1: 'Sustainable Development and Climate Change' (SG1) supports the objectives of SLLDP Policy 2 and provides further guidance on a number of environmental issues, including the water environment, flooding and drainage. Policies SDCC 2 Flood Risk and SDCC 3 Sustainable Drainage Systems are considered relevant in relation to this proposal.

- 6.4.38 Policy SDCC2 Flood Risk states that, in accordance with the precautionary principle and the risk framework set out within the SPP, South Lanarkshire Council will seek to prevent any increase in the level of flood risk by refusing permission for new development where it would be at risk from flooding or increase the risk of flooding elsewhere. Policy SDCC3 Sustainable Drainage Systems states that any new development should be drained by an appropriately designed sustainable drainage system.
- 6.4.39 The application site is not on a known flood plain and SEPA have not raised any objection in relation to flooding. South Lanarkshire Council's Flooding Team have no objections to the proposals subject to the use of sustainable drainage on site for surface water and that their documentation required under the terms of their design criteria guidance is completed and submitted. Should planning consent be granted appropriate conditions shall be imposed to control this matter.
- 6.4.40 It is therefore considered that in this regard, the application complies with the relevant criteria of the Development Plan and National Policy.
- 6.4.41 SLLDP Policy 14 Green Network and Greenspace states that any development should safeguard the local green network and identify opportunities for enhancement and that loss of any areas of priority greenspace as identified within the SLLDP will not be supported.
- 6.4.42 The site is located within the northern corner of an extended green network. The Appeal Decision has resulted in there being an extant planning permission for development on this the green network. The current application site boundary is a replication of that of the Appeal Decision's and therefore it is considered that the principle of development to this portion of green network has been established. The changes to the proposals in this current application do not lead to any additional loss of connectivity or habitat than the Appeal Decision. However as mentioned above, the visual impact for users of the green network is increased due to the changes in design and scale resulting in a significantly taller and larger building and stack, and it is therefore considered that, even when taken into the context of being adjacent to an industrial estate, the scale and design of the current proposals would have an overbearing and therefore detrimental impact on the landscape character of the adjacent green network. The majority of the green network, excluding the application site, is designated as Backmuir Wood, a proposed Local Nature Reserve (LNR) within the approved Proposed Plan. Again, whilst not carrying as much weight as the Adopted SLLDP, the proposal to designate the green network as a LNR demonstrates the importance of the green network within the local environment. It is therefore considered that the proposals would not be considered as suitable in visual and landscape terms adjacent to the remaining green network.

6.5 Conclusion

- 6.5.1 In conclusion, it is considered that the principle of an energy from waste development on this site has been established through the Appeal Decision and therefore the planning assessment has to take cognizance of this. This current application does differ in several key design changes from the Appeal Decision, mainly in relation to size and scale of development. It is considered that a chimney stack of 90 metres and a ridge height of 21 metres is at a scale that is significantly different from that approved by the Appeal Decision (25 metres and 9 metres respectively).

- 6.5.2 It is, therefore, considered that the scale of the building and height of the stack create a development that would be out of scale and detrimental to the landscape character of the immediate environment, including green network, as well as in the context of the wider urban environment. It is also considered that the design of the proposals, again mainly due to scale and height, has a detrimental Visual Impact and given the urban aspect of the location, results in this Visual Impact affecting a large number of receptors. Whilst HES do not feel the adverse impact the proposals will have on the A Listed Bothwell Bridge and Designated Battlefield, are of national significance, it is considered that the visual impact the proposals will have on the setting of these 2 features of local importance will have a further detrimental impact on the surrounding landscape.
- 6.5.3 It is also considered that the lack of an otter survey, given watercourses are located within 200 metres of the site, is contrary to SNH's protected species advice and the lack of survey prohibits any assurance SNH can give on the granting of a protected species license in this regard. It is recognised that an otter survey could be carried out quite easily by the applicant and if no evidence of any otters were found or an appropriate mitigation strategy were proposed then this issue would not be a concern. However, in the absence of a survey, it is an area of concern that has not been addressed adequately as part of the planning application submission.
- 6.5.4 Taking all factors into account, it is therefore considered that whilst the principle of energy from waste may be established on the site, the proposals in their current form in terms of scale and design and would therefore have an unacceptable Landscape and Visual Impact upon the environment and green network as well as having an adverse impact upon the setting of the A Listed Bothwell Bridge and Designated Battlefield. Therefore on balance it is considered that it would not be an appropriate form of development on this site and one that may also have an impact upon a protected species' habitat. Following the above assessment it is considered that the proposals are unsuitable at this location, and do not meet the terms of the adopted South Lanarkshire Local Development Plan and Proposed South Lanarkshire Local Development Plan 2. It is therefore recommended that the application be refused.

7 Reasons for Decision

- 7.1 The proposed development is of a scale and design that would have an overbearing visual impact upon the adjacent green network and immediate environment. The stack height and scale of the proposed main building would be out of proportion with the surrounding urban environment and therefore have a detrimental landscape impact as well as a negative visual impact upon the surrounding area. The design and scale of the proposals would have an adverse impact upon the setting of the A Listed Bothwell Bridge and Designated Bothwell Battlefield. The lack of an otter survey does not establish that there will be no impact on this protected species by the development proposals. It is, therefore, contrary to Policies 4,14,15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015), Policies 3,5,13,14 and 17 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and National Guidance for protected species.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 June 2018

Previous references

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 9 June 2017

- ▶ Consultations
 - British Telecom 25.07.2017
 - Blantyre Community Council 29.08.2017
 - Roads Development Management Team 18.01.2018
 - SEPA West Region 18.05.2018
 - Countryside and Greenspace 07.06.2017
 - SP Energy Network 14.06.2017
 - Transport Scotland 08.02.2018
 - NATS 21.05.2018
 - Environmental Services 05.06.2018
 - Historic Environment Scotland 02.02.2018
 - RT Flood Risk Management Section 07.02.2018
 - Scottish Natural Heritage 28.02.2018
 - West Of Scotland Archaeology Service 21.06.2017

- ▶ Representations
- ▶ List of Objectors (letters) – available to view on request
- ▶ List of Objectors (petition) – available to view on request

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Ext: 5903 Tel (01698 455903)
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Detailed planning application

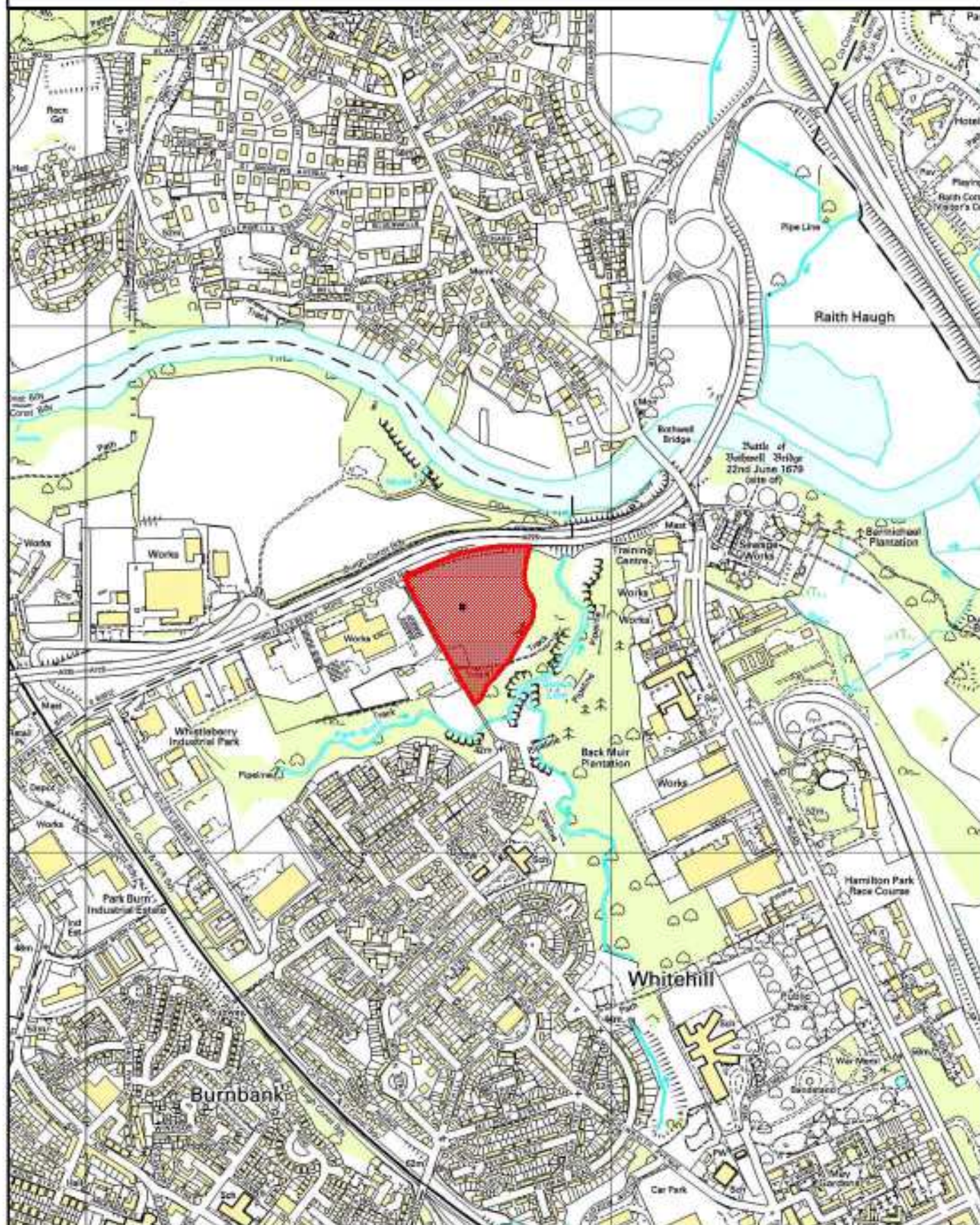
Paper apart – Application number: HM/17/0260

Reasons for refusal

01. The proposal, by nature of its scale and design, would have an adverse visual impact upon the local area and a detrimental effect upon landscape character and is therefore contrary to Policies 4, 15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 3,5,14 and 17 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
02. The proposal, by nature of its scale and design, would have an adverse impact upon the setting of the A Listed Bothwell Bridge, Designated Bothwell Battlefield and the adjacent green network and is therefore contrary to Policies 4, 14, 15 and 18 of the Adopted South Lanarkshire Local Development Plan (2015) and Policies 13 and 14 of the Proposed South Lanarkshire Local Development Plan 2 (2018).
03. The applicant has failed to demonstrate that the proposals would not have an adverse impact on otters and therefore is contrary to Policy 15 of the Adopted South Lanarkshire Local Development Plan (2015), Policy 14 of the Proposed South Lanarkshire Local Development Plan 2 (2018) and National Guidance for protected species.

HM/17/0260

Site At Whistleberry Road, Hamilton



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Scale:
1:10,000
Date:
04/08/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development