

**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**

Index of applications under the above acts to be considered by Planning Applications Committee on
02.11.2016

Reference No: 2016/0070/TP

Ward:

Applicant:

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

Agent:

Alan Couper Consulting
Stevenson Farm
Peebles
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

Recommendation: Approve Subject to Conditions

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REPORT OF HANDLING

Reference: 2016/0070/TP

Date Registered: 12th February 2016

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 - Newton Mearns South

Co-ordinates: 251640/:653190

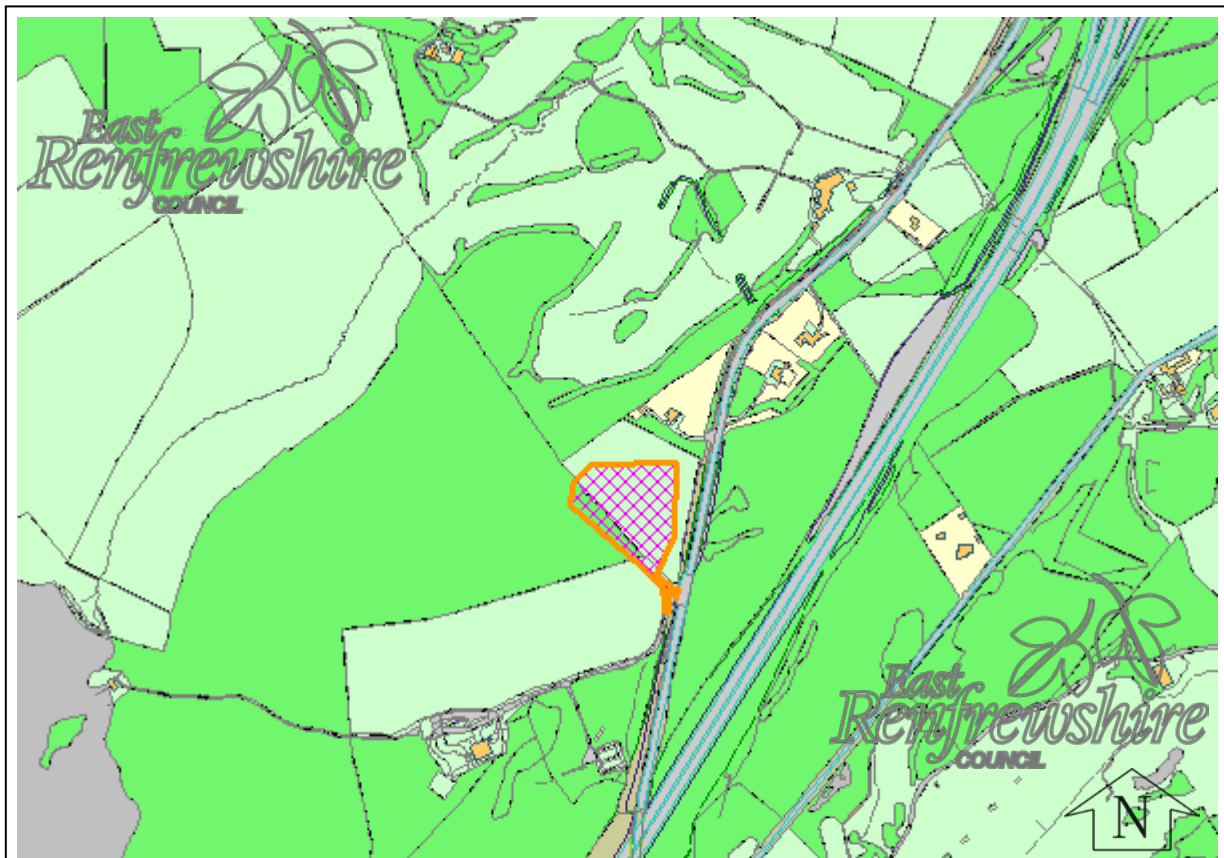
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Location: Site 300m north east of Greenhags
Ayr Road
Newton Mearns
East Renfrewshire



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CONSULTATIONS/COMMENTS:

Scottish Environment Protection Agency	No objection subject to a condition requiring the full details of the finalised drainage arrangements that meet with the requirements of the planning authority in consultation with SEPA.
East Renfrewshire Council Environmental Health Service	No objections subject to conditions
Glasgow Airport	The proposed development does not conflict with safeguarding criteria. No objection to the proposal.
West Of Scotland Archaeology Services	Recommends site evaluation/suspensive planning condition.
East Renfrewshire Council Estates Section	It is noted that the proposal takes access off a road serving the Council's, contractor operated, waste transfer site at Greenhags. The proposed biomass development would therefore need to avoid conflict with the waste transfer operation when constructing the proposed access. Other than that no particular comments to make in relation to the application. The proposed development's location should not significantly affect the Council's other interests associated with the Greenhags grazing, the farmer having been advised previously. Nor should it conflict with Scottish Water's most recent pipeline route.
Health And Safety Executive	As the proposed development site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, HSE is not a statutory consultee in this case and has no comments to make on this application. The site will however require hazardous substances consent if 15 tonnes or more of natural gas, or 25 tonnes or more of LPG (propane) is present on site. If planning permission is granted for the proposed biogas plant, 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.
Scottish Water	No response at time of writing
Scottish Gas Network	No response at time of writing

East Renfrewshire Council Roads Network
Manager

No objection subject to conditions

Transport Scotland Trunk Roads Network
Management

Does not advise against the granting of
permission

PUBLICITY:

26.02.2016 Glasgow and Southside Extra Expiry date 11.03.2016

SITE NOTICES: None.

SITE HISTORY: None

REPRESENTATIONS:

A total of 109 representations have been received:

Representations can be summarised as follows:

Increase in heavy/slow vehicles on busy roads/increase in traffic
 Loss of arable land
 In greenbelt/should be in industrial area
 Contrary to policy
 Odours/food waste not to be used
 Contamination of ground and watercourses
 Visual impact/buildings not in keeping with rural setting/height of buildings
 No Environmental Impact Assessment
 Conflict of interest as East Renfrewshire Council owns the site/another local authority should
 determine the application
 Pollution of air
 Noise
 Detrimental effect on golf course
 Affect SSSI/wildlife
 Limited environmental value
 Transportation of chemicals
 Proximity to houses and primary schools
 Endanger cyclists
 Safety implications of storing gas on site
 Lack of neighbour notification
 Farmers should be growing crops for food not supplying this facility/questions whether enough
 local farms to supply site
 Applicant has no track record of similar plants
 Overshadowing
 Loss of open space/recreational land
 Importation and dumping of rubbish
 Inadequate infrastructure
 Impact on property values
 Sets a precedent
 Commercial viability
 Site restoration

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

Noise Impact
Assessment

Indicates a background noise survey has been completed in a location
 considered representative of the closest residential receptor. Assesses
 that the rating levels for the proposed development fall below the
 measured background sound levels, which is classed as less than "low

impact". Concludes the magnitude of impact would constitute "no adverse impact" and the significance relative to the sensitivity of the receptor is categorised as "neutral".

Planning Statement	Considers the development against national and local planning policies as well as impacts associated with the development. Also explains the site selection. Concludes that the proposed development accords with policy and the Greenhags location is the best fit with their technical requirements.
Transport Statement	Assesses the lorry traffic associated with the development and the impact on the roads network. The grass silage and beet is to be sourced from contracts with local farms within easy transport distance and transported to the site. Indicates the lorries would use the A726 or the M77/A77 and would not pass through nearby residential areas. The number of lorry movements is indicated as being 1.5% of the existing traffic on the A77 and 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 as the development site does not exceed 2 hectares. However the application requires to be submitted to the Planning Applications Committee for determination as more than 10 objections have been received.

It should be noted in the first instance that this proposal is not a waste disposal facility/plant. Anaerobic Digestion is the natural production of biogas by the controlled fermentation of feedstocks such as grass silage, maize and sugar beet. The process does not use waste foodstuffs in any form, only fresh, grown to order crops. 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 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.

The proposed development is to operate over a 25 year period generating 4.5 million cubic metres of biomethane gas (ie biogas) from the anaerobic digestion of grass silage and beet feedstock, with the gas being piped directly to the gas grid. The process would operate continuously and would be staffed during normal business working hours by approximately 5 staff and the processes would be monitored remotely outwith these times.

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. 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.

Environmental Impact Assessment

It should be noted that a screening opinion has been adopted in respect of the proposal under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The adopted opinion concludes that an Environmental Impact Assessment is not required because the development would not result in significant environmental effects and is not in an environmentally sensitive location. In addition to this a third party requested the Scottish Ministers to adopt a Screening Direction. The Scottish Ministers fully considered the request and are content that the issues raised by the third party do not call into question the validity of the planning authority's assessment that an EIA is not required. The Scottish Ministers therefore declined to issue a Screening Direction in this case.

Proposed development

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 (basically large concrete walled storage bins) measuring 40m by 30m by 6m are to be located towards the east side of the site.

The silage and beet is macerated in twin moving floor feeders 31m by 10m by 5m and then pumped into the primary digesters. There will be in addition a boiler house to heat the water for the digesters, and at the other end of the process a Biogas upgrade unit cleaning the gas before injection into the National Gas Grid and a solid digestate conversion unit to 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 that is to be 3m high although the specific details of the fence has not been submitted at this stage.

Access to the site is to be 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 in order to create the development platform with some parts of the site excavated and other parts raised. The area at the front of the site is to be raised by approximately 0.5m to 1m and the area towards the rear of the site is to be excavated into the slope with the ground levels reduced by approximately 6m.

Information accompanying the application indicates the facility will require approximately 45,000 tonnes of feedstock per annum (35,000 tonnes of grass silage and 10,000 tonnes of beet) to be delivered from farms by lorries and approximately 36,000 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, 9 lorries a day would deliver the grass silage/beet from contracted farms (and leave empty) and 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 use A726 Glasgow Southern Orbital towards East Kilbride or 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 32 lorry movements each working day that equates to less than 4 lorry movements per hour over the nine hour working day with one entering every 30 minutes and one leaving every 30 minutes.

The application has to be assessed against the relevant development plan policies and any material planning considerations.

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. 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.

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.

These principles will be considered in more detail in the assessment against the relevant development plan policies below.

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 and it is considered that the following policies are relevant to determining this application.

Strategic Policy 1 indicates the Council will support proposals that promote sustainable development, contribute to the reduction of carbon emissions and are serviced by a choice of transport modes including public transport. Proposal will be supported where they provide positive economic, environmental and social benefits to the area and meet the needs of the community up to 2025 and beyond. All proposals are required to comply with the key aim and objectives of the Plan. As this is a renewable energy development it is considered that this proposal in general terms accords with this Policy.

Strategic Policy 2 requires a sequential approach to be taken to new development proposals with priority given to brownfield sites within the urban area followed by greenfield land in the urban area and finally to land adjacent to the urban area. Sites within the greenbelt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area.

The applicant has indicated in terms of site selection that whilst there is sequential planning test to be undertaken, there are key technical criteria that influence the site selection. The applicant considers these to be combined and one does not overrule the other. The applicant considers that an integrated and comprehensive approach has to be taken otherwise it fails to be an economic development proposition. The applicant indicated that an assessment of several different sites was undertaken before submitting a tender for the Greenhags site. These sites were at Shanks/Glasgow Road, Barrhead; Cowdenmoor Farm; and land east of Bannerbank Farm.

The applicant has indicated the safest and most efficient way of handling the volume of gas that is to be produced is direct injection to the National Grid by underground pipe. There is an intermediate pressure gas pipe to the south of the site which the produced gas will be injected into. The applicant has indicated Scottish Gas has recommended the produced gas be connected to this. This intermediate pressure pipe feeds into the medium pressure network via pressure reduction stations through Neilston then Barrhead then Newton Mearns.

The applicant has also indicated that for good access to the supply/delivery of feedstock, and to return the digestate to the supplying farms, a good road system avoiding minor country roads and urban areas also influences the choice of site. The applicant has indicated that a site area of between 1.8ha and 2ha is the minimum size of site required for the amount of gas that is intended to be produced with the site ideally being level and suitable ground conditions existing.

The applicant considers the Greenhags location as the best fit with their technical requirements whereas the other sites referred to above are not. The Barrhead sites were discounted primarily because the sites are not near an intermediate pressure gas main that Scottish Gas has recommended the produced gas be connected to and the deliveries would have to be made through the urban area. The Cowdenmoor site was discounted primarily because of the local road network and the Bannerbank site was discounted because it did not offer a level site.

It is acknowledged that this is a development with particular technological requirements and not every location will meet these requirements. The technical requirements for a development of this type are noted and the explanation given by the applicant is accepted.

Policy D3 indicates that development in the greenbelt will be strictly controlled and limited to that which is required and appropriate for a rural location and which respects the character of the area. Proposals for development in the greenbelt that are related to agriculture, forestry, outdoor recreation, renewable energy and other uses appropriate to the rural area will be considered sympathetically subject to compliance with other relevant policies. Any decision will take into account the impact the proposal will have on the function of the greenbelt and the viability of important agricultural land. This Policy goes on to indicate that development must be sympathetic in scale and design to the rural location and landscape.

As this is a renewable energy development it is considered in general terms to accord with Policy D3 as being a type of development suitable for a rural location. The site is not considered to be important agricultural land and the loss of this part of the greenbelt is not considered to have a significant impact on the function of the greenbelt at this location.

In addition the appearance of the development will be localised to the immediate vicinity of the site and the buildings will appear as agricultural silos and clamps. The visual impact of the development will be most evident in close proximity to the site because of topography screening and existing vegetation and will have limited visual impact on the overall greenbelt.

Policy D1 relates to all development types and contains a number of criteria that are relevant to this application. These criteria are considered to be: the development should not result in a significant loss of character or amenity to the surrounding area; the amenity of neighbouring properties should not be adversely affected; and the development should not impact adversely on landscape character or the green network.

It is acknowledged that the proposed development will result in buildings/development in this field however there are other developments in the locality including the Greenhags waste transfer station. The proposed development will have the appearance of agricultural silos/buildings and

this is considered to be acceptable in a rural location such as this. To the casual observer the proposed buildings should be indistinguishable from agricultural silos/buildings. Conditions can be attached if the development is approved to control aspects of the development in order to protect the amenity of nearby residents. As indicated above the site is located within and towards the north-west of a Plateau Moorland Landscape Character Type (LCT) with the landscape west of the M77 shows a more irregular character in comparison to the smoother moorland of Whitelee Moor. It is considered that the visual impact on the landscape is localised to the immediate vicinity of the site and will not have significant landscape or visual effects over a wider area. Although landscaping/planting has not been shown on the submitted drawings it is considered that the immediate area outwith the site should be planted in order to give the site a naturalistic edge and to blend in with other trees/planting in the surrounding area. As the planting matures the overall visual impact of the development will increasingly be lessened. This planting can be addressed by a planning condition if the development is approved. It is therefore considered that the proposed development accords with Policy D1.

Policy D9 indicates there will be a strong presumption against proposals which have an adverse impact upon outdoor access. There is a Core Path to the south of the site that leads to Brother Loch. The proposed development is not considered to affect outdoor access.

Policy E1 indicates the Council will support renewable energy infrastructure developments with the assessment of such applications based on the principles set out in Scottish Planning Policy. As indicated above 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. The proposed development therefore is considered to accord with Policy E1.

Renewable Energy Supplementary Planning Guidance (SPG)

The SPG was issued for consultation between 31st March 2016 and 12th May 2016 and the outcome of the consultation was reported to the full Council on 14th September 2016. The Council agreed that the SPG can be referred to the Scottish Ministers for approval.

The SPG acknowledges that wind energy is likely to make the most substantial contribution to renewable energy targets in East Renfrewshire however goes on to indicate that anaerobic digestion is an example of potentially viable renewable development that could be capable of delivering renewable energy at a commercial scale.

Further studies may be commissioned by the Council to determine Areas of Greatest Potential for alternative energy sources, with a focus on locational/environmental considerations such as scale, visual impact, landscape features, carbon rich soils etc. Any results of these potential studies will feature in subsequent versions of the SPG.

In very general terms the proposed development is one that can be supported in principle by the SPG.

None of the consultees has raised any significant issues associated with the proposed development. Any matters that have been raised by them can be addressed by planning conditions to control or regulate aspects of the development or require further information to be submitted for approval before development commences. It should be noted that the Council's Roads Service or Transport Scotland have not objected to the proposed development on the grounds of the impact on the roads network or on roads safety. The vehicles delivering to and from the site are standard type articulated lorries and tankers and their use of public roads cannot be restricted through this planning application. In addition the Council's Environmental Health Service has not objected in terms of public health or possible pollution or contamination.

SEPA has advised that the site drainage proposals that involves a sump within a bunded area is acceptable as this approach is compliant with SEPA best practice of containment and bunding. The size of the bund and the construction materials are to be of a suitable standard to ensure they are impermeable and resistant to corrosive materials stored on site. SEPA therefore has no objection to the application subject to a condition that requires the detailed site drainage arrangements to fully meet the requirements of the planning authority in consultation with SEPA.

This matter can be addressed by a planning condition should the development be approved. SEPA will have to authorise separately the proposed drainage from the proposed facility.

Representations

In terms of the objections that have been received that have not been addressed in the assessment above the following comments are made.

Loss of arable land: the site has limited agricultural value and is not prime agricultural land.

Conflict of interest/another local authority should determine application: it is not considered that there is a conflict of interest as the application has to be assessed by the local authority in question against the relevant development plan policies and any material planning considerations. Any potential lease arrangement between the Council, as land owner, and the developer is not a material consideration to determining this application. There is no provision within the Town and Country Planning (Scotland) Act 1997 that allows another local authority to determine a planning application outwith its administrative boundaries.

Impact on wildlife/SSSI: the Brothar and Little Lochs Site of Special Scientific Interest (SSSI) is designated because it is a freshwater habitat. The proposed development is located away from the SSSI and it is not considered that it will directly impact on the integrity of the SSSI.

Limited environmental value: Scottish Planning Policy advises that development plans should support a diverse range of renewable energy projects. 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. The proposed development will contribute to this target.

Transportation of chemicals: this is not a matter that lies within the remit of the planning authority.

Proximity to houses and schools: it is acknowledged that the proposed development is in close proximity to nearby houses however it is some distance from any existing or proposed primary schools. The development is approximately 25m to the boundary with Strathcraig, with Strathcraig itself located a further 24m within its site, and approximately 175m from the next nearest property at Southcroft. The nearest primary school is Mearns Primary School which is approximately 2.3km from the site. The primary school that is intended to be at Maidenhill is likely to be approximately 1.6km from the site. The assessment of the development above concludes that the development is acceptable at this location and any associated matters, such as noise and odours that could potentially affect the nearest houses, can be mitigated through the use of planning conditions. It is not considered that the development will affect existing or proposed primary schools.

Safety implications of storing gas on site: this matter lies within the remit of the Health and Safety Executive to control and regulate.

Lack of neighbour notification: there are no properties within 20m of the boundary of the application site in order to serve Notices to Neighbours. However the application was advertised in the local press in accordance with the relevant planning legislation, appeared on the published weekly list of applications and has been available to view on the Council's website.

Applicant has no track record of operating this type of development: this is not a material consideration in determining this application.

Overshadowing: it is not considered that the development will result in significant overshadowing of the nearest residential properties.

Loss of open space/recreational land: the site is not designated as open space/recreational space in the LDP.

Inadequate infrastructure: should planning permission be approved the developer will have to apply separately to connect the development to any infrastructure that may be required such as electricity, water supplies, etc.

Impact on property values: this is not a material consideration in determining this application.

Precedent: any further applications for this type of development will be assessed against the relevant development plan policies and material planning considerations if and when they are received. It is therefore not considered that the decision on this application will set a precedent for future applications.

Questions commercial viability/whether enough local farms to supply site/farmers should be growing crops for food: a developer has to make a commercial decision as to whether to proceed with a development. For this particular development any commercial arrangements with the supply farms are a matter between the developer and the farmers in question. The farmers also need to make the same commercial decisions whether to supply facilities such as this. These matters are not material considerations in determining this application.

Site restoration: it is intended that the separate lease between the Council and the developer will require the developer to remove the biogas plant, apparatus, equipment, etc at the expiry/termination of the lease. The applicant has indicated the development is to run over a 25 year period however it should be noted a temporary permission is not being sought. A planning condition can be used to require the submission of details of the site restoration scheme should the development be decommissioned.

Conclusion

It should be noted that the Scottish Government has indicated in certain circumstances that they must be notified if a development is recommended to be approved. The circumstances include if the planning authority has a financial interest or the land is owned by the planning authority and where the proposed development would be significantly contrary to the development plan for the area. The application site is owned by East Renfrewshire Council however through the assessment against the relevant policies above it is not considered that this development is a significant departure from the development plan based on its scale, location and relevant development plan policies.

Should planning permission be granted any lease will be handled separately by the Council's Property and Technical Services.

Although the development is located in the greenbelt this policy designation does not preclude development from happening. Policy D3 indicates types of development that are likely to be acceptable in the greenbelt and this includes renewable energy developments.

Drawing all of the above matters together it is considered that this is an acceptable development at this location and accords with the relevant development plan policies. There are no material planning considerations that outweigh the development plan policies.

RECOMMENDATION: Approve Subject to Conditions

PLANNING OBLIGATIONS: None

CONDITION(S):

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. For the avoidance of doubt the development hereby approved shall be constructed in accordance with the levels shown on drawings 8132-104 Rev C and 8132-105 Rev C unless otherwise approved in writing in advance by the planning authority.

Reason: In order to ensure the development is constructed in accordance with the submitted levels information.

7. The alterations to the access onto the A77, as shown on drawing 8132-103 Rev C and 8132-108, 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. Notwithstanding the details show on drawings 8132-103 Rev C and 8132-108 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. 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.

11. Development shall not commence until a management plan relating to the control of any odour associated with the operation of the biogas plant has been submitted to and approved in writing by the planning authority. Thereafter the approved management plan shall be fully implemented during the operation of the biogas plant.

Reason: In the interests of residential amenity.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 Plan policies.

BACKGROUND PAPERS:

Any background papers referred to in this report can be viewed at www.ercplanning.eastrenfrewshire.gov.uk/eplanning, where you can enter the Reference Number listed below. Any further information can be obtained from Mr Sean McDaid on 0141 577 3339.

Ref. No.: 2016/0070/TP
(SEMC)

DATE: 26th October 2016

DIRECTOR OF ENVIRONMENT

Reference: 2016/0070/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

Strategy Support Measure 12 on Energy and a New Low Carbon Paradigm indicates that in order to achieve a paradigm shift in energy generation and consumption to meet a low or decarbonised future, a structured approach “Energy – Carbon Masterplanning” could be adopted in Local Development Plans when taking forward the core components of the Spatial Development Strategy model.

This approach needs a partnership with power utility companies to develop tailored energy solutions for the communities concerned.

The paradigm seeks a local energy solution around a micro-generation basket of renewable energy, smart-grid technologies and integration with the current energy distribution networks.

The scale of the potential, the range of effective micro-generation and local energy supply options demands a structured and systematic approach to the issue.

Adopted East Renfrewshire Local Development Plan

Strategic Policy 1

Development Strategy

The Council supports proposals that promote sustainable development, contribute to the reduction of carbon emissions and are served by a choice of transport modes including public transport. Proposals will be supported where they provide positive economic, environmental and social benefits to the area and meet the needs of the community up to 2025 and beyond. All proposals are required to comply with the key aim and objectives of the Plan.

The Council supports a complementary two strand approach to development as follows:

1. Regeneration and consolidation of urban areas with an emphasis on developing Brownfield and vacant sites alongside the continued protection and enhancement of the green belt and countryside around towns and the green network;
2. Controlled Growth to be master planned and directed to the following locations:
 - a. Urban Expansion:
 - i. Malletsheugh/Maidenhill Newton Mearns Strategic Development Opportunity (Policy M2.1);
 - ii. Barrhead South - Springhill, Springfield, Lyoncross Strategic Development Opportunity (Policy M2.2); and
 - b. A major regeneration proposal Strategic Development Opportunity at Glasgow Road/Shanks Park, Barrhead (Policy M3).

Strategic Policy 2

Assessment of Development Proposals

Proposals for new development, other than smaller scale proposals (such as applications for single houses, householder or shop frontage alterations), will be assessed against relevant criteria below as well as Policy D1:

1. Application of a sequential approach which gives priority to the use of Brownfield sites within the urban area then to Greenfield land within the urban area and finally to land adjacent to the urban area. Sites within the green belt will only be considered where it has been demonstrated that a suitable site does not exist within the urban area;
2. Provision of a mix of house types, sizes and tenures to meet housing needs and accord with the Council's Local Housing Strategy and the Glasgow and Clyde Valley Strategic Housing Need and Demand Assessment;
3. Resulting positive community and economic benefits;

4. The impact on the landscape character as informed by the Glasgow and Clyde Valley and the East Renfrewshire Landscape Character Assessments, the character and amenity of communities, individual properties and existing land uses;
5. The impact on existing and planned infrastructure;
6. The impact upon existing community, leisure and educational facilities;
7. The transport impact of the development on both the trunk and local road network and the rail network, taking into account the need for a transport assessment and the scope for green transport and travel plans;
8. The impact on the built and natural environment, including the green belt and green network taking into account the need for an Environmental Impact Assessment and the requirement for proposals to provide a defensible green belt boundary and links to the green network;
9. The impact on air, soil, including peat and water quality and avoiding areas where development could be at significant risk from flooding and/or could increase flood risk elsewhere;
10. The potential for remedial or compensatory environmental measures including temporary greening;
11. The contribution to energy reduction and sustainable development.
12. The impact on health and well being;
13. The cumulative impact of the development;
14. The impact of proposals on other proposals or designations (including the Town and Neighbourhood Centres in Schedule 14) set out in the Local Development Plan;
15. The suitability of proposals when assessed against any relevant Adopted Supplementary Planning Guidance.

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 solms 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.

Policy D9

Protection of Outdoor Access

There will be a strong presumption against proposals which have an adverse impact upon outdoor access including core paths, rights of way as shown on the Proposals Map and referred to under Schedule 1 and other important access provision unless a satisfactory alternative route is provided.

Further detailed information and guidance is set out in the Green Network and Environmental Management Supplementary Planning Guidance.

Policy E1

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).