

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Application continued from Planning Applications Committee dated 8th August 2018 to be considered
on Planning Applications Committee dated 7th November 2018

Reference No: 2018/0065/TP

Ward: 2

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Applicant:

The Greenhags Energy Company Limited
1 Rutland Court
Edinburgh
Scotland
EH3 8EY

Agent:

Alan Couper
Stevenson Farmhouse
Stevenson Farm
Peebles
Scotland
EH45 8PX

Site: Site 300M north east of Greenhags, Ayr Road, Newton Mearns, East Renfrewshire

Description: Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials)

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EAST RENFREWSHIRE COUNCIL
PLANNING APPLICATIONS COMMITTEE

7 November 2018

Report by Director of Environment

Planning application for the installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials) at site 300M north east of Greenhags, Ayr Road, Newton Mearns, East Renfrewshire

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the committee on planning application 2018/0065/TP following the continuation of the determination of the application.

2.0 BACKGROUND

- 2.1 Planning application 2018/0065TP was presented to committee on 8 August 2018 with a recommendation to approve. As this is a new planning decision, conditions are necessary to be attached as they relate to this proposal. Condition 11 now relates to what materials are allowed to be used or not used in the process and in effect updates condition 10 of planning permission 2016/0070/TP.

- 2.2 On the 7 and 8 August 2018, prior to the committee, the applicant's agent suggested revised wording for condition 11 as detailed in the Report of Handling attached to the end of this report.

- 2.3 The revised wording suggested was:

For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks/crops, agricultural residues, agricultural by-products including wheat straw) and tissue based agricultural wastes but excluding any cattle slurry or animal slurry, horticultural residues and horticultural by-products. In addition no waste materials, including the afore-mentioned cattle or animal slurry, household waste or commercial waste shall be used.

- 2.4 The applicant's agent clarified "plant-tissue derived agricultural wastes" as being: misshapen, bruised or undersized fruit and vegetables separated out on the farm or in a pack-house as being unsuitable for sale as food for consumption; parts of fruit and vegetables such as leaves, roots and toppings that are removed as part of the processing for sale.

- 2.5 The committee continued the determination of the planning application for:

- (a) consultation to take place with the Council's Environmental Health Service;
- (b) further information be obtained from the applicant regarding the type and source of the 'digestate' that would be used in the process; and
- (c) a site visit to be arranged for those Members of the committee that were present at the meeting to visit an anaerobic digestion biogas plant that was currently operating.

3.0. MAIN ISSUES

- 3.1 Consultation with the Council's Environmental Health Service has taken place on the revised wording of condition 11. After further consideration the wording of condition 11 has been revised further by the Council's Planning Service to be precise as to what can and cannot be used in the process. The revised wording for condition 11 is now:

For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks/crops and plant tissue based agricultural/horticultural residues and agricultural/horticultural by-products (residues and by-products to include wheat straw; misshapen, bruised or undersized fruit and vegetables; and the leaves, roots and toppings of fruit and vegetables). No other waste materials, including cattle slurry or animal slurry, household waste or commercial waste, shall be used at any time.

Reason: In the interests of residential amenity.

- 3.2 The Council's Environmental Health has indicated the revised wording of the condition is acceptable to them.
- 3.3 The applicant has also indicated that the revised wording for condition 11 is acceptable.
- 3.4 The revised condition allows the use of a variety of plant based tissues as well as purpose grown crops in the operation of the biogas plant. The use of these plant based tissues is considered acceptable whether they are purposely grown to supply the development or are off-cuts such as leaves, roots and toppings. It is important to note the revised condition above still does not allow the use of animal slurry or commercial waste or household waste.
- 3.5 Further information on the type of digestate to be used has been submitted by the applicant. The digestate is to be supplied from an existing biogas plant at Charlesfield St Boswells and is to be a residue from the process at this plant. The feedstock for this biogas plant is grass silage, winter barley and rye and does not use any animal manures/slurries. The digestate produced at the end of the process is made up of 5% to 8% solids and 92% to 95% water. The solids comprise phosphate, nitrate, and potash elements and are the mineral remains from the plants/feedstocks used once the bacteria have broken down the sugars starches and other carbohydrates. Typical values for these plant nutrients are indicated as: Phosphorus 0.2 to 1.5kg/tonne; Potassium 1.3 to 5.2kg/tonne; Nitrogen 2.3 to 4.2kg/tonne.
- 3.6 Members of the committee visited an operational biogas plant at Tambowie in East Dunbartonshire on 15 October 2018.

4.0. RECOMMENDATION

- 4.1 The principle of the biogas plant at this location has been established in the previous planning permission 2016/0070/TP. It is now recommended that the committee approve the application with the same conditions as on the attached Report of Handling however with the wording of condition 11 altered to that in paragraph 3.1 above.

REPORT OF HANDLING

Reference: 2018/0065/TP

Date Registered: 7th February 2018

Application Type: Full Planning Permission

This application is a Local Development

Ward: 2 -Newton Mearns North And Neilston

Co-ordinates: 251640/:653190

Applicant/Agent:

Applicant:

The Greenhags Energy Company
Limited

1 Rutland Court

Edinburgh

Scotland

EH3 8EY

Agent:

Alan Couper

Stevenson Farmhouse

Stevenson Farm

Peebles

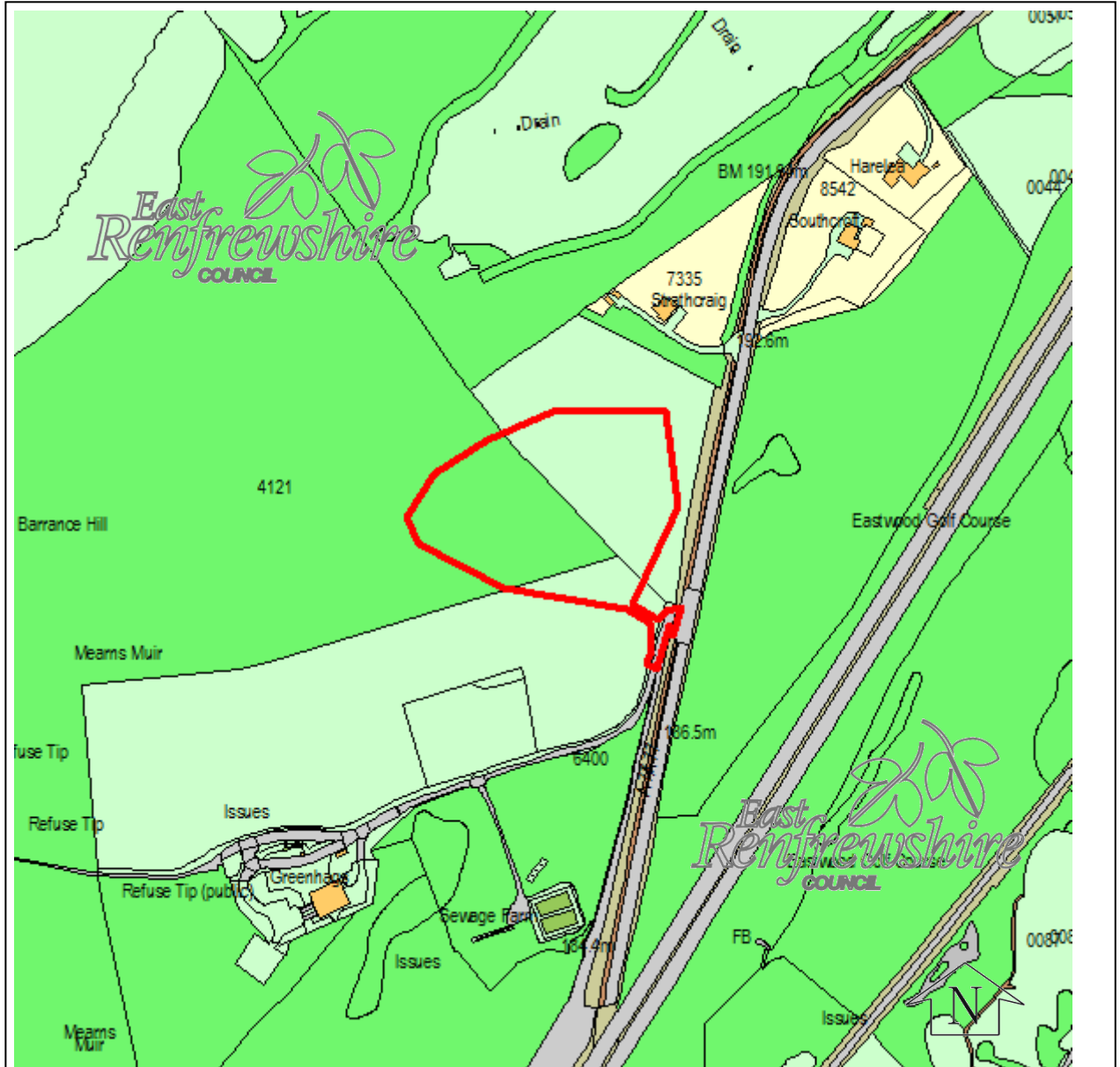
Scotland

EH45 8PX

Proposal: Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels (amendment to condition 10 of planning permission 2016/0070/TP that does not allow the use of waste materials)

Location: Site 300m north east of Greenhags
Ayr Road
Newton Mearns
East Renfrewshire

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CONSULTATIONS/COMMENTS:

West of Scotland Archaeology Service	Recommends an archaeological works condition.
East Renfrewshire Council Environmental Health Service	Recommends conditions.
Scottish Environment Protection Agency	No objection.
East Renfrewshire Council Roads Service	No objection subject to conditions.
Transport Scotland Trunk Roads Network Management	Does not propose to advise against the granting of permission.
Crookfur, Greenlaw and Mearns Village Community Council	Objects to the application to allow the use of waste material and this application is a clear attempt to subvert the planning process in pursuit of financial gain.
Broom, Kirkhill and Mearns Kirk Community Council	Objects to the application on the grounds of increased traffic; increased pollution; the movement of large volumes of cattle slurry which should be in sealed tankers and sealed pipework; and the generation of unpleasant fumes and vapours which will be blown over Newton Mearns.

PUBLICITY:

23.02.2018 Glasgow and Southside Expiry date 09.03.2018
Extra

SITE NOTICES: None.

SITE HISTORY:

2016/0070/TP	Installation of anaerobic digestion biogas plant with alterations to vehicular access off A77 and earthworks/excavation operations to change ground levels	Approved Subject to Conditions	02.11.2016
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REPRESENTATIONS: A total of 37 representations have been received: Representations can be summarised as follows:

Use of waste materials/household waste/commercial waste/cattle slurry
Pollution/health impacts/odours
Impact on roads/increase in traffic/danger to cyclists
Change in condition prompted by financial reasons/questions viability of the plant
Noise

Not a suitable development in a greenfield site/this location

Since the deletion of the use of cattle slurry from the process of generating the biogas additional comments have been received as follows:

Requirement for all tanks containing liquids whose spillage could be harmful to the environment to be bunded

Change in the condition allows carte blanche to use an indefinite range of feedstocks
No precise details of amount of digestate required or vehicle movements required to transport the digestate

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Planning Statement
(revised 8 June 2018) Considers the amended development against national and local planning policies as well as impacts associated with the development. The Statement explains the operation of the proposed development and consideration of other conditions attached to planning permission 2016/0070/TP. The Statement concludes that the amended application accords with planning policy.

Odour Management
Plan (June 2018) (OMP) Sets out the measures used to control any odour associated with the operation of the biogas plant. Indicates the OMP will be used as a reference document for operational staff on a day-to-day basis. The OMP includes a summary of the potential sources of odour and the ability of the site to prevent and/or minimise odorous releases from the process and the subsequent actions to be taken to minimise the impact. The OMP also provides procedures for the containment of odour resulting from storage of feedstock in the holding clamps and storage tanks, the transport of feedstock between the holding clamps and the mixer feeders, and for the processing of feedstock materials and resultant outputs.

Transport Assessment
(2018) Assesses the lorry traffic associated with the amended application and the impact on the roads network. Indicates the lorries would use the A726 or the M77/A77. The number of lorry movements is indicated as being less than 1% of the existing traffic on the A77 and approximately 0.1% of the traffic on the M77.

ASSESSMENT:

This is a Local Development under the Town and Country Planning Hierarchy of Developments (Scotland) Regulations 2009. However the application requires to be submitted to the Planning Applications Committee for determination as more than 10 objections have been received.

Planning history

Planning permission was approved subject to conditions on 2nd November 2016 under 2016/0070/TP for the installation of an anaerobic digestion biogas plant with alterations to vehicular access off the A77 and earthworks/excavation operations to change ground levels at a site 300M north east of Greenhags, Ayr Road, Newton Mearns.

This planning permission expires on 2nd November 2019 unless a material start is made on the development before this date. It should be noted that at this stage the developer has submitted information to comply with various conditions and the information for conditions 3 (earth mounding around the site), 8 (white lining on the road and signs) and 11 (odour management plan) have been approved.

Section 42 application

The current application is to specifically amend condition 10 of planning permission 2016/0070/TP which states:

For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks and no waste materials, including household or commercial waste, shall be used.

Reason: In the interests of residential amenity.

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for a development but with different conditions from those attached to the previous permission for that development. The effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous permission remains unaltered by, and is not varied by, the decision on the Section 42 application.

The advice from the Scottish Government (contained in Annex I of Circular 3/2013) is that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has lapsed or is incapable of being implemented. The advice goes on to indicate that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the advice indicates that the Section 42 application should be refused. The making, granting, or refusal of a Section 42 application does not alter or effect the previous permission or its conditions. If a Section 42 application is approved the advice is that planning authorities should attach to the new permission all of those conditions from the previous permission where it is intended these should apply.

It is therefore considered that the principle of the development at this location does not have to be re-examined as there is an extant planning permission. What is being considered in this application is the additional use of wheat straw and digestate in the production of the biogas/biomethane.

In this case condition 10 is proposed to be amended to specifically to allow agricultural wastes and/or residues in the process rather than only feedstocks (which had originally comprised grass silage and beets). In addition digestate is to be used at the start of the process as an inoculation material or occasionally during the process to boost microbial activity.

It has been indicated by the applicant that digestate could be supplied from an existing biogas plant in Newton St Boswells.

In support of this application the applicant has indicated that on 1 May 2017 Ofgem introduced sustainability criteria requirements and feedstock restrictions in respect of anaerobic digestions installations producing biomethane, an eligible technology for Ofgem's Non-Domestic Renewable Heat Incentive (RHI). To ensure compliance with the sustainability criteria, the applicant has indicated it is necessary to source additional feedstocks. The proposed feedstocks mix will comprise grass silage and beet with the

addition of wheat straw. In order to allow for the commencement of the anaerobic process an initial amount of digestate will be required to ensure successful biological treatment of the proposed feedstocks. Originally it was proposed to be cattle slurry. However this has been changed by the developer during the processing of this application to use digestate. The applicant/developer has stated that no household or commercial waste will be used.

An initial amount of digestate will be transported to the site in sealed tankers and pumped directly through sealed pipework with control valves into the two primary digesters. This injection of digestate, which is to start the biological treatment of the proposed feedstocks, will take place when the primary digesters are 50% full of water and before pumping in the proposed feedstocks. The volume required to start the digestion process could range from 1,000 up to 2,500 tonnes in total.

The applicant has indicated the intention of the development is to provide a source of green energy over a 25 year period.

The applicant has suggested the following wording to amend condition 10:

Other than by prior agreement with the planning authority, no feedstock other than the following shall be processed in the biogas plant:

- *Agricultural co-products;*
- *Agricultural wastes;*
- *Agricultural crops/residues/by products; and*
- *Horticultural wastes.*

Reason: Other waste materials, such as house waste and commercial waste raise issues of residential amenity.

The applicant however has not specified what is intended by “co-products” or “wastes”.

Site description

The site is located in a field to the north of the existing Greenhags Waste Transfer Station that is to the south-west of Newton Mearns and to the immediate west of the A77. The site is approximately 240m from the waste transfer station and will share the access. The site is approximately 25m south of the boundary of the property known as Strathcraig and approximately 30m from the boundary with the East Renfrewshire Golf Club which is located to the north-west. The ground levels generally rise up from south-east to north-west from the access road to the waste transfer station to the boundary with the golf course and Strathcraig. Barrance Hill and Mearns Law are located to the west of the site.

The area of the site is indicated as 1.98 hectares. The site is located within and towards the north-west of a Plateau Moorland Landscape Character Type (LCT). The key characteristics, features and qualities of this LCT are: distinctive upland character created by the combination of elevation, exposure, smooth plateau landform, moorland vegetation and the predominant lack of modern development; and these areas share a sense of apparent naturalness and remoteness which contrasts with the farmed and settled lowlands. Locally the landscape west of the M77 shows a more irregular character in comparison to the smoother moorland of Whitelee Moor.

Proposed development

Anaerobic Digestion is the natural production of biogas by the controlled fermentation of feedstocks such as grass silage, maize and sugar beet. The delivered feedstock is finely chopped on site and fed into the first tank of a three stage continuous fermentation process. There it is mixed with bacteria and heated, and over the course of 24 to 28 days produces at very low pressure, biogas, which is a mixture of Carbon Dioxide and Methane. The gas goes through a cleaning process where it is dried and the Carbon Dioxide removed and vented

into the atmosphere. The biomethane gas may have propane added to it to improve its calorific value before directly being injected into the National Gas Grid. The biomethane gas is to be fed into the National Gas Grid approximately 900m south of the site or stored on site until needed.

The other products in the process are water which is recycled and digestate which is in the form of a sterile slurry. The digestate is rich in nitrates and phosphates which can either be recycled and spread as fertiliser or compressed to remove water and dried to form a dry nitrogen rich fertiliser that can be bagged.

It is indicated that the process does not use household or commercial waste, only fresh, grown to order crops as well as wheat straw. The digestate is sterile thus there is little in the way of process odour.

It has also been indicated that, as a result of the changes sought in this application, a plant of the proposed size will now require circa 40,000 tonnes of feedstocks per annum (comprising 15,000 tonnes of grass silage, 12,500 tonnes of sugar beet and 12,500 tonnes of wheat straw) which would be delivered by articulated lorry. This is marginally less than planning permission 2016/0070/TP which required a total of 45,000 tonnes of feedstocks per annum.

There would be 32,000 tonnes of digestate per annum going out of the site to the farmer's growing the grass silage. In order to operate the plant, between 7 and 9 lorries per working day would deliver grass silage, beet and wheat straw from contracted farms (leaving empty) and some 6 to 7 tankers a working day arriving empty and leaving with digestate slurry.

The entire plant process is to be powered by electric motors. It is intended that the plant only be manned during normal working hours, five and half days a week, and the site will not be illuminated during non-working hours.

The principal structures of the plant are five round tanks which are located towards the west part of the site. These comprise two round primary digester tanks 24m diameter by 13.9m high with domed roofs and a round secondary digester tank 28m diameter by 15.1m high with a domed roof. There are also two round digestate storage tanks 32.0m diameter by 16.8m high with conical roofs. Three concrete silage clamps, which are storage areas formed by concrete walls, measuring 40m by 30m by 6m are to be located towards the east side of the site.

The silage, beet and wheat grass is macerated in twin moving floor feeders 31m by 10m by 5m and then pumped into the primary digesters. There will in addition be a boiler house to heat the water for the digesters. At the other end of the process a Biogas upgrade unit will clean the gas before injection into the National Gas Grid and a solid digestate conversion unit will dry and pelletise digestate. There will be an office/control room with mess facilities and other plant rooms/stores. The digester and digestate tanks will be constructed of either concrete or clad with dark green coloured steel sheeting with dark green or grey roof coverings and the silage clamp will be concrete with removable heavy duty polythene covers.

The site will primarily be hardstanding and the surface water runoff from roofs and roads will go to a two stage Sustainable Urban Drainage System which will discharge into an existing water course. The silage clamps and unloading area including the feeders will have a separate drainage system with the "dirty" water going into the digesters and any storm water into the digestate storage tanks. The site will be secured by a security fence.

Planning permission 2016/0070/TP approves access to the site taken direct off the A77 with alterations to the existing junction that currently leads to the Waste Transfer Station. In addition there will be alterations to ground levels with some parts of the site excavated and other parts raised. These aspects of the development are to remain unaltered.

The feedstocks are to be delivered from farms by lorries and approximately 32,000 tonnes of digestate would be tankered back to the farms. It has been indicated that the supply farms are located between 4 miles to 30 miles from the site. In order to operate the facility, between 7 and 9 lorries a working day would deliver the grass silage/beet/wheat straw from contracted farms (and leave empty) and 6 to 7 tankers a day would arrive empty and leave with digestate to be returned to the contracted farms each working day. No deliveries should be made on Saturdays or Sundays. It is indicated all of the lorry traffic associated with the development would access the A77 via the A726 Glasgow Southern Orbital (Maidenhill – East Kilbride) or via the M77, leaving/joining at Junction 5. The applicant has also indicated that no lorry traffic is to pass through nearby residential areas.

There would therefore be a total of 26 to 30 lorry movements each working day that equates to an average of 3 lorry movements per hour over the ten hour working day, or one vehicle movement every 20 minutes.

Scottish Planning Policy

Scottish Planning Policy (SPP) introduces a presumption in favour of development that contributes to sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

Scottish Planning Policy advises that development plans should support a diverse range of renewable energy projects and ensure that an area's potential to accommodate them is realised and optimised. Development Plans should set out the factors to be taken into account in considering proposals for energy developments.

The SPP indicates that decisions should be guided by a number of principles. The most relevant to this application are considered to be: the scale of contribution to renewable energy targets; effect on greenhouse gas emissions; impacts on communities and individual dwellings, including visual impact, residential amenity and noise; landscape and visual impacts; and impacts on road traffic and trunk roads.

The Scottish Government Policy on Renewable Energy is contained in Scottish Planning Policy (SPP) and the current target is for 30% of Scotland's overall energy demand to be generated from renewable sources by 2020; 11% of heat demand from renewable sources by 2020; with the equivalent of 100% of electricity demand from renewable sources by 2020. It is considered that in general terms the proposed development will contribute to the Scottish Government's aim for 30% of overall energy demand generated by renewable sources.

East Renfrewshire Local Development Plan (2015)

One of the key objectives of the adopted Local Development Plan (LDP) is to promote sustainable development and reduce carbon emissions. The policies of the LDP therefore support the key objectives. An assessment of the proposed development under 2016/0070/TP was made against the relevant policies (Strategic Policy 1, Strategic Policy 2, Policies D3, D1, D9 and E1) and the biogas plant was considered to accord with these policies and to be an acceptable development at this location. The LDP policy context has not changed since the approval of 2016/0070/TP and there is an extant planning permission. It is therefore considered that the principle of the development does not have to be re-examined and what is being considered in this application is the additional use of wheat straw and digestate in the production of the biogas/biomethane.

Consultation responses

In terms of the change in the feedstocks and the use of digestate in the process the Council's Environmental Health Service and SEPA have been consulted. The Council's Environmental Health Service has reviewed the application and supporting Odour Management Plan Rev2 (OMP) that sets out the measures required to control any odour associated with the operation of the planned biogas plant.

Environmental Health understand that the OMP will be published as a working document to detail practices for managing odour issues on-site and will be used as a reference document for operational staff on a day-to-day basis. If the feedstock mix and starter inoculation has to change in the future Environmental Health recommends that a new OMP be required to be submitted and approved. The abatement methods detailed in the OMP for control of odours are well described and accepted. However concern has been raised about two areas that do have potential for odour production and release:

1. Release of headspace gas to the atmosphere during filling of tanks and tankers
2. Release of odours during the maceration of wheat grass

Environmental Health indicates that it is difficult to assess the extent and strength of potential odours from these two stages within the process. However the methodology detailed within the OMP and, in particular, focus on odour monitoring/complaint investigation should ensure that nearby properties are not adversely affected by odours arising from operations associated with this development.

SEPA has indicated that they have no objection and no issue regarding the use of digestate, instead of cattle slurry, to initiate the process on site. SEPA has however highlighted that information submitted for condition 17 (site drainage) of planning permission 2016/0070/TP has not been agreed. If this application is approved a condition can be attached in relation to the proposed site drainage.

In addition the Council's Roads Service has indicated that as there is to be less feedstocks per annum compared to the previous proposal with 12% fewer traffic movements. The Roads Service has no objections to the amendment to condition 10 as there are to be no negative impacts on the roads network.

Representations

In terms of the representations received the following comments are made.

Use of waste materials/household waste/commercial waste/cattle slurry: no household or commercial waste is to be used in the process and although cattle slurry was initially proposed to be used in this application this has been changed with digestate to be used instead.

Pollution/health impacts/odours: the Council's Environmental Health Service has been consulted on this application, considered the supporting information and has not objected to the application.

Impact on roads/increase in traffic/danger to cyclists: the Council's Roads Service and Transport Scotland have been consulted on this application and have not objected to the application.

Change in condition prompted by financial reasons/questions viability of the plant: these are not material planning considerations in determining this application.

Noise: the Council's Environmental Health Service has been consulted on the application and has not raised any issues regarding noise generation.

Not a suitable development in a greenfield site/this location: the principle of the development has already been established in the determination of the previous planning application 2016/0070/TP. This principle is not being re-considered in this application.

Requirement for all tanks containing liquids whose spillage could be harmful to the environment to be bunded: the drainage for the development can be addressed by a planning condition.

Change in the condition allows carte blanche to use an indefinite range of feedstocks: condition 10 of planning permission 2016/0070/TP allowed the use of feedstocks but not waste materials. The change sought by the developer to generate the biogas/biomethane can still be addressed by a planning condition with similar wording to condition 10 of the previous planning permission.

No precise details of amount of digestate required or vehicle movements required to transport the digestate: the applicant has indicated the volume range of digestate that may be required. The applicant has acknowledged that it is difficult to predict the precise volume required to start the process because it is dependent on the type and concentration of the appropriate microbes contained within it. This explanation is noted and accepted. In addition the Council's Roads Service and Transport Scotland have been consulted on this application and have not objected to the application.

Overall conclusion

The principle of the biogas plant at this location has been established in the previous planning permission 2016/0070/TP. Having considered all of the above the additional use of wheat straw and digestate in the production of the biogas/biomethane this is considered to be acceptable and is not considered to have an adverse impact on the surrounding area.

As this is a new planning decision, conditions are necessary to be attached as they relate to this proposal with a number of conditions repeated from the previous planning permission 2016/0070/TP as well as other conditions relating to similar matters covered by conditions of 2016/0070/TP. This is irrespective of whether details for some of the conditions of 2016/0070/TP have been approved.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITIONS:

1. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

2. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the development is acceptable in appearance.

3. Development shall not commence until a scheme of landscaping works in the area outwith the boundaries of the application site has been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):-

- i) Details of any earth mounding;
- ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted;
- iii) Details of the phasing of the landscaping works;
- v) Proposed levels; and
- vi) Schedule of maintenance.

Thereafter the landscaping works shall be fully implemented as approved.

Reason: To ensure the implementation of a satisfactory scheme of landscaping to improve the environment quality of the development.

4. Development shall not commence until details of all external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) have been submitted to and approved in writing by the planning authority. Thereafter the lighting shall be implemented as approved.

Reason: In order to ensure that the lighting is acceptable at this location and to protect the amenity of the surrounding area.

5. Development shall not commence until details of the route of the pipe connecting the development to the gas network to the south of the site have been submitted to and approved by the planning authority. The details shall include the depth and width of excavation across the selected route. Thereafter the approved details shall be fully implemented prior to the operation of the biogas plant.

Reason: To ensure that the route of the pipe is acceptable at this location

6. Development shall not commence until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the site and finished floor levels in relation to a fixed datum point have been submitted to and approved in writing by the planning authority. Thereafter the development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

7. Development shall not commence until details of the alterations to the access onto the A77 have been submitted to and approved in writing by the planning authority. Thereafter the approved alterations shall be fully implemented on site prior to the first operation of the biogas plant hereby approved.

Reason: In the interests of roads safety.

8. For the avoidance of doubt a footway shall be provided from the site office to the shared use path on the A77 Ayr Road. Development shall not commence until details of this footpath have been submitted to and approved in writing by the planning authority. Thereafter the approved footpath shall be fully implemented prior to the first operation of the biogas plant.

Reason: In the interests of roads and pedestrian safety.

9. Development shall not commence until a lining and signing drawing is submitted to and approved in writing by the planning authority. The recommendations from the Road Safety Audit are to be incorporated within the lining and signing layout. Thereafter the approved lining and signing shall be fully implemented prior to the first operation of the biogas plant.

Reason: In the interests of roads safety.

10. Development shall not commence until details of the type of digestate to be used to start the biological treatment of the feedstocks have been submitted to and approved in writing by the planning authority. For the avoidance of doubt the approved digestate shall only be used to start the biological treatment and for periodic injection in the process thereafter. During the operation of the biogas plant any change to the type of digestate to be used shall be notified in advance by the developer/operator to be approved by the planning authority.

Reason: In the interests of residential amenity.

11. For the avoidance of doubt the biogas plant hereby approved shall only be supplied by agricultural feedstocks/crops, agricultural residues and agricultural by-products (including wheat straw), horticultural residues and horticultural by-products. No waste materials, including cattle slurry or animal slurry, household waste or commercial waste, shall be used.

Reason: In the interests of residential amenity.

12. The Odour Monitoring arrangements and Complaints Investigation procedure specified in Sections 6 and 7 of the Odour Management Plan (June 2018) shall be implemented fully during the operation/lifetime of the biogas plant.

Reason: In the interests of residential amenity.

13. Noise from the operation of the biogas plant shall not exceed residential Noise Rating Curve 35 (daytime) and NR25 (night-time) as (described in BS 8233: 2014), as measured from any neighbouring property.

Reason: In order to avoid noise disturbance to nearby residential properties.

14. Development shall not commence until a site investigation of the nature and extent of any ground contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the planning authority. The results of the site investigation shall be submitted to the planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the planning authority. The site shall be remediated in accordance with the approved measures prior to commencement of construction.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of public health and to protect users of the development and the wider environment from the effects of any contamination.

15. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken unless otherwise agreed in writing by the planning authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to identify and protect any archaeological remains and to allow the planning authority to consider this matter in detail.

16. There shall be no construction work or offloading of delivered materials at the development site outwith the hours of 0800 to 1900 Monday to Friday and 0800 to 1300 on Saturday with no working on Sunday or local or national public holidays unless minor and temporary amendments have been otherwise agreed in advance in writing by the planning authority.

Reason: To prevent noise nuisance to the surrounding area.

17. Development shall not commence until details of vehicle wheel cleaning facilities and a road cleaning strategy have been submitted to and approved in writing by the planning authority. Thereafter the approved vehicle wheel cleaning facilities and road cleaning strategy shall be implemented as approved. All construction vehicles exiting the site shall have all tyres and wheels cleaned before entering the road.

Reason: To ensure mud and deleterious materials are not transferred to the road.

18. Development shall not commence until specific details of the site drainage arrangements are submitted to and approved in writing by the planning authority in consultation with SEPA. The submitted details shall include the size of the bund as well as details of the materials it is to be constructed out of, being impermeable and resistant to corrosion. Thereafter the agreed drainage arrangements shall be fully implemented on site before and during operation of the biogas plant.

Reason: To ensure the drainage is acceptable at this location and to avoid pollution to the water environment.

19. Within 6 months of the commissioning or operation of the biogas plant a site decommissioning and restoration scheme shall be submitted to and approved in writing by the planning authority. The submitted scheme shall include specific details of the removal of all aspects of the development and how the site is to be restored and the timescale for carrying out these works. The agreed site decommissioning and restoration scheme shall be fully implemented when the biogas plant is decommissioned.

Reason: To ensure the decommissioning and restoration scheme is acceptable at this location.

ADDITIONAL NOTES:

The developer is reminded that a separate Road Opening Permit under Section 56 of the Roads (Scotland) Act 1984 is required.

The developer may be required to enter into a Section 96 agreement in order to protect the Council from incurring extraordinary maintenance costs due to the activities associated with the construction/operation of the biogas facility.

The developer is advised that a separate Hazardous Substances Consent may be required under the Planning (Hazardous Substances) Act 1990. The site will require hazardous substances consent if 15 tonnes or more of natural gas, or 25 tonnes or more of LPG is present on site. If no individual hazardous substance is present at or above those quantities, the aggregation rule must be applied to determine whether or not hazardous substances consent is required - see Note 5 to the Notes on Parts 1 and 2 to Schedule 1 of the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015.

The developer is reminded that adequate precautions must be taken to prevent nuisance from dust from the construction activities. Further advice on this can be obtained from East Renfrewshire Council Environmental Health Service.

The operator of the pipeline connecting the plant to the National Grid Gas network will have to comply with the requirements of the Pipelines Safety Regulations 1996. If the pipeline falls within the category of a major accident hazard pipeline as defined in those Regulations, then HSE will have to be notified at least six months before construction begins, and HSE will set land use planning consultation zones around the pipeline. Further information on pipeline can be found at <http://www.hse.gov.uk/pipelines/index.htm>

During its construction, and when operational, the biogas plant will be subject to the requirements of the Health and Safety at Work etc Act 1974 and associated legislation. This includes the requirement on the operator of the site to ensure so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site.

Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Other environmental licences may be required for any installations or processes.

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA ASB
Angus Smith Building
6 Parklands Avenue
Maxim Business Park
Eurocentral
Holytown
North Lanarkshire
ML1 4WQ

With regards to the construction phase of the project it is important to utilise construction SUDS to protect the water environment and also to ensure that any concrete used in the construction works meets the required standard.

The applicant/developer is reminded of the need for further discussions with SEPA on the "consentability" of the development in respect of the discharge of surface water arising at the site.

The applicant/developer is reminded that in terms of the storage of solid digestate that work is undertaken in full compliance with the requirements of the Silage, Slurry and Agricultural Fuel

Oil Standards. No structure should be sited within 10 metres of the surface water drainage system and/or the water environment.

Street lighting proposals with regards to both the remodelled junction and the A77 must be discussed with East Renfrewshire Council's Project Co-ordinator Traffic & Lighting.

ADDED VALUE:

Conditions have been added that are necessary to control or enhance the development and to ensure the proposal complies with the Council's Local Development Plan policies.

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2018/0065/TP
(SEMC)

DATE: 1st August 2018

DIRECTOR OF ENVIRONMENT

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Reference: 2018/0065/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

The Strategic Development Plan indicates that delivering a low, carbon future, in support of the Scottish Government's ambition to achieve at least an 80% reduction in greenhouse gases by 2050, is central to the Vision and Development Strategy of the Plan.

Policy 10 on Delivering Heat and Electricity indicates that in support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy should be given, where appropriate, to alternative renewable technologies and associated infrastructure.

Adopted East Renfrewshire Local Development Plan

Policy Strat1

Local Plan Strategy

Planning Permission for development will only be granted where the Council is satisfied that the proposal is consistent with the "Principles of Sustainable Development" and where there is conformity with the key objectives of this Local Plan.

Policy D3

Green Belt and Countryside Around Towns

Development in the green belt and countryside around towns as defined in the Proposals Map, will be strictly controlled and limited to that which is required and is appropriate for a rural location and which respects the character of the area.

Where planning permission is sought for development proposals, within the green belt or countryside around towns and these are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area, the Council will consider them sympathetically subject to compliance with other relevant policies of the Plan. Any decision will, however, take into consideration the impact the proposals will have on the function of the green belt and countryside around towns and the viability of important agricultural land. Development must be sympathetic in scale and design to the rural location and landscape.

Further detailed information and guidance is provided in the Rural Development Guidance Supplementary Planning Guidance.

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;

2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development.

Renewable Energy

The council will support renewable energy infrastructure developments, including micro-renewable energy technologies on individual properties, wind turbine developments, hydro electric, biomass and energy from waste technologies in appropriate locations. The assessment of applications for such developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, the considerations set out at paragraph 169 and additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Where appropriate, the applicant will be required to submit satisfactory mitigation measures to alleviate any adverse environmental impacts.

The council will prepare statutory supplementary guidance which accords with the Scottish Planning Policy (2014), and which contains the full spatial framework for onshore wind energy, sets policy considerations against which all proposals for renewable energy infrastructure developments will be assessed, and provides further detailed information and guidance on renewable energy technologies

GOVERNMENT GUIDANCE:

Scottish Planning Policy (2014) states that development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

The planning system should:

support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- the equivalent of 100% of electricity demand from renewable sources by 2020;

support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks;

guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;

help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Local Development Plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169 of SPP (2014).

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