

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>8 February 2011</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	HM/10/0345
Planning Proposal:	Construction and operation of a waste sorting and resource recovery facility, with capacity to process up to 150,000 tonnes of waste per annum.

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Scotgen (South Lanarkshire) Ltd
- Location : Dovesdale Farm  
Carlisle Road  
Stonehouse  
ML9 3PR

## 2 Recommendation(s)

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

- (1) Grant Detailed Permission – Subject to Conditions (based on conditions attached).

### 2.2 Other Actions/Notes

- (1) The application has attracted a substantial body of objections and the recommendation is to grant planning consent. In accordance with Council procedures, a hearing may be required prior to determining the application.
- (2) The Planning Committee has delegated powers to determine this application
- (3) Should the Committee agree to grant consent, the decision notice should not be issued until the following matters are concluded;
  - A Section 75 Legal Agreement to control;
    - Community benefit payments, to provide a financial contribution towards community projects as a result of the renewable energy produced;
    - Community liaison meeting, to allow members of the community to meet with the Council, SEPA and the developer/operator on a regular basis to discuss the construction and operation of the facility;
    - A routing agreement, to ensure lorries minimise impact on the surrounding road network;
    - A contribution to mitigation works at Canderside Moss SSSI.

- A Section 96 agreement to cover extraordinary wear and tear on the public road network, as a result of construction traffic.

All costs associated with the legal agreement, including the Council's costs, shall be borne by the applicant.

### 3 Other Information

- ◆ Applicant's Agent: Stratus Environmental Limited
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s):
  - National Policy**
  - Scotland's Zero Waste Plan
  - National Waste Strategy 1999
  - National Waste Plan 2003
  - Glasgow and Clyde Valley Area Waste Plan 2003
  - Thermal Treatment of Waste Guidelines 2009
  - National Planning Framework (2)
  - Scottish Planning Policy
  - PAN 63 Waste Management
  - PAN 54 Renewable Energy
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 82 Local Authority Interest Developments
  - Glasgow & Clyde Valley Structure Plan 2006**
  - Strategic Policy 9 – Assessment of Development Proposals
  - Strategic Policy 10 – Departures from the Structure Plan

#### **South Lanarkshire Local Plan (Adopted 2009):**

- Policy STRAT3: The Green Belt and Urban Settlements in the Greenbelt
- Policy CRE2: Stimulating the Rural Economy
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV20: Natura 2000 Sites
- Policy ENV12: Flooding Policy
- Policy ENV18: Waste Management
- Policy ENV26: Sites of Special Scientific Interest/National Nature Reserves
- Policy ENV30: New Development Design
- Policy ENV34: Development in the Countryside
- Policy ENV37: Sustainable Urban Drainage Systems
- Policy ENV39: Waste Management Site Assessment
- Policy DM1: Development Management

- ◆ Representation(s):
  - ▶ 19,235 Objection Letters
  - ▶ 0 Support Letters
  - ▶ 0 Comments Letters

◆ Consultation(s):

Scottish Environment Protection Agency (SEPA)

Scottish Natural Heritage (SNH)

National Health Service (NHS) Lanarkshire

Roads and Transportation Services (HQ)

Environmental Services

Transport Scotland

Scottish Gas Networks

Scottish Water

Scottish Wildlife Trust

Stonehouse Community Council (SCC)

Roads & Transportation Services H.Q. (Flooding)

Scottish Government Rural and Environment Directorate

Historic Scotland

Health and Safety Executive

RSPB Scotland

Netherburn and Ashgill Community Council

Larkhall Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located approximately 1.4km south east of Stonehouse, 2.1km north of Blackwood, 2.1km south of Larkhall and 2.4km west of Netherburn. The M74 motorway is located approximately 100m to the east of the site and Canderside junction which provides access north & southbound to the M74 is 2km north of the site.
- 1.2 The application site extends to 4.9ha, gently slopes from east to west, and is used for agricultural purposes. It is accessed from Carlisle Road (B7078) which forms the site's eastern boundary, and bounded to the north by the existing access road from Carlisle road to Dovesdale Farm and to the south and west by agricultural land. A telecommunications mast is located immediately to the north of the application site.
- 1.3 The closest individual residential properties are Lockhead Cottage, located 130m to the northeast of the application site, Lochhead Farm, located 250m to the northeast of the application site, 145 to 155 Carlisle Road, (the closest of these located 320m to the north of the application site), Dovesdale Farm, located 250m to the west of the application site and Overwood Farm, located 390m south of the application site.
- 1.4 The Cander Moss Site of Special Scientific Interest (SSSI) is located 175m to the east of the application site, on the opposite side of the M74, and 350m east of the proposed flue stack. The Clyde Valley Woods Special Area of Conservation (SAC) is located 2.6km south east of the application site. A Special Landscape Area (SLA) is located 1.5km to the north and 1.7km south east of the application site.
- 1.5 Dovesdale Farm, located 300m to the west of the application site is currently operated by William Hamilton & Sons as a recycling centre, inert landfill, distribution depot and road cleaning depot. In addition, consent was also granted for the construction of an asphalt plant and shed (HM/09/0238) in August 2009. To date, the asphalt plant has not been constructed.

### **2 Proposal(s)**

- 2.1 The applicant seeks planning permission for the construction and operation of a waste management facility which has the capacity to handle up to 150,000 tonnes of waste per annum.
- 2.2 The proposed development comprises of two components:
  - A Materials Recycling Facility (MRF), which involves segregating and sorting of waste into recyclables and residual waste; and,
  - An Energy Recovery Facility (ERF), which involves the gasification of the residual waste.
- 2.3 These operations are described below.

#### *Materials Recycling Facility (MRF)*

- 2.4 Waste collected from primarily commercial, industrial and municipal sources would be brought to the site and would go, via the weighbridge, to the waste reception area. Bulky items would be separated from the waste at this stage. The majority of the materials would then be loaded onto a conveyor, which would convey waste to a manual picking station. Recyclables including cardboard, paper, plastics, wood and organics would be removed and placed in storage prior to being sent to re-processors. Ferrous metals would also be removed following the manual picking station by using magnets. The remaining residual waste would be placed into storage prior to it being transferred to the gasification plant.
- 2.5 The recyclable materials would be compacted into 1m<sup>3</sup> bails. These would be stored within the facility before they are transferred to specialist materials re-processors.
- 2.6 Biodegradable material would be stored within a designated area prior to it being sent for anaerobic digestion or composting.
- 2.7 The waste sorting operation is designed to handle up to 150,000 tonnes of waste per annum. Of this, it is predicted that 23,000 tonnes per annum would be sorted, bailed and exported for re-processing and 45,000 tonnes per annum of biodegradable material would be exported from site. The remaining material would be processed in the ERF. All operations associated with the MRF would take place within the main building.

#### *Energy Recovery Facility (ERF)*

- 2.8 Gasification is an Advanced Thermal Treatment process which converts residual, non-recyclable waste into energy. The waste is heated within a controlled environment where oxygen is restricted. The carbon contained within the waste is converted into a syngas, leaving a solid residue which is generally 6% (weight) of the waste treated. The syngas is then combusted within a separate chamber, driving a boiler and steam turbine, generating heat and electricity.
- 2.9 Up to 80,000 tonnes of residual waste (waste which has been through the MRF process and cannot be recycled) can be gasified at the proposed facility. Four gasification streams are proposed within the facility, each stream consisting of four gasification chambers, secondary combustion chamber, waste heat boiler, flue gas treatment package, a by-pass venting system for use during abnormal operations and a separate flue for each stream, leading to a single flue stack.
- 2.10 Each stream of the ERF will operate on a sequential batch basis, i.e. each gasification chamber would be in a different phase of the gasification process, e.g. Chamber 1 being loaded, Chamber 2 gasifying waste, Chamber 3 cooling and Chamber 4 de-ashing. Using this method provides a regulated flow and temperature of syngas to the secondary combustion chamber, thereby maximising efficiency and heat recovery.
- 2.11 The cooled flue gases will be put through a dedicated treatment package to remove contaminants from the flue gas stream prior to discharge through the stack. All flue gas lines will be continually monitored to ensure compliance with the terms of any Pollution Prevention and Control (PPC) permit, which may be granted and subsequently monitored by SEPA.
- 2.12 It is estimated that the proposed ERF would allow 10MWe of gross power to be produced, with the facility itself utilising approximately 1.4MW. The remainder is

available for export to the Grid. Heat produced by the facility will also be available to export to neighbouring operations at Dovesdale Farm.

- 2.13 It is estimated that ash from the primary gasification chamber will amount to approximately 6% (weight) of the waste treated. The gasifier ash has a relatively low carbon content and could be recycled as an additive in the production of secondary aggregates and concrete block making. A further 4% (weight) of the waste input will be collected through the flue gas treatment package and is likely to be disposed of by landfill.

#### *Physical extent of development*

- 2.14 The proposed development would comprise of the following physical elements;
- Main building, measuring 210m x 84m x 15.2m, accommodating the MRF and ERF operations, and also including offices and welfare facilities;
  - Flue stack, 50m high;
  - Entrance/exit weigh bridge;
  - Car parking (42 standard spaces and 4 disabled spaces);
  - Surface water treatment lagoon;
  - Air cooling modules for the cooling of water for re-use in steam boilers;
  - Four silos, two for the storage of sodium bicarbonate for the Flue Gas Treatment system and 2 for the temporary storage of liquid effluent prior to removal from site;
  - Turbine building;
  - Biofilter to 'scrub' malodours created by waste awaiting treatment in the MRF and ERF;
  - Diesel stand-by generator - in the event of power loss this stand-by generator will allow continued operations and subsequent safe shutdown should power supply problems persist.
  - Diesel tank for the stand-by generator, mobile plant and storage of the diesel for the ERF;
  - Potential Hazardous Waste Store prior to treatment; and
  - High voltage switch room and transformer.
- 2.15 Waste materials to be processed at the resource recovery facility consist of a range of waste types including a small percentage categorised as hazardous (approximately 5% of the ERF input - circa 4,000tpa). This hazardous waste will mainly comprise wastes that are of high calorific value and are therefore beneficial to the energy production process. Hazardous waste which will be accepted by the ERF includes oily rags, protective clothing, construction waste from contaminated site etc.. The proposed facility would not process 'toxic waste'.
- 2.16 The ERF operation within the facility would be operated on a 24 hours, 7 days a week basis. It is proposed that the MRF, including deliveries of waste, other materials and export of materials, would be limited to the hours of 07.00 to 18.00 weekdays and 07.00 to 13.00 on Saturdays, with no MRF operations, deliveries or exportation on Sundays.
- 2.17 It is estimated that the proposed development will result in 77 commercial vehicles arriving and departing the site on a full working day, resulting in 154 movements. In addition, staff travelling to and from the site would generate a further 96 vehicle movements. Commercial vehicle movements would be limited to MRF operating hours as detailed in paragraph 2.16 above, however staff vehicle movements would not be restricted.

- 2.18 The proposed development would create up to 50 new permanent jobs, including engineering, management, skilled jobs and administration posts.

### **Environmental Statement**

- 2.19 An Environmental Statement (ES) was submitted in support of the planning application, in line with the Environmental Impact Assessment (Scotland) Regulations 1999, as amended.
- 2.20 The ES reports on the following key benefits of the proposed development;
- Low carbon electricity generation sufficient to supply 16,000 homes;
  - 94% diversion of waste from landfill;
  - Generation of up to 10MWe or 14MWth low carbon renewable energy;
  - A reduction of 80,000 tonnes (net) of CO<sub>2</sub> per year;
  - £50 million inward investment;
  - Potential to create up to 50 new permanent jobs.
- 2.21 The ES includes four initial chapters which provide an introduction, a description of the site and its surroundings, a description of the proposed development and consideration of planning policy applicable to the proposed development. The ES then sets out a number of assessments of the proposed facility. The assessments and findings of the ES are summarised below;

### *Need, Alternatives and BPEO*

- 2.22 The first assessment contained within the ES relates to the need for the proposed facility, alternative technologies to manage waste and alternative sites to accommodate the proposed facility and consideration of the 'Best Practical Environmental Option' (BPEO).
- 2.23 In terms of 'need', the ES concludes that there is a deficit in recycling and resource recovery capacity in the local area and that there is therefore a need for a facility of this type. The ES concludes that the facility could contribute to an estimated 48% of the energy recovery capacity and 42% of the recycling capacity required in South Lanarkshire. The assessment also considers the need for renewable energy and notes that the facility could produce up to 6MW of renewable electricity or 14MW of renewable heat. The issue of need is given detailed consideration in Section 6 of this report.
- 2.24 In terms of alternative technologies, the ES considers a variety of technologies and concludes that MRF and Gasification represent the most appropriate combination of technologies. During the consultation process, SEPA noted that the basis for choosing the preferred technologies was not sufficiently set out within the ES. In response, the applicant prepared and submitted the report titled '*Outline of Main Alternatives Studied by the Applicant*'. SEPA confirm that this report sets out in sufficient detail the reasoning for selecting the MRF and Gasification combination of technologies.
- 2.25 In terms of site selection, the location of the application site is acknowledged as being within the green belt. The assessment notes however the unique characteristics of the site, located centrally within South Lanarkshire, with good access to the primary road network, adjacent to an existing inert landfill, an aggregates and soil recycling facility, a haulage depot and vehicle workshops, an aggregates storage building and a site with planning permission for an asphalt plant. The assessment also explains the need to comply with TTWG efficiency

requirements and the implications this has for site selection. The application site is therefore considered to be uniquely located to achieve these efficiencies by exporting heat to the adjacent operations.

- 2.26 In terms of alternative sites, the ES notes that a search was undertaken within South Lanarkshire to identify alternatives. The southern part of South Lanarkshire was largely discounted due to distance from the main sources of waste. Factors which were used when considering alternative sites include size of the site, access to the site, proximity to sensitive receptors, proximity to waste arisings, proximity to developments which could use heat produced by the facility and other environmental designations. A shortlist of sites was drawn up following a review of the South Lanarkshire Local Plan, a desk top study and discussions with land agents. Sixteen sites were included on the shortlist, however only four of these sites were considered large enough to accommodate the proposed development. The four sites identified included the M74 Eco Park, Langlands West (East Kilbride), Land north of Lesmahagow and Castlehill Yard (Carluke). The M74 Eco Park already has a renewable heat supplier and is located 16 miles south of Hamilton and is not therefore in proximity to the main waste arisings. Langlands West is currently vacant with no opportunities to export heat and is located some distance from the centre of South Lanarkshire. Castlehill Yard is also located on green belt and there is no opportunity to export heat. The site on the northern edge of Lesmahagow is located close to a residential area and the ability to export heat is unknown. Furthermore, an application for a mixed use development has now been approved on the site. On this basis, the application site is considered to be the most appropriate for the development.
- 2.27 The ES considers whether the proposed facility complies with the BPEO set out within the Glasgow and Clyde Valley Area Waste Plan and whether the facility represents the BPEO for the waste streams identified. The proposed development was found to be consistent with BPEO.

#### *Air Quality*

- 2.28 Pollutants defined in the European Union Waste Incineration Directive 2000 (WID) were used in the air quality assessment and a worst case assessment of the potential impact of process operations on local air quality undertaken. The results were assessed against the standards and objective limits in the National Air Quality Strategy and the Environment Agency's guidance on Appraisal of Best Available Techniques (BAT).
- 2.29 The ES describes how the gasification technology proposed will both be designed to minimise atmospheric emissions to within the strict regulatory limits set by the Waste Incineration Directive and be monitored continuously.
- 2.30 The assessment predicts a small percentage increase in ground level concentration of pollutants as a result of the proposed development but concludes that this will not be significant. The flue stack would ensure effective dispersion of the emissions and a pollution control and monitoring system would ensure compliance with the National Air Quality objective values for local air quality, even under abnormal operating conditions. The proposed development would offset approximately 80,000 tonnes (net) of CO<sub>2</sub> emissions per annum, that would otherwise be released from conventional power generation.

#### *Landscape and Visual Impact*



- 2.31 A landscape and visual impact assessment (LVIA) was undertaken to consider the potential landscape and visual impact of the proposed development on the surrounding area. A study area with a radius of 5km from the development was considered in the LVIA.
- 2.32 The LVIA identified three aspects of the proposed development which might impact on the existing landscape. These included:
- The construction impact of the proposed development, with particular reference to the 50m flue stack, the cooling modules and the associated external structures;
  - The operation impact of the proposed development, including the presence of the facility, the occurrence of waste deliveries etc;
  - The visible plume from the stack.
- 2.33 The LVIA also included a landscape character assessment (LCA). The assessment found that the development would have a substantial adverse impact due to a further change from agricultural use to industrial use and the size, scale and positioning of the proposal. In addition, an adverse impact was identified on the Stonehouse Conservation and Stonehouse Residential East areas, however these were not considered to be significant.
- 2.34 Consideration has also been given to the proposed developments visual impact to individual and groups of residential properties, roads and footpaths within 2km of the proposed development. Views of the development from properties outwith the 2km radius were considered unlikely to be significantly affected. Moderate-substantial adverse effects were noted for the three footpaths considered, due to the size and scale of the development. Moderate-substantial adverse effects were noted for 10 residential receptors, primarily located to the west of the site, due to the scale of the development and its industrial nature.

#### *Traffic and Transportation*

- 2.35 The traffic and transportation impact of the proposed development was considered within the ES. A traffic count on Carlisle Road was undertaken. In addition, taking into account personal injury accident statistics, the accessibility of the site in relation to sustainable transport, the traffic movements from existing businesses and the likely traffic movements from the proposed development the impact of the development on the local highway network was assessed.
- 2.36 The traffic count, undertaken between 22 May 2010 and 28 May 2010, found that during the average weekday, 3,663 vehicles travelled northbound and 3,248 travelled southbound. The proportion of HGVs was around 2% of the total traffic over a full weekday, increasing to between 5% and 6% during peak hours. Carlisle Road was found to be operating at less than 60% of its capacity during weekdays.
- 2.37 The ES estimates that the proposed development would result in an additional 250 vehicles over an average day, with an estimated 18 trips during the peak hours. The busiest periods would be between 13.00 and 14.00, where 21 arrivals and 14 departures are expected and between 14.00 and 15.00 where 14 arrivals and 32 departures are expected. The proposed development would therefore result in an increase in traffic on Carlisle Road of 3.5% during peak hours and around 8% over the duration of the average day. The ES concluded that the proposed development would not affect highway safety and the proposed improvements would assist this.

#### *Noise and Vibration*

- 2.38 An assessment of potential noise and vibration effects arising from the construction and operation of the facility has been undertaken. Baseline noise and vibration surveys have been carried out at four of the nearest receptors to the site. Noise predictions were based on 'worst case scenarios'. The assessment found that, during the construction phase, noise levels would not exceed the most stringent noise limit of 65db  $L_{Aeq}$  1h as suggested with *BS5228: 2009 Code of Practice for Noise and Vibration Control on Open Sites*. The proposed facility once constructed, would be in operation 24hrs a day, 7 days a week. Consideration has therefore been given to daytime and nighttime noise during operation. During the daytime, it is predicted that the proposed facility will not result in an increase to background noise levels at two of the four receptors, Lockhead Cottage and 155 Cander Bank. It is predicted that the background daytime noise level at Candermain would increase by +4dB(A) which, in accordance with *BS4142: 1997 Method of rating industrial noise affecting mixed residential and industrial areas* (BS4142) will be less than of *marginal significance*. Predicted daytime noise levels at the fourth receptor, Dovesdale House, would be +6dB(A), categorised between *marginal significance* and *complaints likely* within BS4142. Predictions for noise associated with the nighttime operations resulted in +8dB(A) for Dovesdale House, but the remaining three receptor locations are predicted to be below the background levels.
- 2.39 In terms of vibration, the ES predicts that the development will not result in any perceptible vibration at the nearest receptors. Vibration associated with HGV is also considered extremely unlikely to be perceptible or create damage to property from any HGVs travelling to or from the facility.

### *Ecology*

- 2.40 An ecological assessment was undertaken as part of the ES, including an Ecology survey of the application site and immediate locality in May 2010 and an analysis of data obtained during consultation. The site was found to be of low ecological interest, with a relatively low diversity of plant community.
- 2.41 The assessment of the impact of the atmospheric emissions associated with the development on protected ecological sites within a 10km radius was also undertaken. The assessment concluded that the development will not result in significant ecological impacts. Planting and a surface water attenuation pond are proposed as part of the application and it is considered that this could improve biodiversity.
- 2.42 A further cumulative assessment of the development in conjunction with the consented asphalt plant was undertaken by the applicant, and the findings are set out in Section 6.

### *Hydrology, Hydrogeology and Flood Risk*

- 2.43 The ES sets out the current baseline conditions and describes how, during construction, a temporary drainage strategy will ensure that the surface water run-off is managed and controlled. Once operational, the ES describes how the surface water drainage system will incorporate an on-site surface water attenuation pond, providing capacity for flood waters. Mitigation measures will be employed to minimise contamination.

### *Soils and Geology*

- 2.44 An assessment of the proposed developments impact in respect to geology and land quality was undertaken and uses the findings of a Phase 1 (desk study) Geoenvironmental Appraisal and supplementary data provided by the British Geological Survey.
- 2.45 The ES recommends that further surveys are undertaken to investigate the shallow mine workings, prove the depth and thickness of the drift cover and investigate the ground gas risks. These measures are considered to reduce the residual risk in respect to ground stability and ground gas to negligible.

#### *Socio-Economic*

- 2.46 The ES includes an assessment of the developments socio-economic impact on the surrounding area. The proposed development would directly create 50 jobs, bring £50m of capital investment into the area and £1,000,000 of wages per year into the local economy.
- 2.47 The development is found to have a positive impact in relation to;
- Employment, both during the construction and operations stages,
  - Sustainability, in terms of recycling and resource recovery of the development and the reduction of CO<sub>2</sub> emissions,
  - Local Economy, in terms on increased employment, investment into the area and Combined Heat and Power for the adjoining businesses
- 2.48 The proposed development is considered to have no significant effect on local leisure and tourism and on local population.

#### *Landuse*

- 2.49 The impact of the proposed development on land uses within the immediate vicinity of the proposed development is considered within the ES. The ES found that the development would not adversely affect the adjacent agricultural landuses, nor the wider area.

#### *Cultural Heritage*

- 2.50 There were no cultural sites identified within the application site boundary and 4 areas/sites of potential archaeological significance were identified within 1 km of the site. The implementation of the development would have a negligible direct impact upon identified archaeological sites. During the operation of the facility, impacts such as noise, vibration and emissions to air are considered to have no significant negative impacts on those archaeological sites.
- 2.51 The findings of the ES were based on a number of technical reports. Following consultation with various agencies, particularly SEPA, SNH and Environmental Services, further clarification was provided in the form of the following reports;
- Review of WID Emission Compliance
  - Dioxin Health Risk Assessment
  - Atmospheric Dispersion Modeling
  - Health Impact Assessment
  - Habitat Risk Assessment
  - BAT Review of the Options Available for Emission Control
  - Further information relating to noise predictions
- 2.52 These additional reports generally support the findings of the ES.

### 3 Background

#### National Policy and Guidance

- 3.1 Scotland's Zero Waste Plan (ZWP), published in June 2010, sets a framework to support the investment necessary to deliver a zero waste Scotland over a 10 year period. The ZWP sets targets of 70% recycling of waste and a maximum of 5% of waste to landfill by 2025. Strategic directions are made within the ZWP for the medium term up to 5 years. The ZWP notes that waste which cannot be reused or recycled can potentially generate electricity or heat. Energy from waste (EfW) could contribute up to 31% of Scotland's renewable heat target and 4.3% of Scotland's renewable electricity target. However, the amount of waste being treated by EfW plants should be restricted to 25% for all waste streams.
- 3.2 The National Waste Plan, launched in February 2003, outlines the national strategy to achieve increased levels of recycling and an overall reduction in the amount of waste produced by 2020. The National Waste Strategy 1999 divided Scotland into 11 waste areas, each of which has its own Area Waste Plan. The Glasgow and Clyde Valley Area is covered by an Area Waste Plan, published in 2003.
- 3.3 The waste hierarchy, explained within the National Waste Plan, encourages the adoption of options for managing waste in the following order of priority:
  - Waste should be prevented or reduced at source as far as possible;
  - Where waste cannot be prevented, waste materials or products should be reused directly, or refurbished then reused;
  - Waste materials should then be recycled or reprocessed into a form that allows them to be reclaimed as a secondary raw material;
  - Where useful secondary materials cannot be reclaimed, the energy content of waste should be recovered and used as a substitute for non-renewable energy resources;
  - Only if waste cannot be prevented, reclaimed or recovered, should it be disposed of into the environment by landfilling, and this should only be undertaken in a controlled manner.
- 3.4 SEPA's Thermal Treatment of Waste Guidelines 2009 (TTWG) identifies what is expected from applicants in order to comply with SEPA's planning objectives and the Scottish Government's policies on waste. The guidelines apply to all thermal treatment plants that recover energy from municipal, commercial and/or industrial waste, the practical implications of the guidelines are that plants should:
  - only treat residual waste in order not to impede recycling and waste prevention efforts;
  - be part of an integrated network of recycling and composting and other waste management facilities; and
  - recover and use the energy derived from waste efficiently.
- 3.5 In relation to the need to recover and use the energy derived from waste effectively, the TTWG require facilities to meet a minimum threshold of thermal and electrical efficiency within 5 to 7 years of commissioning. The TTWG requires planning applications for EfW developments to be accompanied by a Heat Plan, which demonstrates that 20% energy recovery is possible based on the waste's gross calorific value. The TTWG is a material planning consideration.
- 3.6 The National Planning Framework for Scotland 2 (NPF2) recognises the substantial potential of waste as a resource. Targets which predate those set within the zero

waste plan are used. It is recognised that the planning system has a crucial role to play in ensuring that installations are delivered in time to allow waste management targets to be met. The 25% cap on waste to go to EfW will apply at the local as well as the national level and will be a material consideration in development management decisions. Relevant considerations in the siting of installations will include proximity to sources of waste and the transport network, and the relationship of intermediate transfer and treatment installations to tertiary waste management installations.

- 3.7 Scottish Planning Policy (SPP) notes that to achieve the ambitious targets set for recycling and resource recovery there will require to be a significant increase in waste management infrastructure. It goes on to say that the planning system has a crucial role in ensuring that installations are delivered in time to allow waste management targets to be met. A significant commitment to enabling the development of new waste management infrastructure through the planning system is therefore required.
- 3.8 SPP notes that the proximity principle requires waste to be dealt with as close as possible to where it is produced. This means taking local responsibility for the treatment and disposal of waste. Planning for waste management infrastructure to meet all waste needs within each local authority area is a key part of fulfilling this responsibility.
- 3.9 In relation to green belt, SPP notes that a green belt designation should be used to direct development to suitable locations, not to prevent development from happening. SPP also notes that certain types and scales of development may be appropriate within a green belt but that design, scale and form must be considered. Where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available.
- 3.10 In relation to landscape and natural heritage, SPP notes that landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character.
- 3.11 Planning Advice Note (PAN) 63 – Waste Management Planning provides planning advice on the approach to dealing with waste management infrastructure proposals. PAN 63 states that in general the most appropriate locations are those with the least adverse impacts on local population and the environment. PAN 63 outlines the advantages of locating waste management facilities close to developed areas as a means of reducing traffic between areas of waste generation and disposal. Planning authorities should accept that, where applicable, PPC licensing (controlled by SEPA) is adequate and suitable for public health protection.
- 3.12 PAN 45 Renewable Energy Technologies notes that planning authorities will wish to consider the following issues when determining a planning application for a EfW facility:
  - visual intrusion, particularly of the chimney;
  - noise from engines, boilers, handling equipment and traffic;
  - the local ecology; and
  - traffic resulting from the transport of the fuel to the site and subsequent removal of by-products/wastes.

- 3.13 All relevant national policy and advice is considered in the Assessment and Conclusions section of this report.

## **Development Plan**

- 3.14 The Glasgow & Clyde Valley Joint Structure Plan 2006 covers South Lanarkshire. Schedule 9 contained within the Structure Plan defines waste management developments likely to be significant as those over 10 hectares in size. The application site covers an area of 4.9 hectares and is therefore well below the 'significant' threshold.
- 3.15 The adopted South Lanarkshire Local Plan 2009 (SLLP) identifies the site as being within the green belt and Policy STRAT3 (The Green Belt and Urban Settlements in the Greenbelt) therefore applies. Other policies to be considered when assessing this application include;
- Policy CRE2: Stimulating the Rural Economy
  - Policy ENV4: Protection of the Natural and Built Environment
  - Policy ENV20: Natura 2000 Sites
  - Policy ENV12: Flooding Policy
  - Policy ENV18: Waste Management
  - Policy ENV26: Sites of Special Scientific Interest/National Nature Reserves
  - Policy ENV30: New Development Design
  - Policy ENV34: Development in the Countryside
  - Policy ENV37: Sustainable Urban Drainage Systems
  - Policy ENV39: Waste Management Site Assessment
  - Policy DM1: Development Management
- 3.16 The Councils Supplementary Planning Guidance (SPG) for Renewable Energy briefly refers to EfW development proposals. Policy REN5 states that applications for EfW developments shall continue to be considered under the waste management policies contained within the SLLP.
- 3.17 All of these policies are examined in detail in the Assessment and Conclusions section of this report.

## **Planning History**

- 3.18 No planning history exists for the application site.
- 3.19 The Dovesdale Farm operation, currently utilising the existing private access road onto Carlisle Road, was originally granted planning permission for the infilling of a former quarry with inert material in 1994 and for a haulage business in 1995. A number of planning applications have been approved in the intervening years, amending conditions and extending the associated office etc.
- 3.20 Planning permission was granted in August 2009 for the erection of an asphalt plant with an associated shed and yard. The shed has been constructed, however construction of the asphalt plant has not yet commenced.

## **Responsibilities of SLC & SEPA**

- 3.21 Given the nature of the proposed development and the other regulations relevant to the permitting of the proposed development, it is considered in the circumstances appropriate to set out the responsibilities of both the Council and SEPA.

- 3.22 EfW facilities in Scotland can only operate when planning permission is granted by the Local Authority and a Pollution Prevention and Control (PPC) permit has been issued by SEPA. PPC permits, however, cannot be issued by SEPA until planning permission is granted.
- 3.23 The Council has a responsibility to determine planning applications in relation to land use planning. During the planning process the Council 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”* (PAN 51).
- 3.24 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.
- 3.25 Reflecting this, PAN 63 notes that *“Planning authorities should not impose planning conditions on issues that are more suitably dealt with by waste management licensing conditions”*.
- 3.26 PAN 63 also advises that SEPA’s consideration of whether to grant a PPC licence will 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.

### **Pre-Application Consultation**

- 3.27 The Planning etc (Scotland) Act 2006 introduced a hierarchy of development, to ensure that applications are dealt with in a way appropriate to their scale and complexity. The proposed development is classed as ‘Major’ as a result of its capacity. The applicant was therefore statutorily required to undertake pre-application consultation exercise with the local community.
- 3.28 The applicant set out the measures taken to comply with PAC within the ‘Statement of Community Involvement’, submitted in support of the planning application. The following measures were undertaken by the applicant:
- 30/04/2010 - Letters were sent to the Ashgill and Netherburn Community Council (A&NCC) and the Stonehouse Community Council (SCC), providing details of the proposal and contact information.
  - 13/05/2010 - Emails/Letters were sent to Councillors of the Avondale and Stonehouse, Clydesdale South and Larkhall Wards (The Ward Councillors) and to A&NCC and SCC, inviting them to attend a public exhibition.

- 13/05/2010 – An advertisement was placed in the Hamilton Advertiser, advertising the public exhibition.
- 17/05/2010 – The first newsletter prepared by the Applicant was issued to the Ward Councillors and the Larkhall Community Council.
- 18/05/2010 – Letters were sent to statutory and non-statutory consultees and MSP's advertising the public exhibition.
- 20/05/2010 – Public exhibition was held at Shawlands Hotel between 2pm and 7.30pm.
- 24/05/2010 – Letter and newsletter was sent to 17 residential properties located within 1km of the application site.
- May/June – Meetings took place between the applicant and some individuals living close to the site.
- 07/06/2010 – Meeting took place between the applicant and the executive committee of SCC.
- 07/06/2010 - Press release was issued to the Hamilton Advertiser and the East Kilbride News.

3.29 In addition, the applicant set up a dedicated webpage on the Scotgen website ([www.scotgenltd.co.uk](http://www.scotgenltd.co.uk)), which has made available a variety of information regarding the development proposal. A series of newsletters have been prepared and made available to the public on request and through the website.

3.30 In total, feedback from a total of 191 interested parties was received during the consultation process. The majority of these comments were made on the feedback forms created by the applicant, however a small proportion were received by letter, email and telephone calls. Having regard to the above I am satisfied that the applicant met the legislative requirements for pre-application consultations.

## 4 Consultations

4.1 **Scottish Environment Protection Agency (SEPA)**: submitted a number of responses in relation to the consultation process. SEPA's initial response raised an objection due to lack of information relating to certain aspects of the proposal, including energy efficiency, air quality, impact on designated sites, odour, noise etc. The applicant submitted a response aimed to answer all SEPA's technical queries.

SEPA subsequently withdrew their objection to the proposed development, subject to conditions and noted that the development is potentially consentable under the regulatory regimes administered by them, in line with PAN 51. Nevertheless, SEPA note that there are a number of minor issues which require to be addressed during the processing of the anticipated PPC permit application. SEPA note that a PPC permit cannot be issued until the applicant gains planning permission.

**Response**: Noted. The requirements of the planning conditions recommended by SEPA can be attached to the consent.

4.2 **Scottish Natural Heritage (SNH)**: raise no objection to the proposed development. SNH made a number of responses in relation to the consultation process. Their initial response noted that there was insufficient information to determine whether the proposal is likely to have a significant effect on designated sites and therefore requested an assessment of the development potential impact on all designated sites within a 10km radius of the site. The applicant submitted a response with the assessment, aimed to answer all SNH's concerns. This assessment was reviewed by SNH in consultation with SEPA, and SNH confirm that they have no objections to the development proposal. SNH noted that the likelihood of the development itself causing damage to the protected sites within the area was low, however the



cumulative impact of the development, in conjunction with the consented asphalt plant, could cause damage to the Cander Moss SSSI. This issue is considered further in Section 6 below. SNH therefore requested the applicant to contribute towards mitigation measures to off-set the developments impact on Cander Moss SSSI.

**Response:** Noted. The applicant has confirmed that they are willing to contribute to works on Cander Moss SSSI. This would be controlled through a Section 75 agreement.

- 4.3 **National Health Service (NHS) Lanarkshire:** note that all appropriate actions to mitigate noise, traffic and emissions should be undertaken. Emissions caps have been set to protect health and the environment. NHS Lanarkshire confirm that if SEPA and Environmental Services are satisfied that the facility can operate within the limits, there should be no significant human health effects. NHS Lanarkshire suggests that monitoring of noise, traffic and air quality should continue after the construction of the site. NHS states that if the PPC regulations and all other relevant regulations are adhered to, there is no reason to prevent this development on grounds of human health.

**Response:** Noted. Conditions can be put in place if consent is granted to ensure monitoring is undertaken where necessary. The PPC permit, administered by SEPA, would control the monitoring of air emissions.

- 4.4 **Roads and Transportation Services (HQ):** confirm that they have no objections to the proposed development subject to conditions, and note that the facility will not have a significant effect on the surrounding road network. The conditions requested relate to road widening, provision of both fixed and vehicle activated signage and monitoring of the facility, in particular with respect to the safe operation of the access. R&T also request that a Section 96 agreement is entered into in order to cover extraordinary expenses in repairing roads damaged by heavy vehicles during the construction phase of the development. Further information relating to Roads and Transportation issues is contained with Section 6 of this report.

**Response:** Noted. Conditions 22 to 29 are proposed to cover these elements. The applicant has confirmed that they are willing to enter into a Section 96 agreement with the Council to cover the construction phase.

- 4.5 **Environmental Services:** submitted two responses in response to the consultation process. Environmental Services initial response raised a number of points and sought clarification from the applicant on a variety of issues relating to construction and operational noise, air quality, odour, dust emissions and contaminated land. Detailed technical matters were queried, particularly in relation to air quality, and comments were provided in relation to the Atmospheric Dispersion Model, the Dioxin Health Risk Study and the Health Impact Assessment.

The applicant submitted a further package of information to address the points raised by Environmental Services. This included a covering letter addressing each point raised and seven technical reports. Environmental Services have confirmed that they do not object to the proposed development and have suggested conditions be applied to the consent, if approved, relating to construction and operational noise, air quality, contaminated land and dust.

**Response:** Conditions 14, 15, 16, 30 and 33 are proposed to cover the aspects raised by Environmental Services. Further discussion regarding noise, dust, air quality, contaminated land and odour is provided in Section 6 of this report.

- 4.6 **Transport Scotland:** raise no objections to the proposed development and make no specific comment on the proposals.

**Response:** Noted.

- 4.7 **Scottish Gas Networks:** raise no objection to the proposed development and make no specific comment on the proposals. SGN provided a plan illustrating the location of gas mains within the area of the site.

**Response:** Noted. The planning application illustrates that the applicant is aware of the SGN infrastructure in proximity of the site.

- 4.8 **Scottish Water:** raise no objection to the planning application and make no specific comment on the proposals.

**Response:** Noted.

- 4.9 **Scottish Wildlife Trust:** object to the proposed development. SWT provides comments on a number of issues, including the developments location, (noting its proximity to the Cander Moss SSSI), and the need to locate the development close to a heat user. SWT note that the approved asphalt plant has not been constructed and is therefore uncertain. SWT consider that ecology has not been adequately addressed within the ES, in that there has only been a single site walkover and it did not include land outwith the application site. SWT do however acknowledge that the site is unlikely to contain significant wildlife interests. In terms of types of waste, SWT note that hazardous waste will be processed at the plant, however not knowing the specific type of waste to be processed it is not possible to assess the potential impacts. In terms of air quality, SWT states that the ES only considers air emissions from the ERF, and does not adequately consider emissions of odour, bio-aerosols, dust and litter. SWT provides further comment on technical issues relating to concentrations of various emission types.

The applicant responded to SWT's comments, noting that the ecological impact assessment was agreed with SNH at the EIA scoping stage. The applicant also provided details of the types of waste to be processed by the ERF (see Section 2 above) and provided a direct response to the queries raised in relation to air quality and emissions. SWT made a further representation, making comment in relation to types of waste materials proposed to be treated by the ERF and emission values. They retained their objection.

**Response:** The issues raised by SWT are discussed at length within Section 6 of this report. In response to specific issues, the ecological impact assessment did consider areas outwith the application site and SNH has confirmed that they are satisfied with the findings. In relation to concentrations of emissions, SEPA and Environmental Services are the competent authorities in relation to air quality and confirm that they do not object to the granting of the planning application.

- 4.10 **Roads & Transportation Services H.Q. (Flooding):** The Flood Prevention Unit (FPU) raise no objection to the proposed development. Indicative details of a surface water retention lagoon and swales to discharge water to the Cander Water have been submitted to the FPU.

**Response:** Noted. Condition 11 requires surface water to be dealt with in accordance with CIRIA SUDS Manual (C697) published in 2007.

- 4.11 **Scottish Government Rural and Environment Directorate:** confirmed that they had no comments to make on the application.

**Response:** Noted.

- 4.12 **Historic Scotland:** raise no objection to the proposed development and note that they are content with the principle of the proposed development in the proposed

location and are content that there are unlikely to be any significant adverse impacts on historic environment assets within their statutory remit.

**Response:** Noted.

4.13 **Health and Safety Executive:** raise no objections to the proposed development.

**Response:** Noted.

4.14 **RSPB Scotland:** did not respond to the consultation.

**Response:** Noted.

4.15 Given the nature of this development the applicant's pre-application consultation exercise included a number of neighbouring Community Councils. Consequently, while the application site falls within the Netherburn and Ashgill Community Council area consultation was undertaken with the following Community Councils.

4.16 **Netherburn and Ashgill Community Council:** did not respond to the consultation.

**Response:** Noted.

4.17 **Stonehouse Community Council (SCC):** object to the proposed development on the grounds that the proposed development is located within the green belt, its impact on biodiversity, landscape, nearby designated sites, human health due to emissions to atmosphere and roads infrastructure. SCC considers that the development should be directed to an area of industrial land. SCC suggests that the pre-application consultation process was flawed because the negative impacts of the development were not stated and that the public event was not sufficient. SCC claim that there is a conflict of interests in the Council determining this planning application because the Council will benefit from it once operational. Finally, SCC notes that consideration should be given to the right of way which runs up the proposed access route.

**Response:** The comments made by SCC are noted and are discussed in Section 6 below. The circumstances where applications require to be referred to the Scottish Ministers are also set out in Section 6 below.

4.18 **Larkhall Community Council:** did not respond to the consultation.

**Response:** Noted.

## **5 Representation(s)**

5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operation), Environmental Impact Assessment Regulations, as non-notification of neighbours and as development contrary to the development plan.

5.2 As a result of this publicity, 19,235 representations were received. The representations can be considered in 3 broad groupings; letters from elected representatives (3), pro-forma style letters of objection (19,044) and individual letters of objection (188).

5.3 Letters of representation were received from a number of community groups who were not formally consulted in relation to this application. These community groups included the Blackwood and Kirkmuirhill Coordination Group, the Leadhills Community Council and the Stonehouse Development Trust. Furthermore, an email objection was submitted by the Action Group Against Dovesdale Incinerator (ADADI).

- 5.4 The points raised in the letters are summarised below under the broad groupings. In terms of responses to the issues raised these are discussed in full in the Assessment and Conclusions section of the report.

### Letters from elected representatives

- (a) **Jim Hume MSP considers the proposed development to be contrary to planning policies because the application site is located within the green belt, is unsuitable on environmental grounds, it could pose a threat to protected areas located close by and would create a visual impact on the landscape.**

**Response:** The points raised by Mr. Hume are considered in detail within Section 6 of this report.

- (b) **Karen Gillon MSP objects to the application and states her reasons for objection are (1) the application site is located within the green belt, (2) the application site is located within a Strategic Green Network, (3) the application site does not comply with the list of potentially appropriate sites for waste management facilities noted in PAN 63 and Scotland's Zero Waste Plan, (4) the development may set a precedent which will encourage other waste management proposals within the locality, (5) the development does not comply with Policy ENV34, (6) the development does not comply with Policy ENV39, (7) the proposed development would result in an unacceptable level of traffic, (8) the application site is located within close proximity of a SSSI, (9) public opposition to the proposal is high, (10) SEPA have objected to the proposed development. Ms Gillon also states that if the Council resolve to approve the development, it should be referred to the Scottish Ministers due to a conflict in interests.**

**Response:** The points raised by Ms Gillon are considered in detail within Section 6 of this report. It should be noted that the application site is not located within the Strategic Green Network as suggested in (2) above.

- (c) **Aileen Campbell MSP objects to the proposed development. Ms Campbell provided the results of a survey undertaken among residents of Blackwood, Kirkmuirhill and Boghead by her office in relation to the proposed development. This concludes that 97% of respondents (416) disagree with the proposals. The principle concerns raised were in relation to the level of haulage traffic in Blackwood and Kirkmuirhill, and the location of the proposed development in the green belt. The impact of the proposed development on human health and on the environment is also mentioned.**

**Response:** Site selection, the impact of traffic and transportation and issues related to human health and the environment are considered in detail within Section 6 of this report. It should be noted that the applicant has agreed to enter into a Section 75 legal agreement to control lorry routes.

### Pro-forma style letters of objection (19,044)

19,044 pro-forma style letters of objection were received. The comments made are summarised below;

- (a) **The proposed development does not comply with policies contained within the adopted South Lanarkshire Local Plan.**

**Response:** Consideration of the proposed development in the context of relevant policies contained within the local plan is set out in Section 6 below.

- (b) **The proposed development is not appropriate for a green belt location.**

**Response:** This issue is considered in Section 6 of this report.

- (c) **The proposed development is not compatible with the adjoining land uses.**

**Response:** The application site is located adjacent to an existing waste management site, involving the infill of a former quarry with inert material. Other uses on the adjacent site include a haulage yard, vehicle workshops, an aggregates and soil recycling facility and materials storage shed. Planning permission was also granted in 2009 for an asphalt plant adjacent to the site.

- (d) **The proposed development would be detrimental to the surrounding organic farm land/community.**

**Response:** NHS Lanarkshire were consulted in relation to the planning application and commented specifically in relation to the health impact of the development. NHS Lanarkshire confirmed that they were satisfied that providing the facility operates within limits set by SEPA, there would be no adverse impact on health.

- (e) **The proposed development would have an adverse impact on biodiversity and natural and built heritage resources.**

**Response:** The impact of the proposed development on biodiversity and natural and built heritage resources is considered in Section 6 of this report.

- (f) **The proposed development does not respect the existing landscape and would adversely affect the amenity of the landscape and particular viewpoints.**

**Response:** The landscape and visual impact of the proposed development is considered in Section 6 of this report.

- (g) **The proposed development would be dominant and does not respect the traditional patterns of scale, proportion and density.**

**Response:** The design and visual impact of the proposed development is considered in Section 6 below.

- (h) **The technology proposed is not a tried and tested method of dealing with waste.**

**Response:** The applicant's sister company, Scotgen (Dumfries) Ltd, currently operates a facility utilising the proposed gasification technology. The PPC permit for this installation was granted by SEPA in May 2009. The plant in Dumfries is currently in its commissioning phase. The facility is also licensed to process hazardous waste, similar to the proposed development. It is understood that a number of breaches of the PPC permit has been experienced at the facility, however it should be noted that very few relate to exceedance of emissions and none of the breaches raised health risks.

- (i) **The proposed development would create an impact on the Cander Moss Site of Special Scientific Interest (SSSI).**

**Response:** The impact of the proposed development on designated sites is considered in Section 6 below.

- (j) **The proposed development would create an unacceptable impact on surrounding properties in terms of noise, dust and odour, particularly due to the proposed operational hours of 24 hrs per day, 7 days a week.**  
**Response:** The environmental impact of the proposed development is considered in Section 6 below.
- (k) **The proposed development would cause significant contamination of land, air and watercourses.**  
**Response:** The environmental impact of the proposed development is considered in Section 6 below.
- (l) **The proposed development will create a high increase in vehicle movements, resulting in more accidents on the local road network.**  
**Response:** The operation of the facility would result in an estimated 250 additional vehicles over an average day. This would result in an increase in traffic on Carlisle Road of 3.5% during peak hours and around 8% over the duration of the average day.
- (m) **The traffic and transportation impact of the proposed development should be considered cumulatively with other developments within the area, such as new housing developments in Stonehouse, Blackwood and Kirkmuirhill.**  
**Response:** The applicant has agreed to enter into a legal agreement with the Council which would require them to use the M74 and access the site from the north (Canderside Toll). Lorries collecting waste from the local area of Blackwood and Kirkmuirhill may however access the facility from the south; however the proportion of lorries accessing the site from this direction will not be significant. The local road network has been assessed and is considered to have capacity to accommodate traffic associated with the facility.
- (n) **The proposed development would result in emissions into the atmosphere, which would be harmful on the environment, livestock and residents within the area.**  
**Response:** The issue of air emissions, and their impact on people and the environment is considered in Section 6 of this report.
- (o) **The Planning Authority cannot ensure that the jobs created by the proposed development will be filled by the local labour market.**  
**Response:** Noted. The planning system is not capable of ensuring that the facility will solely employ local people. The applicant has however noted that their intention is to employ local people wherever possible.
- (p) **Development on prime agricultural land should not be permitted.**  
**Response:** SPP states that prime agricultural land is “*agricultural land identified as being of Class 1, 2 or 3.1 in the land capability classification for agriculture as developed by the Macaulay Land Use Research Institute*”. The Macaulay Land Use Research Institute (Sheet 64) shows that the application site is Class 3.2 in the land capability classification and as such the site is not ‘prime agricultural land’.
- (q) **The proposed development does not meet an established need.**  
**Response:** The issue of need is considered in Section 6 of this report.
- (r) **The proposed development is better suited to industrial, storage and distribution land uses.**

**Response:** The issue of landuse is considered in Section 6 of this report.

- (s) **The proposed development will be conspicuous as a result of the chimney flue and size of the building.**

**Response:** The landscape and visual impact of the proposed development is considered in Section 6 of this report.

- (t) **This development does not capture energy to provide heating for local use and it is not part of an integrated network of waste management facilities for the area.**

**Response:** Heat produced by the proposed facility will be used by the nearby operation at Dovesdale Farm, and may be used for the consented asphalt plant adjacent to the site. The proposed development is located adjacent to an existing inert landfill, an aggregates and soil recycling facility, a haulage depot and vehicle workshops, an aggregates storage building and a site with planning permission for an asphalt plant. These other operations at Dovesdale Farm, will be able to use heat produced by the facility and will be able to recycle by-products created by the proposed facility. The applicant has confirmed that organic waste recovered through the MRF process may also be sent to the consented Anaerobic Digestion facility granted planning permission through application CL/09/0272, located 11km to the south east. Furthermore, residual ash which cannot be recycled can be sent to landfill in the area. I am therefore satisfied that the development will integrate into the existing network of local waste management facilities.

- (u) **This type of development should only be considered in an industrial area and only when all other methods of recycling and reuse of waste have been exhausted.**

**Response:** The issue to landuse is considered in Section 6 below.

### **Individual letters of objection (188)**

The points raised in the individual letters, which have not already been summarised within the consultation section of in points a) to u) above, are summarised below.

- (v) **The proposed facility will process toxic waste.**

**Response:** The proposed development would not process 'toxic' waste. It is proposed that the facility would accept a small proportion of 'hazardous' waste, as explained in paragraph 2.15 above.

- (w) **How can the energy generated by the facility be 'renewable'?**

**Response:** EfW facilities are eligible for renewables obligation certificates for the biomass fraction of waste treated. A proportion of the energy generated is therefore deemed to be 'renewable'.

- (x) **The proposed development will create mal-odours, detracting from the amenity of the area.**

**Response:** The issue of odour is given consideration within Section 6 of this report.

- (y) **Who would be responsible for monitoring the facility, if it becomes operational?**

**Response:** SEPA will be the main authority responsible for monitoring the facility once it becomes operational. The issues to be monitored by SEPA are summarised in Section 3 above.

- (z) **Is it normal practice for the applicant to prepare the assessments (the ES) of their own planning application?**  
**Response:** Yes. The applicant is expected to prepare Environmental Statements considering the environmental impact of the development. This is standard practice across Scotland. The content of the ES is reviewed by consultees and used to inform their comments on the proposal.
- (aa) **Property prices within the area will be adversely affected by the approval of the proposed facility.**  
**Response:** The impact of planning proposals on property prices is not a material consideration.
- (bb) **The site is located in an 'area of outstanding natural beauty'.**  
**Response:** Areas of Outstanding Natural Beauty are not recognised designations in Scotland. The application site is not located within any designated landscape area. A Special Landscape Area is located to the north of Stonehouse and west of Larkhall, approximately 1.5km north of the application site.
- (cc) **The facility would have adverse effects on local conservation areas.**  
**Response:** The impact of the proposed development on the Stonehouse Conservation area is considered in Section 6 below.
- (dd) **The proposed development would have an adverse impact on tourism.**  
**Response:** The ES submitted with the planning application considers the socio-economic impact of the proposed development, and found that the development would not adversely affect leisure and tourism in the area, and would also result in £50m of capital investment into the area and £1,000,000 of wages per year into the local economy. I am satisfied that the likelihood of the proposal adversely affecting tourism to a significant level is out weighed by the advantages brought by the investment in the area.
- (ee) **The proposed development will not create a benefit to the local community.**  
**Response:** The applicant has confirmed that they are willing to provide financial contributions towards a community benefit fund. Furthermore, the development would also result in £50m of capital investment into the area and £1,000,000 of wages per year, equating to 50 full time jobs.
- (ff) **The facility will be flood lit, adversely affecting views at night.**  
**Response:** Condition 18 requires details of any external lighting to be submitted and approved by the Council.
- (gg) **The facility should not be permitted because not all reasonable steps have been taken to re-use or recycle the waste.**  
**Response:** Noted, Condition 6 requires the ERF to only gasify residual waste.
- (hh) **The proposed development would adversely affect the adjacent public right of way.**  
**Response:** The impact of the proposed development on the right of way is considered in Section 6 below. Conditions 22 and 23 are proposed to protect the public right of way.
- (ii) **The operator will just burn all the recyclable material to increase profit.**



**Response:** Condition 6 requires the operator to only process residual waste through the gasification plant.

A copy of correspondence from elected members, non-standard letters of objection and a copy of the pro-forma objection letter and a list of signatories have been made available for inspection in the usual manner.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Glasgow and Clyde Valley Joint Structure Plan and the adopted South Lanarkshire Local Plan 2009.
- 6.2 In assessing any application for waste management it is also necessary to evaluate the proposals against the most up to date national planning policy. There is specific national planning policy guidance and advice for waste management contained within NPF2, SPP and PAN 63. A summary of the relevant national policy is contained within Section 3, above. The issues covered by these various national policy documents will be referred to in this section.
- 6.3 In order to accord with the Structure Plan, development proposals require to satisfy the criteria in Strategic Policy 9. Strategic Policy 9 (A) relates to development which exceeds the thresholds set out in Schedule 9. Schedule 9 notes that significant waste management developments are those which have a site area of 10 hectares or more. The proposed development site is 4.9 hectares and is therefore below the scale of development likely to be strategically significant. Accordingly, whilst the site is located in the Green Belt it does not have to be assessed as a departure from the Structure Plan. Nevertheless as the development is in the green belt, it will be assessed in relation to local plan policy covering Green Belt developments.
- 6.4 At a local level, the application requires to be considered against the policies within the adopted South Lanarkshire Local Plan 2009. This provides a range of detailed policies against which planning applications are to be assessed. The issues raised by the specific policies are highlighted below.
- 6.5 The application site is located within the green belt. The application therefore requires to be assessed against Policy STRAT 3 – The Greenbelt and Urban Settlements in the Greenbelt. Policy STRAT 3 states that development is directed to within settlement boundaries whilst *“allowing the Greenbelt to continue to function as an area for agriculture/forestry, recreation and other appropriate uses”*. Policy STRAT 3 goes on to state that there *“shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, establishments and institutions standing in extensive grounds or other use considered by the Council to be appropriate to the Green Belt”*.
- 6.6 The proposed development is not principally associated with agriculture, horticulture, forestry, recreation, nor is it an establishment or institution which will stand in extensive grounds. The proposed facility would be primarily industrial in nature and must therefore be considered a departure from policy STRAT3. An assessment of the proposed facility against other policies in the local plan is therefore required to establish whether a departure from the plan is appropriate.

- 6.7 Policy ENV18: Waste Management notes that when determining planning applications for waste management facilities, the Council will have regard to national waste policy and guidance. Existing and new facilities will be safeguarded and development adjacent to these facilities which will adversely affect the operation of the facility will not be considered favourably. The content of this policy is noted and, where appropriate, national policy and guidance has been considered in the determination of this application.
- 6.8 Policy ENV 39 – Waste Management Site Assessment sets out criteria against which waste management planning applications should be assessed. Each assessment criteria is considered in detail below;
- a) *That there is a demonstrated need for the facility.*
- 6.9 When considering need it is necessary, in the first instance, to consider the general need for this type of waste management facility, before considering in more detail the need for the particular elements of the proposed development, such as its size, in terms of tonnage of waste to be processed, and its general location.
- 6.10 Paragraph 168 of NPF2 states that the *“planning system has a crucial role to play in ensuring that installations are delivered in time to allow waste management targets to be met. Planning Authorities should facilitate the provision of a network of waste management installations, which enable the movement of waste to be minimised and EU and national targets to be met, taking account of opportunities to derive energy from waste and develop local heat networks”*.
- 6.11 SPP states that *“decision making in the planning system should support the achievement of Zero Waste objectives, including the provision of the required waste management installations”*. The SPP goes on to say that value should be recovered from products when they reach the end of their lives, either through recycling, composting or energy recovery, in accordance with the waste hierarchy. Reference is also made to the proximity principle, which requires that waste is dealt with as close as possible to where it is produced.
- 6.12 Scotland ZWP proposes targets for recycling. (70% of all Scotland’s waste and only 5% of remaining waste going to landfill by 2025) The ZWP acknowledges that EfW plants have an important role to play in treating waste, recovering resources and diverting waste from landfill, but limits the amount of waste treated in this way to 25% of arisings. EfW facilities could contribute up to 31% of Scotland’s renewable heat target and 4.3% of its renewable energy target. The Scottish Government has set out a package of measures to achieve these targets. In relation to recovery targets, the Scottish Government intend to introduce a landfill ban on mixed, unsorted waste and apply restrictions on what can be incinerated.
- 6.13 Based on the considerations set out above, national policy clearly identifies a need for a network of facilities designed to recover resources from waste. It is therefore necessary to examine current waste arisings within the local area and the approved and operational facilities.
- 6.14 The Glasgow and Clyde Valley Area Waste Plan Annual Progress Report 2008/2009 notes that the total municipal solid waste (MSW) arisings for the local area is 194,746 tonnes. Of the 194,746 tonnes of MSW generated in the local area, 63% (122,636 tonnes) is landfilled and 37% (72,110 tonnes) is recycled or composted. Within the ES, the applicant has also estimated that a further 464,800 tonnes of

business waste (commercial and industrial) arises locally. This estimate is based on the proportion (17%) of MSW arisings in the local area when compared to the Glasgow and Clyde Valley area.

- 6.15 It is therefore estimated that a total of 659,546 tonnes of waste is generated within the local area on an annual basis, with 364,386 tonnes sent to landfill and 295,160 tonnes recycled/composted.
- 6.16 To realise the recycling and landfill targets set out in the ZWP, and assuming waste arisings in the local area remain static, recycling rates will require to increase by an estimated 166,522 tonnes per annum. Waste sent to landfill will require to reduce from its current level to 5% of waste arisings, equating to an estimated reduction of 331,409 tonnes per annum.
- 6.17 As a result of the 25% limit of waste to be treated by EfW facilities, an estimated 48,687 tonnes of MSW and an estimated 116,200 tonnes of business waste could be treated by EfW facilities. EfW facilities could therefore be used to treat up to 164,887 tonnes of waste per annum in the local area.
- 6.18 There are currently no EfW facilities operating within South Lanarkshire. Consent was granted in November 2009 for an Anaerobic Digestion (AD) facility, designed to manage 135,000 tonnes of organic biodegradable waste (CL/09/0272). This facility is designed to process industrial food processing material such as dairy waste and supermarket food waste, some root crops, potato tops or recycled digestate. Furthermore, the facility is designed to serve markets throughout Scotland and Northern England. The type of waste processed at this plant therefore differs substantially to that within the proposed facility at Dovesdale Farm. Indeed, the applicant envisages that bio-degradable food waste recovered at the proposed development could be sent to the AD facility for processing.
- 6.19 In light of the above, I am satisfied that there is need for this type of facility within South Lanarkshire and that the proposed annual processing capacity of the ERF, at 80,000 tonnes, would contribute to addressing this need. It should also be noted that there is sufficient need for the proposed development when considering business waste alone. Furthermore, I am satisfied that there is need to provide MRF capacity within South Lanarkshire to both meet recycling and landfill targets, and again the MRF capacity of 150,000 tonnes would contribute to addressing this need.

*b) Its location in relation to the main sources of waste.*

- 6.20 As discussed above, there is a demonstrated need for a facility of this type within the South Lanarkshire area, to drive up recycling rates and cut landfill rates. 122,636 tonnes of South Lanarkshire's MSW is currently landfilled on an annual basis and an estimated 241,600 tonnes of business waste also goes to landfill. The application site is centrally located within South Lanarkshire and is close to Junction 8 of the M74, the primary transportation route within South Lanarkshire.
- 6.21 I am satisfied that the application site is well located in relation to the main sources of waste, with good transportation routes to large settlements such as Hamilton, East Kilbride, Strathaven, Stonehouse, Larkhall, Blackwood and Kirkmuirhill, Lesmahagow, Lanark and Carluke.

*c) The potential impact of the proposal on local communities and other sensitive land uses.*

- 6.22 The environmental impact of the proposed development on local communities has been considered at length within the ES and further information submitted by the applicant during the processing of the planning application. A summary of the ES is provided in Section 2 above. It is considered that the proposed development, if unmitigated, could have the potential to impact local communities under the following broad headings;
- i. Public Health and Air Quality;
  - ii. Landscape and Visual Impact;
  - iii. Noise and Vibration;
  - iv. Water Quality;
  - v. Traffic and Transportation, and;
  - vi. Odour.

*i Public Health and Air Quality*

- 6.23 SEPA was consulted on this application and their comments are considered in Section 4 above. SEPA confirmed in their letter dated 10 December 2010 that they have no objection to the proposed development, subject to conditions and that the proposal is potentially capable of being consented under the regulatory regimes they administer. NHS Lanarkshire notes that if SEPA and Environmental Services are satisfied that the operation can operate within the Waste Incineration Directive (WID) limits, there should be no significant human health effects either directly, or indirectly, through the consumption of locally grown produce. Furthermore, as explained within Section 3 above, PAN 63 notes that planning authorities should acknowledge that PPC licensing provides an adequate and appropriate mechanism for protecting public health. On this basis, it is considered that, as SEPA, Environmental Services and the NHS have not objected to this proposal, the development's impact on public health does not provide appropriate, significant or material grounds for refusing the proposal.
- 6.24 In terms of the impact of the development on Air Quality, the ES includes a chapter relating to this issue which is summarised in Section 3 above. Further information was provided by the applicant in their submission of the 15 October 2009, following a request by SEPA, which generally supports the conclusions of the ES.
- 6.25 The current air quality conditions of the site and surrounding area are found to be well within Air Quality Standards. The proposed development has been found to be capable of operating within WID limits relation to air quality and SEPA are satisfied that the facility can operate without causing an unacceptable impact on air quality.

*ii Landscape and Visual Impact*

- 6.26 The physical extent of the proposed development is detailed within Section 2 above and a summary of the findings of the landscape and visual assessment is contained within Section 2 above. The LVIA found that moderate-substantial adverse impacts would be experienced at 3 footpath locations and from 10 residential properties/areas, located primarily west of the application site.
- 6.27 Although the western part of the application site will be raised to create a flat development platform mitigation measures have been incorporated into the design of the facility to reduce its impact. These measures include the planting of trees and hedgerows, manipulating the landform to create shallow bunds, elevating planting and setting the proposed facility into the site. The proposed building has also been designed to reduce its impact on the landscape through the use of colour and timber cladding to break up its outline and appearance. The proposed flue stack, the height of which has been chosen to balance the need to minimise landscape and visual

impact against the need to provide sufficient height to allow emissions to be dispersed appropriately, can also be treated to minimise its impact on the skyline.

- 6.28 Views of the proposed facility will be most prominent in areas to the west of the site. In this regard, the proposed facility would be viewed in the context of three existing wind turbines, extending to 91m in height to blade tip. A further two 100m wind turbines were also approved adjacent to the existing turbines, however these have not yet been constructed (HM/08/0298).
- 6.29 With the above in mind, I consider that whilst there will be a moderate-substantial impact to views within the area, particularly from the west of the site, there has been adequate mitigation proposed within the application to reduce the landscape and visual impact of the facility. This will ensure the amenity of the surrounding area is not significantly affected. Furthermore, I consider that the 50m stack will not cause a significant impact on amenity as a result of its height, particularly given the context of the wind turbines, both existing and proposed.

### *iii Noise and Vibration*

- 6.30 A summary of the findings of the noise and vibration impact assessment contained within the ES is set out within Section 2 above. The assessment considered the developments impact on four residential receptors located closest to the application site. The assessment found that noise from the facility would not exceed background levels at two of these four properties during the day and three of the four during night time. It is worth noting that the two receptors which will not experience an increase in noise levels during both the daytime and night time (Lochhead Cottage and 155 Cander Bank) are located close to the M74, the main source of noise in the vicinity.
- 6.31 The increase of noise predicted at Cander mains and Dovesdale House would be +4dB(A) and +6dB(A) respectively during the day. It is also predicted that Dovesdale House will experience an increase of +8dB(A) during night time hours.
- 6.32 BS4142 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' describes a noise increase of +4dB(A) as of less than marginal significance. For this reason, I consider the increase at Cander mains to be acceptable and not merit refusal of the application. In terms of the noise increase at Dovesdale Farm, +8dB(A) is described by BS4142 as of greater than marginal significance. It should however be noted that Dovesdale House is owned by the owner of the application site. The occupants therefore have an interest in the development and control over its ability to be implemented. No objection from the occupants of Dovesdale House has been received. On this basis I consider this impact to be acceptable and not sufficient to provide material grounds for refusing the application. Nevertheless, Condition 9 requires the applicant to further investigate opportunities to mitigate noise from the facility.
- 6.33 iv – vi, Water quality, traffic and transportation and odour are considered elsewhere in this report.
- d) *The development will have no significant adverse impact on any heritage feature including Conservation Areas, Listed Buildings or their settings, Scheduled Ancient Monuments, historic gardens and designed landscapes and other sites of archaeological or historic interest where these are material considerations;*

- 6.34 The closest conservation area to the application site is the Stonehouse Conservation Area, located 1.7km to the east. Three listed buildings are located approximately

1.5km from the application site, namely the category A listed buildings of the Old Cander Bridge and Canderside Bridge, category B listed Broomfield Farm and the category C(S) listed building at 106 Lockhart Street. Four archaeological sites were identified within 1km of the site within the ES, including 2 colliery sites, a roman road and a cairn. No sites of archaeological interest were identified within the application site.

6.35 Historic Scotland has confirmed that they are satisfied that the proposed development will not adversely affect any scheduled monuments and their settings, category A listed buildings and their settings and gardens and designed landscapes appearing in the Inventory. I am also satisfied that the proposed development will not adversely affect Category B and C(S) listed buildings mentioned above. No historic gardens or designed landscapes are located within proximity of the site.

6.36 Views of the proposed development from the Stonehouse Conservation Area have been considered within the ES. The ES notes that the proposed facility will be visible from properties within the conservation area, particularly from the rear properties on Camnethan Street. The majority of properties within the Stonehouse Conservation area will not however have views of the facility due to screening provided by other buildings. The landscape and visual impact is judged by the ES to be slight to moderate adverse. Having considered the relative locations of the development and the Conservation Area and the site's design and layout I am satisfied that the impact of the proposal on the area is not sufficient to merit refusal of the application.

*e) The development will have no significant adverse impact on any natural heritage feature including the Green Belt, agricultural land, landscape, the natural environment including landscape character, habitats and species, including those given statutory protection;*

6.37 The proposed development as principally industrial in nature and as such is considered a departure from the Council's green belt policy (Policy STRAT 3). Its landscape and visual impact and impact on agricultural land is considered above.

6.38 In terms of protected sites and species, 16 sites of national and local importance for nature conservation were identified within a 10km radius of the site. A Phase 1 Habitat Survey was carried out of the site and the immediate surrounding area. SNH were consulted on the proposed development and commented specifically in relation to the proposed development's impact on statutorily protected sites and species. SNH's comments are summarised in Section 4 above.

6.39 In terms of species, the ES found that the application site was of low ecological interest with no evidence found indicating the presence of scarce or protected species. SNH are in agreement with these findings and I am therefore satisfied that the proposed development will not have a significant impact on protected species within the application site itself.

6.40 In terms of protected sites, a detailed cumulative impact assessment has been undertaken by the applicant's agent in relation to the potential impact of the proposed development and the consented asphalt plant on nationally and locally protected sites within 10km of the application site. In general, the asphalt plant and ERF's cumulative contributions to ammonia concentration, nitrogen and acidity deposition on the surrounding designated sites are relatively small, generally resulting in less than a 1% increase in critical load levels. Cumulative total of acidic deposition on Cander Moss SSSI will however exceed 10% of the critical load and there is therefore potential for acidic deposition to impact on the SSSI. It should

however be noted that the proposed ERF will contribute between 1% and 2% to this exceedance, whilst the Asphalt Plant would contribute the majority. Based on these calculations, SNH consider that the likelihood of the plant itself causing damage to the SSSI to be low, however the cumulative impact may damage the raised bog habitat. SNH has however also pointed out that, in the absence of both of these developments the moss is currently categorised as being in an unfavourable and declining state. It should also be noted that the calculations used within this assessment are based on a worst case scenario, with the proposed facility operating at maximum WID limits. In practice, the exceedance is unlikely to be as severe as predicted.

6.41 Based on the above, I am satisfied that the proposed development itself will not create an adverse impact on protected sites. In addition, the applicant has agreed to contribute to potential opportunities to provide mitigation measures to off-set the increase of acidic deposition on Cander Moss SSSI. This can be controlled through a legal agreement.

*f) The development will have no significant adverse impact in terms of local environmental effects including noise, dust, vibration, odour, attraction of vermin or birds, litter, potential for the pollution of surface water or ground water or contamination;*

6.42 Issues relating to noise, dust, vibration, odour, pest/vermin control, litter, air quality, contamination and the water environment are considered in other sections of this report.

*g) The design of the site including any buildings, floodlighting, nets for waste and pest control, visual impact and access, landscaping and screening;*

6.43 The developments landscape and visual impact, the proposed design, access, landscaping and screening are discussed in other sections of this report. The facility will store and process waste within the facility, so nets are not required and pest control will be minimal. Details of floodlighting are required by Condition 18.

*h) Hours of operation and length of time of the proposed operation;*

6.44 The ERF operation within the facility would be operated on a 24 hours, 7 days a week basis. It is proposed that the MRF, including deliveries of waste, other materials and export of materials would be limited to the hours of 07.00 to 18.00 weekdays and 07.00 to 13.00 on Saturdays, with no MRF operations, deliveries or exportation on Sundays.

6.45 I am satisfied that the hours of operation proposed within the planning application are acceptable and will not cause an adverse impact on amenity.

*i) Mode of transport, including the potential use of alternative modes of transport other than by road; site access, traffic volumes and the effects on the road network and road safety;*

6.46 The site is located 2km south of Junction 8 (Canderside Toll) of the M74, which is the primary transportation route through South Lanarkshire. Access to the application site would be taken from Canderside Toll, travelling south along the B7078 (Carlisle Road which is the former A74) to the existing access to Dovesdale Farm. The applicant proposes to improve the access in terms of its width and turning radii. Details of the proposed traffic volumes and haulage hours are set out in Section 2

above and a summary of the traffic and transportation assessment contained within the ES is also provided in Section 2.

6.47 Visibility splays from the site access south bound (right) along Carlisle Road meet the requirements of Roads and Transportation Services (4.5m x 215m) with no need for further mitigation. Visibility splays looking north bound (left) fall below that sought by Roads and Transportation; however a splay of 4.5m x 145m can still be achieved. Mitigation measures in the form of fixed and vehicle activated signage are therefore proposed. Roads and Transportation Services have confirmed that subject to the proposed mitigation, they have no objections to the development. The signage will be secured through the use of condition 25.

6.48 Car parking provision is proposed within the proposed development, including 42 standard spaces, 4 disabled spaces and 5 motorcycle spaces. A bicycle shelter will also be provided. All car parking provision will be located to the rear of the building and will not be visible from Carlisle Road. Roads and Transportation Services have confirmed that they are satisfied with the proposed parking provision.

*j) The need to avoid a proliferation of sites in a locality that may lead to a detrimental impact by virtue of their cumulative impact.*

6.49 The need to avoid a proliferation of sites in a locality requires to be considered in relation to the need to utilise heat from the proposed process, thereby requiring heat users to be located close to the heat source, and also securing an integrated network of waste management facilities, set out in the Thermal Treatment of Waste Guidelines 2009.

6.50 Having considered the nature and scale of the neighbouring activities, I am satisfied that the development will not lead to an unacceptable impact by virtue of its cumulative impact with other waste management facilities in the area.

*k) Where appropriate, the suitability of arrangements for the after use and restoration of the site.*

6.51 This policy criterion is directed towards temporary forms of waste management facilities such as landfill. The proposed development consists of built development which would be a permanent form of development. No restoration and aftercare of the site therefore requires to be considered in this instance.

*l) The off-site impact of any odours, discharges of gas, effluent or leachate;*

#### *Odour*

6.52 All waste would be dealt with internally within the main building. Waste would be unloaded from lorries within the facility and would be stored within storage bays within the MRF. The facility would be kept at negative pressure to minimise the release of malodours. A bio-filter is included as part of the proposals which has been designed to ensure that odour is within guideline limits at the boundary of the site.

6.53 Odour will be considered in detail by SEPA when determining the PPC application for the proposed facility. SEPA has confirmed that the development is potentially capable of being granted a PPC permit. Furthermore, Environmental Services has confirmed that they do not have objections to the proposal, subject to conditions. I am therefore satisfied that, subject to conditions, the proposed development will not cause a significant adverse impact in relation to odour.



### *Gas, Effluent and Leachate*

- 6.54 Air emissions from the proposed facility via the flue stack are considered under the heading 'air quality' above. The reference to gas within this policy relates to landfill gas.
- 6.55 In terms of effluent and leachate, again these issues are more associated with landfill operations. Waste will be stored indoors and will not therefore be subject to infiltration of rainwater. The site will be set on a large hard standing to ensure waste water cannot seep into the adjoining fields. A bunded containment area is proposed in the northwest corner of the site. The containment area will be hard surfaced, and will be occupied by cooling equipment, generator turbine building, chemical silos, fuel tank, gas bottle storage and hazardous waste store. Surface drainage from the area is proposed to be passed to a surface water lagoon via an oil/water interceptor. Secondary water cleansing will be undertaken within the surface water storage pond, which will incorporate wetland vegetation such as reed beds. I am therefore satisfied that, subject to conditions, the proposed development will not cause a significant adverse impact in relation to effluent and leachate.

*m) In general waste management facilities and transfer stations will be directed to industrial locations and/or existing waste management sites unless other material considerations indicate otherwise.*

- 6.56 As discussed above, the application site is located within the green belt. No existing industrial sites, as identified within the Local Plan, are capable or appropriate to accommodate the proposed development. As described above, there is an identified need for the proposed development within the area.
- 6.57 Policy CRE2: Stimulating the Rural Economy states that for non-residential development within rural areas, development should respect the landscape, countryside amenity and nature conservation interests complement the scale, design and character of the locality and promote environmental enhancement. The aspects identified within this policy are discussed above. The development proposal does not fully accord with the requirements of Policy CRE2 in terms of its scale, design and fit with the character of the local area. Nevertheless, having considered the landscape and visual impact of the proposed development together with the mitigation measures proposed by the applicant, I am satisfied that the development will not significantly detract from the local amenity.
- 6.58 Policy ENV4: Protection of the Natural and Built Environment notes that development which would affect areas of national importance will only be permitted where the overall integrity of the area can be shown not to be compromised. In terms of local/regional, development proposals which would affect these areas will only be permitted where the integrity of the protected resource will not be significantly undermined. Cander Moss SSSI is considered to be a national resource and developments potential impact on this resource is discussed above. SNH, who have responsibility for the site, have confirmed that they do not object to the application being approved, subject to conditions, aimed at mitigating the impact of the development. In addition, a right of way is located along the access road to Dovesdale Farm, ending at Carlisle Road. Condition 23 requires the right of way to be kept open during the construction and operation phase of the development. Condition 23 also requires the applicant to submit details of any diversion, where necessary, of the right of way.
- 6.59 Policy ENV12: Flooding Policy states that the Council will take a precautionary principle and seek to avoid increasing flood risk by refusing permission for new

development where it would be at risk of flooding or increase the risk of flooding elsewhere. The Flood Prevention Unit were consulted in relation to the development and confirm that they have no objections. I am satisfied that the development complies with this policy.

- 6.60 Policy ENV20: Natura 2000 Sites notes that development likely to have a significant effect on a Natura 2000 site will require to be subject to an appropriate assessment. Consultation with SNH has confirmed that they are satisfied that the development will not create a significant effect on Natura 2000 sites and as such appropriate assessment is not required.
- 6.61 Policy ENV26: Sites of Special Scientific Interest/National Nature Reserves notes that developments which affect SSSI's will only be permitted where the overall integrity of the site will not be compromised or any significant adverse effects on the qualifying interests of the site are outweighed by social or economic benefits of national importance. Consultation with SNH has confirmed that they are satisfied that the proposed development will not compromise the overall integrity of any SSSI. Further discussion regarding the cumulative impact of the development on the Cander Moss SSSI is provided above.
- 6.62 Policy ENV30: New Development Design promotes quality and sustainability in the design and layout of new development. Policy ENV30 sets out assessment criteria to assist the determination of development proposals. The issues covered within policy ENV30 are discussed in relation to policy ENV39 above. Having considered the appearance and location of the proposed development and the mitigation measures proposed as part of the development's design and layout I am satisfied that whilst the development is not fully compatible with other built form in the area, the design will not significantly detract from the amenity of the area.
- 6.63 Policy ENV34: Development in the Countryside sets out a number of assessment criteria to be used when determining planning applications for development within rural areas. These assessment criteria include issues such as impact on the natural and built environment and landscape and visual impact. As discussed above, whilst the proposed development does not fully accord with the requirements of this policy in terms of its scale, design and fit with the character of the local area, taking account of the detailed design approach adopted and the conclusions of the landscape and visual impact I considered it to be generally acceptable in relation to the issues covered by this policy.
- 6.64 Policy ENV37: Sustainable Urban Drainage Systems requires the use of sustainable urban drainage systems (SUDS) in appropriate developments. As discussed above, the proposed development has made provision for a surface water attenuation pond, which has been designed to accommodate surplus flood water.
- 6.65 Policy DM1: Development Management requires all development to take fully into account the local context and built form. As discussed in relation to policy CRE 2 the development proposal does not fully accord with the locality in terms of its scale, design and character, however the landscape and visual impact of the proposed development is considered unlikely to significantly affect the amenity of the local area.
- 6.66 In light of the above, it is considered that the proposal is compliant with Policies, ENV4, ENV12, ENV20, ENV26, ENV37 and ENV39 of the adopted South Lanarkshire Local Plan 2009. In terms of Policies CRE2, DM1, ENV34 and ENV30, whilst the development does not fully accord with the local scale and design of the

locality, I am satisfied that the development will not significantly detract from the amenity of the area.

6.67 In terms of the development's location in the green belt, the following issues should also be considered. Traditionally waste management within Scotland has primarily taken the form of mass landfill with small proportions of recycling or resource recovery taking place. Recycling rates have however increased in recent times. Both municipal landfills located within South Lanarkshire (Rigmuir and Cathkin) are located within the green belt. Furthermore, an in-vessel composting (IVC) facility accessed from Newhousemill Road near East Kilbride is located within the green belt. The facility was granted planning permission in September 2009 (HM/09/0297) and is under construction.

6.68 In addition, Paragraph 163 of SPP states that "*where a proposal would not normally be consistent with green belt policy it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available*". Local Plan Policy STRAT 3, in relation to the green belt, similarly acknowledges that a departure can be warranted to enable a development with a demonstrated need, and although the scale of development does not render it of Strategic significance, Strategic Policies 9 or 10 in the Structure Plan also recognise that a Green Belt location may be necessary if a specific locational need is identified and no alternative sites outwith the green belt have been identified. As discussed above, there are no opportunities to locate the proposed facility within a settlement due to the requirements set out above, and a shortlist of sixteen alternative sites were considered by the applicant and discounted for a variety of reasons. These are described and discussed in paragraph 2.26 above. Taking into account the assessment set out in the ES, and that this site also has the benefit of being readily accessible to the M74, the primary road link running through this area, and of being close to other potentially complementary waste management facilities, along with potential users of heat exported from the site, I consider that there are no alternative, more appropriate sites which can meet the requirements of the applicant, SEPA and the development plan. Similarly as set out in paragraphs 6.9 – 6.19 above I am satisfied that there is an established need for a facility of this type centrally located within South Lanarkshire. These factors have to be considered against the terms of the Development Plan policies on the Green Belt and relevant guidance.

6.69 Some of the representations have also stated that the application should be referred to the Scottish Government as the Council has an interest in the proposed development. Circular 3/2009 sets out the circumstances where planning applications should be referred to the Scottish Minister by Planning Authorities.

6.70 It states that Development in which planning authorities have an interest should be referred to the Scottish Ministers before planning permission is granted. This is defined as, developments:-

- (a) for which the planning authority is the applicant/developer;
  - (b) in respect of which the planning authority has a financial or other (e.g. partnership) interest; or
  - (c) to be located on land wholly or partly in the planning authority's ownership or in which it has an interest;
- in circumstances where the proposed development would be significantly contrary to the development plan for the area.

It should also be noted that the Scottish Ministers have a general power to intervene by calling in any planning application for their own determination. Circular 3/2009 does however note that the existence of a substantial number of objections is not in

itself sufficient grounds to merit an application being called-in for decision at a national level.

- 6.71 The application has not been made by the planning authority (Council), the planning authority, as set out in PAN 82 (Local Authority Interest Developments), has no financial interest in the proposed development, nor is the application site owned by the planning authority. Similarly, there is no agreement between the Council and the applicant in relation to the processing of municipal waste at the proposed facility. Finally, whilst the development is considered to represent a departure from the development plan in terms of its location in the green belt, it is not considered to be a significant departure. As a result, there is no requirement to notify the application to the Scottish Ministers.
- 6.72 This application has clearly generated a very significant level of concern from the surrounding community. In addition two of the consultees have objected to this proposal (Stonehouse Community Council & Scottish Wildlife Trust). These objections have been very carefully and rigorously considered when assessing this proposal. In addition a number of the issues raised by both objectors and consultees have been re-examined by the applicant and subsequently re-appraised by consultees.
- 6.73 Having considered all of the above I am of the view that in terms of the Structure Plan the development is not strategically significant. Furthermore, whilst the development comprises of the erection of a substantial building, (together with associated plant & machinery described in paragraph 2.14 above that allows it to operate an ERF & MRF) I consider that, taking account of its detailed situation and setting, and the character of its immediate surroundings it does not represent a significant departure from the development plan. This is on the basis that I do not see the proposal being one which, if approved, would undermine or be contrary to the vision or wider spatial strategy of the plan.
- 6.74 In conclusion, I consider therefore that the proposal is not significantly or materially at odds with the terms of the development plan. Nevertheless, having regard, to the Greenbelt policies in the Structure Plan, whilst the development is not strategically significant if it is assessed against Strategic Policy 9 or 10, it would accord with specific locational need given no alternative sites outwith the green belt have been identified. With regard to Policies STRAT 3 (The Greenbelt and Urban Settlements), CRE2, DM1, ENV34 and ENV30 in the Local Plan, the development is one which does not accord with the terms and requirements of the policies. However, having carefully considered the proposed development, the issues raised by consultees and objectors and the outcome of the application's assessment against other relevant policies, which is described above, I am of the view that a departure from the development plan can be justified for the following reasons:
- There is a clear need for the proposed facility, which is set out within national planning and waste policy, particularly the ZWP and the TTWG, to enable waste to be moved up the waste hierarchy, improving recycling and resource recovery rates and thereby reducing landfill rates;
  - In this instance, there are no alternative sites which are more appropriate for the proposed facility;
  - The proposed development site is well located in relation to waste sources (settlements), the principle transportation link within South Lanarkshire (M74) and is therefore in accordance with the proximity principle;

- The proposed facility is located adjacent to a existing waste management related activities and has opportunities to export heat to adjacent users;
- The local road network can accommodate the traffic generated by the operation of the facility;
- Measures have been proposed as part of the development's design and layout to mitigate its impact on the amenity of the area;
- The characteristics of the application site enables the dispersion of air emissions from the facility consistent with SEPA requirements, whilst ensuring landscape and visual impacts of the proposed development are minimised;
- The proposed development will have minimal impact on nearby sensitive receptors such as residential properties by way of noise, dust, vibration and odour;
- The proposed development will result in the creation of 50 full time permanent jobs;
- The proposed development will not significantly affect protected species or designated sites as a result of its operation;
- No objections have been received from any Key Agencies.

In view of the above, and taking account of the particular and unique characteristics of the proposed development and the application site, I recommend that planning permission be granted subject to the conditions set out in the attached paper.

6.75 If the application is granted the applicant has agreed to enter into a Section 75 agreement with the Council to cover a number of issues which cannot be adequately controlled through these conditions. The following items are proposed to be covered by a legal agreement;

- Community benefit payments, to provide a financial contribution towards community projects as a result of the renewable energy produced;
- Community liaison meeting, to allow members of the community to meet with the Council, SEPA and the developer/operator on a regular basis to discuss the construction and operation of the facility;
- Routing agreement, to ensure lorries minimise impact on the surrounding road network;
- Contribution to mitigation works at Canderside Moss SSSI;
- Payment to cover any extraordinary wear and tear on the public road network during the construction phase of the development.

## **7 Reasons for Decision**

7.1 As set out in paragraphs 6.73 and 6.74 above.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**31 January 2011**

## **Previous References**

None

## **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Environmental Statement (Non-Technical Summary, Volume 1 & Volume 2 (SG1003/19/ES & 14/ES)) and Planning Statement (Incorporating Design and Access Statement)(SG1003/3/PS), dated July 2010, titled Carlisle Road Resource Recovery Facility.
- ▶ Consultations
- ▶ Representations
- ▶ List of Objectors

## **Contact for Further Information**

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

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## CONDITIONS

- 1 The development hereby permitted shall be started within three years of the date of this permission.
- 2 This decision relates to the development described and assessed within the following documents;
  - Environmental Statement (Non-Technical Summary, Volume 1 & 2 (SG1003/19/ES & 14/ES)) dated July 2010, titled Carlisle Road Resource Recovery Facility
  - Planning Statement (Incorporating Design and Access Statement)(SG1003/3/PS) dated July 2010, titled Carlisle Road Resource Recovery Facility
  - Atmospheric Dispersion Modelling of Emissions dated October 2010
  - Review of WID Emission Compliance dated October 2010
  - Dioxin Health Risk Assessment dated October 2010
  - Health impact Assessment dated October 2010
  - Habitat Risk Assessment dated October 2010All mitigation measures set out within the documents listed above shall be fully implemented, unless otherwise agreed with the Council.
- 3 That, except as may otherwise be agreed in writing by the Planning Authority, the development hereby approved shall be implemented in accordance with drawing numbers;
  - SG1003/18/01– Site Location
  - SG1003/18/02 – Topographical Survey and Planning Application Boundary
  - SG1003/18/04 Rev 1 – Site Layout
  - SG1003/18/05 – Energy Recovery Area Internal Layout
  - SG1003/18/06 – Waste Treatment Area Internal Layout
  - SG1003/18/07 – Offices/Welfare Facilities Layout
  - SG1003/18/08 – Elevations Sheet 1 of 2
  - SG1003/18/09 – Elevations Sheet 2 of 2
  - SG1003/18/13 – Proposed Landscaping
  - SG1003/18/15 Rev 1 – Ground Re-profiling Works
  - SG1003/18/16 Rev 1 – Traffic & Pedestrian Management, Road and Junction Improvement
  - SG1003/18/19 – Drainage Layout
  - SG1003/18/23 – Swept Path Analysis at Junction with Carlisle Road
- 4 That the development shall be carried out strictly in accordance with the plans hereby approved. If, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved documents or conditions, the developer shall submit for the consideration of the Council as Planning Authority, an application and statement of intent: the developer shall adhere to the approved plans until such time as an amended application may be approved by the Council as Planning Authority.
- 5 Unless otherwise agreed with the planning authority in consultation with SEPA, the amount of residual municipal waste treated in the energy from waste plant in any year shall not exceed 25% of the total municipal waste arisings from any feeder local

authority. Prior to the commencement of any works, the reporting framework shall be submitted to and agreed by the Council as Planning Authority.

- 6 Unless otherwise agreed with the planning authority in consultation with SEPA, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable and compostable material) shall be gasified in the development hereby approved.
- 7 That prior to the acceptance of any waste materials into the site, the Materials Recycling Facility must be fully operational. This facility shall be implemented in accordance with the approved plans prior to the operation of the development hereby approved. Any waste going into the Energy from Waste plant which is not already residual waste shall first be pre-treated and sorted in the Material Recovery Facility. Notwithstanding the above requirements residual waste may be accepted into the site prior to the Material Recycling Facility becoming fully operational provided that the waste is residual and is intended for commissioning tests in the Energy from Waste plant and that sufficient and adequate waste reception and storage infrastructure and systems are in place to ensure that the reception and treatment of that waste does not give rise to nuisance or significant pollution, to the satisfaction of the Council, in consultation with SEPA. For the avoidance of doubt, should the Council be unsatisfied with the infrastructure and systems referred to above, all deliveries of waste shall cease until remedial action is taken to the satisfaction of the Council as Planning Authority.
- 8 Prior to the acceptance of any waste for thermal treatment at the facility, the operator shall demonstrate to the Councils satisfaction, that they have either written permission from the relevant competent authority to export electricity to the National Electrical Grid and have a physical connection in place such that power generated for export can be sent to the National Grid from commencement of operations or have installed the necessary heat supply infrastructure and heat uptake contracts to meet the start up threshold requirements in SEPA's Thermal Treatment of Waste Guidelines 2009 or a combination of both.
- 9 That prior to the commencement of development, the applicant shall submit a noise management plan for the written approval of the Council as Planning Authority, in consultation with SEPA and Environmental Services. The noise management plan shall set out additional measures to mitigate and minimise noise generated by the facility and timescales associated with their implementation. For avoidance of doubt, the noise management plan shall, as a minimum, consider the plant configuration, layout and materials of construction such that all the appropriate preventative techniques are taken against noise pollution in particular through the application of the best available techniques.

Such techniques shall include but will not be limited to:

- The building envelope (walls, roof and door) should be of a "composite" rather than single skin metal cladding;
- Natural light panels and non-acoustic louvered ventilation should be avoided; and
- The location of external cooling plant, diesel generator and turbine house should be positioned to take maximum advantage of any barrier effects (from site buildings) between the source and the most sensitive residential receptors.

The recommendations shall be implemented within approved timescales, to the satisfaction of the Council as Planning Authority.



- 10 That no development can commence on site until a full site specific construction method statement (CMS) is submitted and approved by the Council as Planning Authority, in consultation with SEPA. The CMS should incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution including issues relating to the construction of the building, impacts on hydrogeology and disposal of contaminated land. Specifically the statement should address the following and the construction of the development should be carried out in accordance with the agreed details:
- How contaminated land will be dealt with; treated and disposed of as necessary
  - Details of how disturbance to groundwater will be minimised, including any de-watering proposals
  - Details of the storage of construction fuels, materials, raw materials and by-production
  - Temporary SUDS measures
  - Dust mitigation measures
- 11 That the applicant shall treat surface water from the site in accordance with the principles of the CIRIA SUDS Manual (C697) published in 2007. Full details of the surface water treatment systems shall be submitted at and approved in writing by the Planning Authority, in consultation with SEPA and the Council's Flood Prevention Unit.
- 12 That no deliveries or export of waste or other material shall take place outwith the hours of 07.00 to 18.00 weekdays and 07.00 to 13.00 on Saturdays. For avoidance of doubt, no deliveries or export of waste or other material shall take place on Sundays, unless otherwise agreed in writing by the Council.
- 13 That transportation of materials to the site and all audible activities during the construction phase of the development hereby approved shall be limited to Monday to Friday 8.00am to 7.00pm and Saturday 8.00am to 1.00pm. For avoidance of doubt, no transportation of materials to the site or audible activities shall take place on Sundays, unless otherwise agreed in writing by the Council.
- 14 That during the construction phase, the nominal noise limit attributable to site operations at any noise sensitive properties within the vicinity of the site, shall not exceed 65dB(A) LAeq over any one hour period.
- 15 The site shall be operated in accordance with the operational noise limits set within the Pollution Prevention and Control Permit (or other such permit or authorisation), issued by the Scottish Environment Protection Agency (SEPA), to the satisfaction of SEPA and the Council as Planning Authority. In the absence of such a permit for the site, the facility shall operate within the following limits;
- During the operation of the facility, between the hours of 08.00hrs to 19.00hrs, the nominal noise limit attributable to site operations at any nearby sensitive receptors shall not exceed pre-existing background noise levels (as set out within Table 7.7 of the Environmental Statement) by more than 4dB(A) LA90, measured over a one hour period,
  - During the operation of the facility, between the hours of 23.00hrs to 07.00hrs, the nominal noise limit attributable to site operations at any nearby sensitive receptors shall not exceed pre-existing background noise levels (as set out within Table 7.8 of the Environmental Statement) by more than 4dB(A) LA90, measured over a one hour period,

- During the operation of the facility, between the hours of 07.00hrs to 08.00hrs and 19.00hrs to 23.00hrs, the nominal noise limit attributable to site operations at any nearby sensitive receptors shall not exceed pre-existing background noise levels (as set out within Table 7.8 of the Environmental Statement) by more than 5dB(A) LA90, measured over a one hour period,
- 16 That prior to the commencement of any works on site the developer shall submit, for the written approval of the Planning Authority, a detailed scheme of site noise monitoring and thereafter shall abide by the terms of the approved scheme, unless otherwise agreed in writing by the Planning Authority. The scheme of site noise monitoring and mitigation shall be in line with the relevant information contained in the Environmental Statement and shall advise on:
    - the location of noise monitoring equipment
    - monitoring frequency
    - details of equipment to be used and experience of monitoring staff
    - A programme of implementation
  - 17 That all reversing alarms fitted on all plant and machinery permanently located at the facility will be either non-audible, ambient related or low tone devices.
  - 18 No external lighting units shall be installed on any of the buildings hereby approved or on the land within the application site unless with the prior written approval of the Planning Authority.
  - 19 That prior to commencement of development, a schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved in writing by the Planning Authority prior to the materials and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.
  - 20 That not more than 6 months prior to the commencement of any works on site, an ecological survey shall be carried out by a qualified ecologist to investigate the presence of badgers on and in vicinity of the site. Prior to works commencing, the survey shall be submitted to and approved by the Council as Planning Authority, in consultation with Scottish Natural Heritage. For avoidance of doubt, the survey should also include mitigation measures and timescales for implementation, where appropriate. Thereafter, the measures shall be implemented to the satisfaction of the Council as Planning Authority.
  - 21 That the development hereby approved shall not commence during the bird nesting season (March – August inclusive) unless a survey to establish the presence or otherwise of nesting birds has been submitted to and approved by the Council as Planning Authority, in consultation with Scottish Natural Heritage. Where required, appropriate mitigating measures shall be detailed within the survey and these measures shall be carried out to the satisfaction of the Planning Authority.
  - 22 That prior to the commencement of the development, details of a footpath to be constructed along the access road from the junction to the facility to the junction to Carlisle Road shall be submitted to and approved in writing by the Council. The footpath shall be constructed prior to works commencing on the construction of the facility, to the satisfaction of the Council.
  - 23 That the public right of way along the access road to the site shall remain open and unimpeded during the construction and operation of the facility. Provision shall be

made to protect pedestrians using the right of way during the construction phase and operation of the facility in accordance with measures submitted to and approved by the Council as Planning Authority. Any proposals to divert or alter the right of way require the written approval of the Council as Planning Authority.

- 24 That prior to works commencing on the construction of the facility, the road improvements set out in Drawings SG1003/18/16 Rev 1 and SG1003/18/23, or alternative drawings which may be approved in writing by the Council, shall be fully implemented to the satisfaction of the Council as Planning and Roads Authority.
- 25 That prior to the commencement of development hereby approved, details of temporary construction signage, permanent fixed warning signs and vehicle activated signs shall be submitted to and approved by the Council as Planning Authority, in consultation with the Roads and Transportation Service. The signage shall thereafter be implemented within the timescales approved.
- 26 That visibility splays shall be maintained at 4.5m by 215m to the south and 4.5m by 145m to the north and no structures or planting shall be placed within these visibility splays which exceeds 0.9m in height, to the satisfaction of the Council.
- 27 That the operator and any sub-contractors shall maintain a road safety log during the first 12 months of the operation of the facility and shall record any vehicle accidents and near misses which have occurred as a result of traffic associated with the development hereby approved using the access to Carlisle Road.
- 28 That prior to the commencement of development, a report setting out the scope of further traffic surveys to be undertaken by the operator shall be submitted to and approved in writing by the Council as Planning and Roads Authority. For avoidance of doubt, the report shall detail;
  - The frequency of the surveys,
  - The survey location(s),
  - The equipment to be used,
  - The intended dates and duration of the surveys,The Council require two surveys to be undertaken, on 6 months and 12 months after the facility becomes operational. The surveys shall consider the volume and speed of traffic and identify traffic which is attributable to the facility.

Further reports shall be submitted to the Council on completion of these surveys (on 7 months and 13 months after the facility becomes operational), detailing the findings of the survey, the road safety log required by Condition 27 above and any accident or near miss information which can be provided by the Council or Police. The report shall set out any further road safety improvements considered necessary as a result of these findings. Thereafter, with the written approval of the Council, these road improvements shall be undertaken to the satisfaction of the Council.

- 29 That Carlisle Road shall be kept clear of material attributable to the site operation at all times. If the carrying of material onto the public road becomes evident then details of appropriate wheel cleaning facilities, and a timescale for their implementation, shall be submitted to the Council as Planning Authority. Thereafter, following the written approval of these details, the wheel cleaning facilities shall be installed to the satisfaction of the Council.
- 30 Prior to development commencing on site, a scheme for the control and mitigation of dust during the construction and operation phases of the development shall be submitted to and approved in writing by the Council as Planning Authority. No changes

to the approved scheme shall take place unless agreed in writing by the Council. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

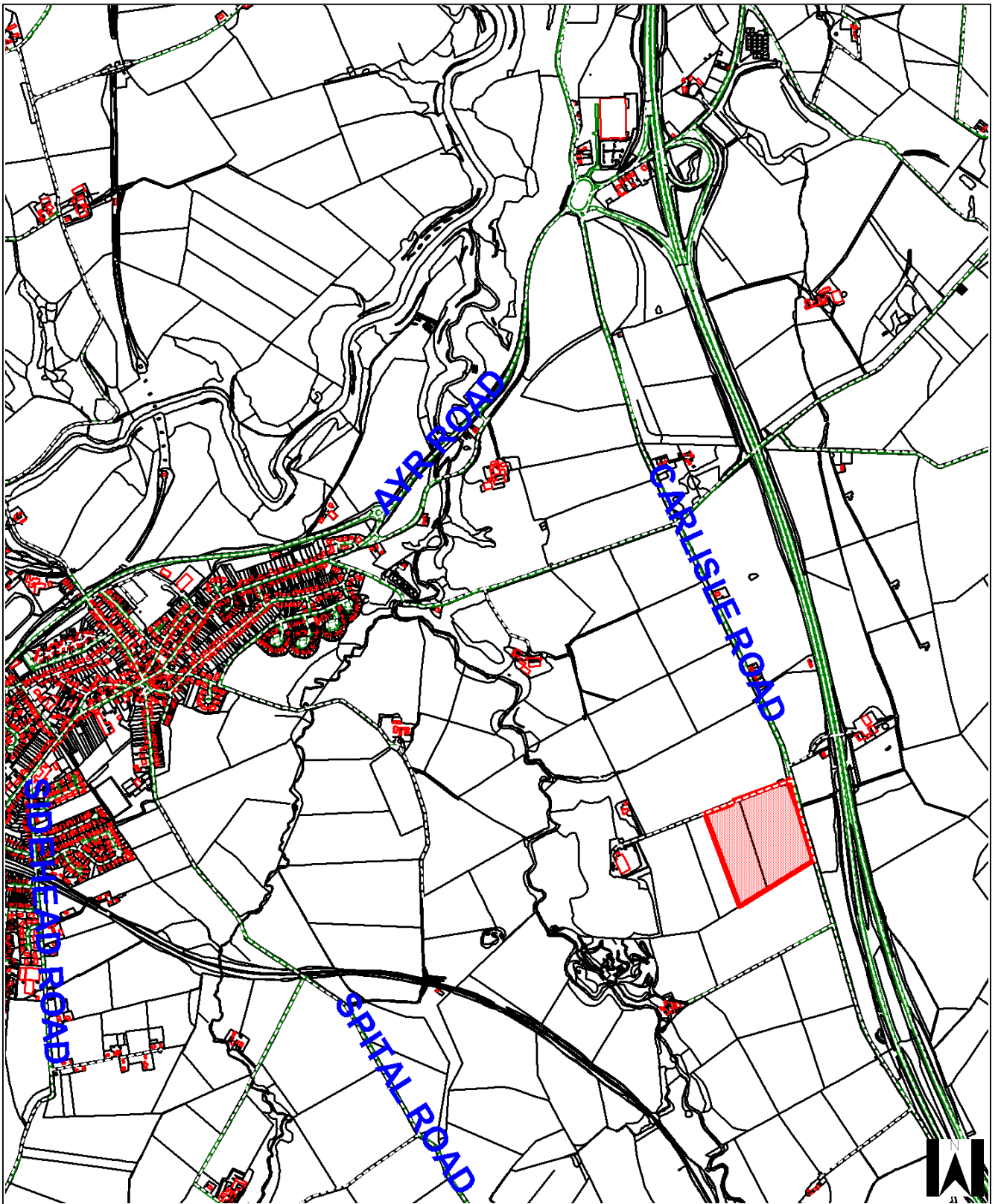
- 31 That, in the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmissions of dust, to the satisfaction of the Council as Planning Authority.
- 32 That prior to the commencement of development, a Temporary Drainage Strategy and a Construction Code of Practice shall be submitted to and approved by the Council. These documents shall be based on and include mitigation measures set out in Chapter 8 of the Environmental Statement. Construction activities shall thereafter be undertaken in accordance with the documents so approved.
- 33 (a) Prior to the commencement of works, a site investigation report shall be submitted to and approved in writing by the Council as Planning Authority. The Site Investigation shall take forward the findings of the Phase 1 investigation contained within Chapter 9 of the ES.  
(b) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 34 Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the Planning Authority following consultation with SEPA. The plan shall outline the measures for the minimisation and management of waste during the construction of the development. The development shall thereafter be constructed in accordance with the plan so approved.
- 35 That notwithstanding the provisions of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, no fascia signs, adverts or projecting signs shall be erected on the premises or access road without the prior written consent of the Council as Planning Authority.
- 36 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any such order revoking or re-enacting that order), no development shall take place within the curtilage of the application site or access road other than that expressly authorised by this permission without the prior written consent of the Council as Planning Authority.
- 37 That unless otherwise agreed in writing by the Council, in consultation with SEPA, all containers being used to store liquids (which have the potential to cause pollution) within the application site shall be labelled clearly to show their contents and located in a bund which shall be at least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:
  - The walls and base of the bund shall be impermeable
  - The base shall drain to a sump
  - All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
  - Vent pipes shall be directed down into the bund;
  - No part of the bund shall be within 10 metres of a watercourse;
  - Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

- 38 That prior to the commencement of works on site, a report prepared by a suitably qualified pest control contractor shall be submitted for written approval of the Council as Planning Authority, in consultation with SEPA. The report shall set out mitigation measures to ensure bird and rodent activity as a result of the development is adequately controlled and shall consider the use of preventative measures wherever possible. These measures shall be implemented to the satisfaction of the Council within timescales set out in the report and approved in writing by the Council.
- 39 The loading and unloading of all waste carrying vehicles visiting the premises shall take place indoors, unless otherwise agreed in writing with the Council as Planning Authority.
- 40 The office accommodation hereby approved shall be used solely in connection with the use of the site as a recycling and energy recovery facility, to the satisfaction of the Council as Planning Authority.
- 41 That the site and the surrounding land shall be kept clear of litter to the satisfaction of the Council as Planning Authority.
- 42 That no waste shall be stored outdoors, to the satisfaction of the Council as Planning Authority.

## REASONS

- 1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 3 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 4 To ensure that the Planning Authority retains effective control of the development.
- 5 In order to comply with the Thermal Treatment of Waste Guidelines 2009 and National policy.
- 6 In order to ensure that only residual waste is treated in the energy from waste plant in accordance with the Thermal Treatment of Waste Guidelines 2009 and National policy.
- 7 To ensure the operation of the development accords with Scottish Governments waste policy and with the principles of sustainable waste management.
- 8 In order to comply with the Thermal Treatment of Waste Guidelines 2009 and National policy.
- 9 To protect local residents from noise nuisance.
- 10 To protect the water environment from any damage arising from the construction or operation of the facility.
- 11 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 12 To retain effective planning control and safeguard the amenity of the area.
- 13 To retain effective planning control and safeguard the amenity of the area.
- 14 To retain effective planning control and safeguard the amenity of the area.
- 15 To protect local residents from noise nuisance.
- 16 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 17 To protect local residents from noise nuisance.
- 18 To minimise the risk of nuisance from light pollution to nearby occupants.
- 19 In the interests of amenity and in order to retain effective planning control.
- 20 In the interests of protected species.
- 21 In the interests of the natural environment.
- 22 In the interests of satisfactorily maintaining public rights of way.
- 23 In the interests of satisfactorily maintaining public rights of way.
- 24 To ensure the provision of satisfactory access to the site.
- 25 To ensure the provision of satisfactory access to the site.
- 26 In the interests of traffic and public safety.
- 27 In the interests of traffic and public safety.
- 28 In the interests of traffic and public safety.
- 29 In the interests of amenity and in order to retain effective planning control.
- 30 To minimise the risk of nuisance from dust to nearby occupants.
- 31 In the interests of amenity and in order to retain effective planning control.
- 32 To minimise the risk of pollutants to nearby watercourses.
- 33 In the interests of amenity and in order to retain effective planning control.
- 34 To minimise waste generation.
- 35 In the interests of amenity and in order to retain effective planning control.
- 36 In the interests of amenity and in order to retain effective planning control.
- 37 To protect the environment.
- 38 To minimise nuisance and pest problems to nearby occupants.
- 39 In the interests of amenity and in order to retain effective planning control.
- 40 In the interests of amenity and in order to retain effective planning control.

- 41 To minimise nuisance, littering and pest problems to nearby occupants.
- 42 To minimise nuisance, littering and pest problems to nearby occupants.



For information only

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