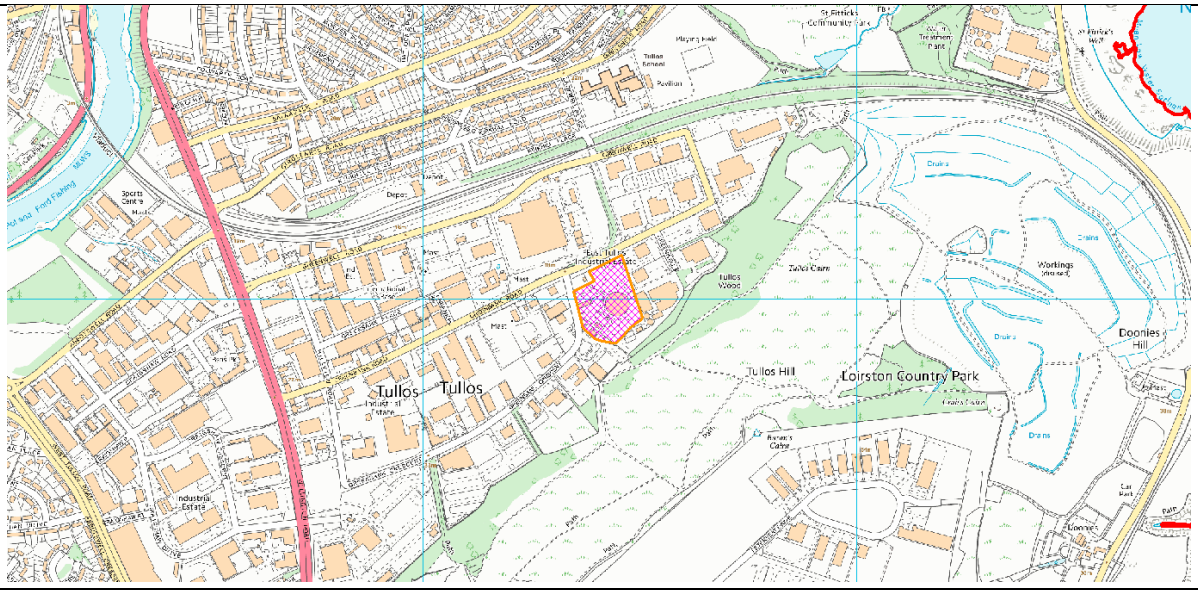
Planning Development Management Committee 03.10.2016
Detailed Planning Permission

160276: Erection of Energy from Waste facility, vehicular and non-vehicular accesses, ancillary buildings, associated infrastructure and landscaping at Scottish Gas Network, Greenbank Crescent, Aberdeen, AB12 3BS

For: Aberdeen City Council

Application Date:	14 March 2016
Officer:	Nicholas Lawrence
Ward:	Kincorth/Nigg/Cove
Community Council:	Torry
Advertisement:	Aberdeen Citizen
Advertised Date:	30.03.2016 & 15.07.2016



Location Plan

RECOMMENDATION: Approve Conditionally

PURPOSE OF REPORT

1. To consider a planning application for the construction and operation of a Energy from Waste (EfW) facility to manage residual waste through a thermal / moving grate technology, energy generation infrastructure, together with ancillary development. A key fact sheet is attached as Appendix 1 to this report which provides a summary of the development proposed.

2. The application is accompanied by an Environment Impact Assessment (EIA) which has been prepared in accordance with the requirements of the relevant EIA Regulations.

3. The recommendation is to grant planning permission subject to appropriately worded planning conditions attached as appendix 2 to this report.

THE SITE AND SURROUNDINGS

4. The Site is roughly a rectangular shaped parcel of land totalling some 2.00 hectares in area on a north-south axis that is located to the east of the junction created by Greenbank Crescent and Greenbank Road, with access via a single point off Greenbank Crescent.

5. The site displays a number of remnants associated with its former use for the storage and distribution of natural gas operated by Scottish Gas Networks, the most notable of which is the redundant gas holder. The site thereby constitutes previously developed land (i.e. a brownfield site).

6. The site is bounded to the south by a Council owned household/commercial recycling facility, which leads onto Loirson Country Park; to the east and west by industrial development, and to the immediate east by the United Fish Industry complex that comprises a number of vertical buildings and at 40 m tall flue.

7. In terms of the wider area, the rail line physically divides the industrial estate from the residential area of Torry, albeit not visually. The housing is approximately 250 metres to the north and the Primary School some 300 metres from the application site. St Fittick's Community Park is located to the north and east of the rail line.

8. With regard to land-use designations the site is within the East Tullos Industrial Estate and is allocated for Business and Industrial Use within the adopted Local Development Plan. The site is marked as Opportunity Site 107 within the emerging Aberdeen Local Development and is deemed to be able to accommodate an energy from waste facility.

9. The River Dee Special Area of Conservation (SAC) is approximately 1.1 km distance from the site; and the Nigg Bay and Cove Sites of Special Scientific Interest are some 2 and 3 km from the site. The Tullos Hill Local Conservation Site and Loirston Country Park are to the south and south-east of the site.

PROPOSED DEVELOPMENT

Proposed building and structures

10. The proposal has a number of interlinked elements, of which the 2 principal buildings are parallel to each other on a north-south axis. The alignment and size of the buildings is dictated both by the operational process of the EfW plant (i.e. linear – in one end and out the other) and the shape of the site that will only permit the buildings to fulfil their role on a north-south axis.

11. The largest building would be located on the eastern part of the site and measure some 170 metres in length, between 54 and 34 metres in depth, and have a height of 47.50 metres at the apex of the curved roof. This building also incorporates the flue stack that extends 80 metres in height with a diameter of some 2.50 metres. Amongst other things this building would accommodate the waste reception area, waste storage bunker, moving grate furnace, boiler system, steam turbine, flue gas treatment system and IBA hall. It will also house the administrative functions and workshop area.

12. Although mentioned at the public hearing the proposal does not make any provision within the development for a visitor centre or associated parking to service such a facility.

13. The other building would be located within the western aspect of the site would be 66 metres in length and 20 metres in depth and is designed to step down from north to south in a series of flat roofs and has a maximum height of 20 metres. This building would contain the district heating enclosure and air cooled condensers, the latter element is connected to the largest building by way of a pipe bridge.

14. To the west of the smaller building is the transformer building (14.80m length x 4.9m depth x 3.8m height), electricity substation (15m length x 10m depth, 7m height) and fire water tank with a height of 12 metres and diameter of 15 metres.

15. Around the site there are other ancillary buildings and operational elements; weighbridges, pump houses, fuel oil tank, ammonia store, parking areas, vehicle circulation space, detention pond, fencing, landscaping, security and utility lighting.

16. With regard to parking; the submission provides for 16 spaces (including 1 disabled space) within the body of the site and a reduction of 6 metres of on-street parking along Greenbank Crescent.

17. Access to the site for waste deliveries, ash collection, other deliveries is via the current entrance point off Greenbank Crescent, whilst a new access to the staff/visitor car park is will be created some 50 metres to the south of the junction of Greenbank Crescent with Greenbank Road.

Operational Process

18. The facility is designed to have an operational capacity of processing 150,000 tonnes of waste per year derived from the administrative areas of Aberdeen City, and the Aberdeenshire and Moray Councils (60,000; 70,000; and 20,000 tonnes respectively). The EfW plant will process domestic residual municipal waste (RMW) from the respective Councils.

19. The RMW would be delivered to the plant in refuse vehicle vehicles (capacity of 6 tonnes) from Aberdeen City and sheeted 22 tonne vehicles from Aberdeenshire and Moray Councils. All waste would be delivered to the enclosed tipping hall, via the weighbridge and one way internal road network, and unloaded through internal openings into the bunker and would then be transferred to the furnace.

20. The combustion facility uses a moving grate process that comprises inclines and fixed moving bars, that would move waste from the feed inlet to the ash discharger. The grate movement turns and mixes the waste along its surface and is designed to ensure that all waste is exposed to the combustion process thereby leaving an inert ash (i.e. bottom ash). The combustion process incorporates auxiliary burners that would automatically maintain the temperature above 850^{o} C for the required 2 seconds to ensure the destruction of dioxins, furans and other undesirable combustion products.

21. The flue gas (i.e. gas generated from the incineration process) is directed to and enters the heat exchanger and at this juncture lime and activated carbon are pneumatically injected directly into the duct thereby reacting with the gases and absorbing chemicals and heavy metals as solids that are then collected within bag filters. The clean flue gas is then emitted through the gas stack via the flue gas fan.

22. The combustion process produces incinerator bottom ash (IBA) and air pollution control residue (fly ash). IBA is generated from the moving grate unit can amount to between 15-25% of the input material (i.e. 40,000 tonnes). Whereas; the fly ash is the residue from the flue gas treatment prior to the release of the cleaned gas via the stack into the atmosphere and represents in the order of 3-4% by mass of the waste (circa 4,500 tonnes pa). The fly ash is disposed of by enclosed tanker to a designated hazardous waste landfill site.

23. The IBA will be taken off-site and can be used in the construction industry in the production of concrete and concrete block replacing up to 50% of the aggregate traditionally used. IBA has also been used in the sub base in roads construction. The Applicant has indicated that all IBA will be recycled and consequently none will be diverted to landfill.

24. The facility would recover energy from the waste in the form of heat from the combustion process. The hot gases pass through a heat exchanger which heats up

water in a sealed system that is transferred to a boiler to provide steam and thereafter to a steam turbine. If all the steam was utilised to generate electricity the EfW facility is capable of producing some 13.5 MWe in total of which 2.1 MWe is required to operate the proposed development, thereby leaving a potential export level of 11.4 MWe via the national grid. The proposed development is designed to be 'CHP ready' to enable offtake of steam at the turbine to provide a source of hot water to deliver to a district heating network either as a stand-alone operation or combined with the export of electricity. The matter of energy generation and export is set out below.

25. A grant of planning permission will not, in itself, enable the applicant to put its proposals into operation. They will be subject to the relevant regulatory controls which operate independently of the planning system and they are required to secure the appropriate permits.

Working/Operational hours and employment

26. The proposed EfW development would be open for the import / export of materials from Monday to Friday (07:00hrs to 19:00 hrs) and Saturday (07:00hrs to 13:00 hrs). No deliveries / collections would take place on Sundays, Public or Bank Holidays. The EfW plant will operate 24 hours per day, 7 days per week all year round except during planned maintenance shut-downs.

27. The proposed development would provide permanent employment for 20 people comprising shift staff, maintenance employees, weighbridge operators, administrative and security staff.

Vehicle Numbers

28. The number of vehicles entering and leaving the site will vary between the constructional and operational phases.

<u>Construction phase</u>

29. The construction phase will produce additional traffic to the road network. The Transport Statement quantifies the development construction traffic as 100 HGV movements (50 vehicles in, 50 vehicles out). These will be spread evenly throughout the working day. Staff/construction worker movements are estimated to be a maximum of 150 vehicles in and 150 out daily. This assumes all staff will arrive individually as vehicle drivers. A suitable vehicle compound is required during the construction phase.

<u>Operational phase</u>

30. In headline terms, the number of HGV movements equates to 614 (307 vehicles in, 307 vehicles out) vehicles per week over 5.5 days (this includes Aberdeen City Council, Aberdeenshire Council and Moray Council waste deliveries, removal of IBA and chemical delivery and removal). This represents 5 HGV on average per plant operating hour.

Site construction

31. It is anticipated that the development would take approximately 30 months to complete the construction work and install/commission the plant with an operational date of 2021. The construction period would provide temporary employment for up to 150 people at the peak of construction activity.

32. Whilst the Applicant has not indicated where the works compound will be located it is understood that the compound would be sited within the current household recycling facility abutting the southern boundary of the site, which is in the ownership and control of the Applicant. Should planning permission be forthcoming then this matter can be addressed by an appropriately worded planning condition.

33. Appropriate environmental protection measures would be implemented during construction operations to minimise pollution risks. The protection measures would be defined in a Construction Environmental Management Plan (CEMP) required by a planning condition.

Energy Generation and Connectivity

34. The proposed development combines two fundamental elements; the incineration of waste and the production of energy and its export. The first element is addressed elsewhere in this report.

35. The applicants Heat and Power Plan (HPP) notes that the focus of the initial energy supply is to utilise heat from the proposed development that is seen to be of an immediate benefit to local businesses and residents in providing a local source of heat at an affordable price.

36. The HPP adds that the viability of any such heat networks may require to be supported via revenue obtained through the sale of electricity either to a private wire consumers or export to the grid. The applicants have secured an estimate for a grid connection (i.e. £1 million + VAT) to the local area 33kV network, which excluded costs incurred in the provision of the sub-station and auxiliary connections within the site boundary. The initial budget estimate did not include an analysis to confirm the some 11 MWe of 'excess electricity' could be accommodated on the local grid.

37. The Applicants have confirmed that the electricity to the grid will take place from commissioning and have provided a drawing showing the connection route from the site to the Clayhills Substation. To ensure that this fundamental element of the proposed development is delivered upon the commissioning of the facility a planning condition requiring the connection and export of electricity will be attached to the decision notice should planning permission be granted (i.e. a turn key approach).

38. With regard to the local heat network as previously reported, there is no current network in place and it should also be acknowledged that SEPA do not require that the EfW to export to the a heat network merely that it is CHP ready should a heat network become available to connect to at a later date. It is also recognised that any connection or not to a heat network will be a commercial decision for the operator and not the regulator.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Consultee	Comments Made
Roads Development Management Team	No objections subject to conditions
Transport Scotland	No objections
Fire Scotland	No comment
Environmental Health Service (Noise)	No objections subject to conditions
Environmental Health Service (Air Quality)	No objections
Environmental Health Service (Contaminated Land)	No objections subject to conditions
HSE	No comment
SEPA	No objections
Historic Environment Scotland	No objections
ACC Flooding Team	No objections subject to conditions
Scottish Natural Heritage	No objections
Environmental Policy (Landscape)	Objection on basis of significant landscape and visual impacts
Environmental Policy (Natural Environment)	No objections subject to conditions

Air Safeguarding	No objection subject to condition

39. The comments of the Community Councils of Torry, Nigg, Cove and Althens, and Kincorth and Leggart are appended to this report

PROCEDURAL MATTERS

Pre-Application Consultation

40. The proposed development constitutes a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by Regulation 6 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act etc 2006.

41. Under the PAN the first round of public events were held on the 16th of November 2015 at Torry St Fittick's Parish Church of Scotland between 10:00 and 21:00 hrs, with a subsequent event held on the following day at the Aberdeen Altens Hotel on Souterhead Road between 12:00 and 21:00 hrs. A second round of consultation events were held on:

- 29th February 2016 at Torry St Fittick's Parish Council between 12:00 and 20:00 hrs
- 1st March 2016 at Aberdeen Altens Hotel between 12:00 and 20:00 hrs
- 2nd March 2016 at Tullos Primary School between 15:30 and 19:00 hrs

42. These events were held to coincide with the submission of the planning application and the responses to these meetings were not reported in the Pre-Application Consultation Report (PAC) on the basis that these events "*are not strictly pre-application consultation events which informs the design process"*. Aside from the aforementioned public events the Applicants addressed the Pre-Application Forum meeting on the 14th of January 2016.

43. The planning application for the proposed development was validated by the Local Planning authority on the 15th of March 2016 and all relevant parties were duly notified.

44. A Pre-Application Consultation Report (PAC) has been submitted documenting the pre-application consultation process, this highlights the methodology uses to engage with the community an key stakeholders, provides details of the meetings and feedback from attendees.

Post Application Consultation

45. As the proposal constitutes a Schedule 1 development as set out in The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (the Regulations) the statutory newspaper advert on the proposed development sought the submissions of representations on the application by the end of the 27th of April 2016. The Community Councils of Torry, Nigg, Cove and Althens, and Kincorth/Leggart were given to the end of the 16th of May 2016 to submit their representations allowing for the meeting schedules of each of the Councils.

46. The Applicants submitted further information to the Environmental Statement that was advertised under the Regulations with submission of further comments to be received by the end of the 10th of August 2016

47. Following the submission of the planning application and the expiration of the notice to allow comments on the further environmental information a public hearing was held on the 24th of August 2016. The hearing afforded the Applicant and other interested parties the opportunity to address the hearing prior the matter being referred by to the Planning Development Management Committee for determination.

REPRESENTATIONS

48. The Application has attracted a significant number of objections compromising:

- Pro-forma letter/e-mail of objection – 208 submissions
- Individual letters of objection - 25

49. It should be noted that 1 representation in support of the proposed development was received on the basis that it is *an excellent idea to lessen landfill and provide cheaper energy* and is therefore a qualified representation of support. One further representation supported the principle of the development but raised concerns with regard to traffic impact and odour emissions.

50. The pro-forma representation raised the following issues:

- Contrary to national policy on zero waste and will contribute to climate change
- Damaging to the environment
- Loss of amenity
- Damaging to heath and the wellbeing of communities
- Financial implications

- Does not address the source of waste and contrary to policy R3 [New Energy from Waste Facilities] of the extant Aberdeen Local Development Plan (ALDP)
- Incinerate waste in one building in the North East is contrary to policy NE10 [Air Quality]of the ALDP
- Will lower air quality
- Size and design of the building contrary to policies D1 Architecture and Placemaking] and D6 [Landscape] of the ALDP
- Add to traffic congestion and air-pollution
- Data flawed
- Contrary to policy CF1 [Existing Community Sites and Facilities] of the ALDP and will adversely affect the health and mental wellbeing of the residents of Torry
- Too close to many thousands of family homes and one of the local primary schools

The policy headings have been added for clarification within the [ ] brackets.

51. Whereas; the individual letters of objection related to some 19 matters:

- Impact upon public health
- Proximity to primary school
- Increase in pollution
- Wrong location/site selection
- Should focus upon recycling
- Next to local nature reserve
- Road safety
- Increase in traffic
- Proximity to residents
- Damage to the environment
- Decrease property value
- Community problems
- Odour emissions
- Affect standard of living
- Lower house prices
- Does not supply heating
- Contribute to climate change
- Loss of amenity
- Design

52. In response to the advertisement of the further information to the Environmental Statement, one additional response has been received supporting of

the scheme and wishing the securing of monitoring of the plant to ensure the health and safety of all local residents.

53. The representations made at the public hearing are set out in the minute appended to the report papers.

PLANNING POLICY FRAMEWORK AND MATERIAL CONSIDERATIONS

54. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, (the Act) requires that proposals are determined in accordance with the Development Plan unless other material considerations indicate otherwise.

55. The Development Plan for the purposes of this application comprises the Aberdeen City and Shire Strategic Development Plan (SDP) 2014 and the Aberdeen Local Development Plan (ALDP) that was adopted in February 2012. Materiality is also set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP is still going through the adoption process, and is not a part of the statutory Development Plan. However, it has been adopted by the Council as constituting a material consideration in the decision-taking process and should be accorded the appropriate weight.

56. The weight attributed to the PALDP increases as it progresses through the adoption process. The Report of Examination was received on the 23rd of September 2016, with the intention to adopt the PALDP in January 2017.

57. With regard to the site the Report of Examination states:

OP107: East Tullos Gas Holder

14. The site comprises an apparently disused gas holder and associated facilities and a separate refuse treatment facility situated within the established East Tullos Industrial Estate. Scotia Gas Networks confirm the gas holder site's potential availability for redevelopment, but seek an alternative designation as 'white land' or for mixed uses.

15. Paragraph 186 of Scottish Planning Policy states that local development plans should identify appropriate locations for new waste infrastructure, and allocate specific sites where possible. After a period of public consultation, the council has prepared a city waste strategy. This included a target to 'develop residual treatment capacity in Aberdeen by using non-recycled waste to generate heat and power', and a commitment to build an energy-from-waste plant. The strategy also identified a need for the local development plan to specify suitable sites for the development of waste and recycling infrastructure such as energy-from-waste facilities. For these

reasons I conclude that there is a strong case for the identification of a site for an energy-from-waste plant in the plan.

16. Paragraph 186 of Scottish Planning Policy confirms that sites identified for employment, industry or storage and distribution will be suitable for new waste infrastructure. This particular site has a number of advantages as a site for a potential energy-from-waste plant. It is located on established industrial land and is potentially available. It is bounded by other employment land to the west, north and east and by open countryside to the south, and is thus separated from residential areas, the nearest houses lying over 300 metres to the north. The site is also relatively close to the council's proposed materials recycling facility at Altens East and Doonies (Site OP54).

17. I anticipate the operation of an energy-from-waste facility to be associated with a relatively high number of heavy vehicle movements. At the time of my site inspection I found Greenwell Road and Greenbank Road (the principal roads of the East Tullos Industrial Estate) to be busy and on-street parking to restrict two-way traffic by heavy goods vehicles at several points. However this consideration would equally apply to a range of industrial proposals that might arise across the industrial estate, and yet would be acceptable in principle under the terms of Policy B1 of the proposed plan. It may be that certain traffic management measures would benefit the movement of traffic in the estate, and these could be secured alongside the approval of any energy-from-waste plant. However I do not consider that access to the site is so poor as to lead me to conclude that the site could not be satisfactorily developed.

18. Energy-from-waste plants commonly give rise to fears related to public health. However, as the council states above, such facilities are licensed and monitored by the Scottish Environment Protection Agency (SEPA) to ensure that emissions do not exceed acceptable levels. This aspect of the development is primarily for SEPA to regulate within the context of the relevant environmental legislation, rather than for the planning system to consider.

19. I accept the possibility of there being high costs associated with the decommissioning of the current gas holder use. To the extent that decommissioning is a responsibility of the current operator, I do not agree that it is necessarily a role for the planning system to identify high value new uses for contaminated land in order to provide funds for decommissioning, though the benefits of remediation may be a material planning consideration, as I discuss under Issue 16. However, to the extent that site preparation is a responsibility of prospective developers, an element of the cost of remediation may fall to the future operator of the site and not to the current owner.

20. A purpose of development plans is to provide a level of certainty as to what the acceptable future uses of different areas of land are. The inclusion of 'white land' on

the proposals map, falling outwith any policy designation, would be unhelpful in that it would fail to provide this guidance. Also, 'white land' has not been identified elsewhere in the plan area, and so to do so here would introduce an inconsistency of approach into the local development plan.

21. The overwhelming character of the East Tullos Industrial Estate is of an industrial/ employment area. In this context, housing, retail or other unrelated uses would not generally be appropriate. The former gas holder site contributes to the employment land supply and is not required for housing or retail use. I therefore conclude that its designation for business and industry should be maintained, and for the reasons given above that its identification as an opportunity site for an energy-from-waste plant is appropriate.

58. Having regard to the Report of Examination it is considered that the PALDP in respect of the proposed development carries significant weight in the decision-taking process.

59. At the national level, other material considerations include, albeit not limited to, the NPPF, Scottish Planning Policy, Creating Places, Planning Advice Noes and online guidance issued by the Scottish Government.

60. The relevant planning policies and material considerations are set out below

Planning Policies and Material Considerations

61. <u>EU Planning Guidance</u>

- Directive 1999/31/EC Landfill
- Directive 2008/98/EC Waste Framework

62. <u>Scottish Government Acts</u>

- The Climate Change (Scotland) Act 2009

63. <u>National Planning Policy and Guidance</u>

- 3rd National Planning Framework
- Scottish Planning Policy
- Scotland's Zero Waste Plan
- Creating Places
- Planning Advice Note 33 - Development of Contaminated Land
- Planning Advice Note 51 - Planning, Environmental Protection and Regulation (Revised 2006)

- Planning Advice Note 68 - Design Statements
- Planning Advice Note 75 - Planning for Transport
- Planning Advice Note 82 - Local Authority Interest Developments
- Planning Advice Note 3/2010 - Community Engagement
- Planning Advice Note 1/2011 - Planning and Noise
- Planning Advice Note 2/2011 - Planning and Archaeology
- Planning Advice Note 1/2013 - Environmental Impact Assessment
- Circular 3/2011 - The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
- Circular 6/2013 - Development Planning
- On-line Planning and Waste Management Advice
- On-line Energy from Waste Advice

64. Aberdeen City and Shire Strategic Development Plan 2014

- Sustainable development and climate change

65. Aberdeen Local Development Plan (ADLP) 2012

- T2 Managing the Transport Impact of Development
- D1 Architecture and Placemaking
- D3 Sustainable and Active Travel
- D6 Landscape
- NE2 Green Space Network
- NE6 Flooding and Drainage
- NE8 Natural Heritage
- NE10 Air Quality
- R2 Degraded and Contaminated Land
- R3 New Waste Management Facilities
- R5 Energy from Waste
- R8 Renewable and Low Carbon Energy Developments

66. Proposed Aberdeen Local Development Plan (PALDP)

- D1 Quality Placemaking by Design
- D2 Landscape
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- T4 Air Quality
- T5 Noise
- NE1 Green Space Network
- NE6 Flooding, Drainage and Water Quality

- NE8 Natural Heritage
- R2 Degraded and Contaminated Land
- R3 New Waste Management Facilities
- R4 Sites for New Waste Management Facilities
- R5 Energy from Waste
- R8 Renewable and Low Carbon Energy Developments

67. Other Material Considerations

- Aberdeen City Waste Strategy 2014-2025
- SEPA Thermal Waste Guidelines 2014
- Incineration of Waste and Reported Human Health Effects (Health Protection Scotland, SEPA, NHS – 2009)
- Powering Aberdeen

EVALUATION

MAIN ISSUES

68. Having regard to the nature of the proposed development, representations received on the application, together with comments made at the public hearing and guidance set at paragraph 169 to Scottish Planning Policy it is considered that the main issues are:

- Energy policy and the principle of the development
- Need and location of the proposed development
- Air Quality, Pollution and Health Issues
- Vehicle movements, Accessibility, Parking and Sustainability
- Landscape and visual impact
- Noise
- Odour
- Alternative technologies
- Drainage
- Implications of not proceeding with the development

69. In assessing the relative weight to be attributed each of the identified issues in the decision-taking process the decision-maker shall have regard to the provisions of the Development Plan and other material considerations as described above.

Energy policy and the principle of the development

70. Energy policy is an important component of the UK and Scottish Government's climate change programme. The Climate Change (Scotland) Act

2009 (CCA) established a legislative binding target to reduce emissions from greenhouse gases (GHG) by at least 80% in 2050, compared to the base year of 1990, with an interim target to reduce emissions by 42% in 2020. Secondary legislation passed in October 2010 and in October 2011 set a series of annual emission reduction targets for 2010 to 2022 and 2022 to 2027 respectively.

71. Compared with UK legislation, the Scottish Act has the same long-term ambition (i.e. a reduction in emissions of at least 80% from 1990-2050) but with higher medium term ambitions towards that target.

72. In the transition to a low carbon economy there is the need for the UK to wean itself off the current high carbon energy mix to reduce greenhouse emissions and to improve the security and affordability of energy through diversification.

73. Support for the transition to a low carbon future in a changing climate, particularly by encouraging the diversification of the energy sector is set out in the National Planning Framework 3 (NFP) at section 3 (*A low Carbon Place*) and under the banner of *Spatial priorities for change* notes…*cities will be the exemplars of low carbon living and a focus for essential energy infrastructure.*

74. The overarching direction of travel to a low carbon economy is carried over within the SPP, that is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. The SPP sets a series of outcomes; Outcome 2 reads:

A low carbon place – reducing our carbon emissions and adapting to climate change.

75. The practical outcome of the reduction in GHGs and the movement towards a low carbon economy is the control and use of the waste and other processes that produce the GHGs to benefit not only the environment but also the general populace.

76. In terms of addressing the level of waste Scotland's Zero Waste Plan (ZWP) (9th June 2010) sets the strategic direction of waste policy for Scotland and is underpinned by a determination to achieve the best overall outcomes for Scotland's environment, by making best practical use of the waste hierarchy.

77. The ZWP covers all of Scotland's waste and not just municipal waste and its key targets include

- A target of 70% recycling by 2025 and the 5% limit of landfill
- Recycling targets of 60% by 2020 for household waste (rather that municipal waste)

- 70% recycling target for all waste by 2025

78. The ZWP builds upon its predecessor and maintains a vision for a zero waste economy and sets out various measurers in some 22 different actions to achieve this vision.

79. The ZWP views everything we use as a resource that has a value, a value that should be preserved, captured and used again wherever possible to assist in meeting the GHG emission targets set in the CCA.

80. The national position to promote the re-use of materials via the waste hierarchy is addressed within the Aberdeen City Waste Strategy 2014-2025 and policy R6 of the ALDP that looks for all developments to provide sufficient space for the storage of residue, recyclable and compostable waste. Policy R6 is supported by the Supplementary Guidance on Waste Management

81. The NPF in planning for zero waste sees waste prioritises development in line with the waste hierarchy. This position is translated and applied within the SPP under delivering heat and energy and sets out the national targets:

1. 30% of overall energy demand from renewable sources by 2020;
2. 11% of heat demand from renewable sources by 2020; and
3. the equivalent of 100% of electricity demand from renewable sources by 2020;

82. Paragraph 153 of the SPP in respect of the transition looks for the…

Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.

83. Critically, the SPP as one of its policy principles sees the planning system as assisting with securing electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

84. On the issue of heat generation, the SPP requires local development plans to support the development of heat networks in as many locations as possible. In addition, the SPP does allow local planning authorities to include a requirement for new development to be 'CHP' ready for connection where a heat network is planned or an area is identified as appropriate for district heating.

85. With regard to the proposed development and its accordance to national energy policy, it is recognised that and EfW plant does not derive its total energy

capability from renewable sources, but as noted above the delivery of such facilities does align with the objectives of the NFP and SPP, whilst recognising:

only the energy generated from the recently grown materials in the waste (e.g. food residues rather than oil based plastic) is considered renewable. Energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy source [SEPA Thermal Guidelines 2014]

86. The proposed facility in effect displaces waste that would have gone into landfill into a process that reduces waste whilst at the same time having the key ability to provide heat and power. In short, managing waste in an EfW plant or depositing the material in a landfill will release gases that contribute to global warming. Whereas, landfill will release both CO2 and methane, the EfW process only emits CO2, with methane being in the order of some 25 times more damaging than CO2.

87. Whether the EfW produces a lower volume of GHGs than landfill is a complex assessment and needs to be considered on a case by case basis. Nevertheless, there are 2 general rules that are accepted by the UK Government that apply:

- the more efficient the plant is at turning the waste into useable energy the better; and
- the proportion and type of biogenic waste – the higher the biogenic waste makes EfW inherently better than landfill

88. The importance of gaining output value from waste is recognised under action 2 of the ZWP under the heading of economic opportunity that sets a series of strategic goals including:

Recover and utilise the electricity and/or heat from resources which cannot be reused or recycled for greater environmental or economic benefit, in line with Scotland's renewable energy goals.

89. This position is reinforced at in Action 10:

In particular the Scottish Government will encourage and support investment in innovative resource management technologies and will support the utilisation of renewable energy generated from resource management facilities, thereby contributing to Scotland's renewable energy targets.

90. On the matter of *Resource Management* the ZWP states that the…*land-use planning system will support the delivery of a zero waste Scotland* and goes on to comment at page 9:

Energy from waste has an important role to play and could contribute to 31% of Scotland's renewable heat target and 4.3% of our renewable electricity target. For energy from waste to be truly sustainable it should only be used for resource streams which cannot practicably offer greater environmental and economic benefits through reuse or recycling.

91. With regard to the principle of the development, the proposal would:

- Produce a valuable domestic energy source contributing to energy security
- Contribute to the reduction targets for GHGs
- Contribute to the renewable energy targets
- Export electricity and be CHP 'ready;' to connect to a local heat network
- Generate electricity / heat24 hours per day (i.e. not dependent upon wind and sunlight)

92. Having regard to the UK and Scottish Governments energy policy it is considered that the principle of the proposed development accords with the NPF, SPP and ZWP, together with policy R6 of the ALDP (Energy from Waste)

Need and location of the proposed development

Need

93. The Scottish Government has set a national requirement to reduce waste to landfill and this is explicitly expressed by the target in the ZWP that only 5% of all waste should go to landfill by 2025.

94. The proposed facility is designed to have an operational capacity of processing 150,000 tonnes of waste per year derived from the administrative areas of Aberdeen City, Aberdeenshire and Moray Councils (60,000; 70,000; and 20,000 tonnes respectively). The EfW plant will process domestic residual municipal waste from the three Councils.

95. The table below sets out the current figures in tonnes for MSW waste and recycling levels from Aberdeen City, Aberdeenshire and Moray Council areas.

Council	Total MSW	Recycling	Residue MSW

		Performance	
Aberdeen City (2015)	109,902	34,971 (38%)	74,931
Aberdeenshire (2013)	141,999	48,359 (34%)	93,640
Moray (2015)	57,883	31,002 (54%)	26,881
Totals	309,784	114,332	195,452

96. If the Councils were to achieve 60% recycling by 2025 then there would be a theoretical capacity vacuum of between 20-30,000 tonnes. However, this is not a vacuum as an EfW plant can take commercial waste. In terms of commercial waste, the data made available derives from SEPA in 2008 that identified 584,857 tonnes of commercial waste produced in Aberdeen City and Aberdeenshire annually. All of this would be considered suitable for the proposed EfW. However, this material falls under the scope of the Waste (Scotland) Regulations that stipulates that the recycling of this material should be progressively increased.

97. Assuming that 50% of this material was recycled by 2020 there would be a balance of some 270,000 tonnes without a disposal site and even at a 70% recycle rate the residue figure would be 175,000 tonnes – more than enough on its own to supply the proposed EfW plant .

98. With regard to existing recovery infrastructure, there are no residual municipal waste treatment facilities with the administrative areas of the three Councils and there is a shortfall of EfW infrastructure at the national level. The residue municipal waste is currently landfilled at Stoneyhill Landfill in Peterhead by Aberdeen City and Aberdeenshire Councils, with Moray Council utilising the Nether Dallachy landfill in Spey Bay and this cannot continue beyond 2020. There are no similar proposals for the treatment of commercial waste in the three council areas.

99. It is evident allowing for the above figures, increasing levels of recycling, and the landfill ban that a need exists for a facility to address the municipal waste arisings and that the allocation of a site for such a facility within the PALDP and the Reporters comment on the same is testament to this need.

<u>Location</u>

100. Annex B to the ZWP considers the issue of identifying potential waste management sites and specifies at paragraph 4.6:

Subject to detailed site specific considerations, waste management facilities can be considered appropriate for sites allocated in development plans for employment and industrial use. Development plans must safeguard all active and consented waste management sites and identify appropriate locations for all waste management facilities, where possible on specific sites or supported by a policy framework to facilitate development.

101. The ZWP identifies a number of locational criteria that should be considered by planning authorities and developers when identifying and assessing sites for waste management facilities. The criteria, which are also addressed in the on-line advice, include:

1. *Potential Sites*

    - *Industrial areas*
    - *Degraded, contaminated or derelict land*
    - *Working and worked out quarries*
    - *Sites that have the potential to maximise the potential for the re-use of waste heat through co-location with potential heat users*
    - *Existing or redundant sites or buildings that can be easily adapted*
    - *Existing waste management sites, or sites that were previously occupied by waste management facilities*
    - *Sites accessible to railways, waterways or the trunk and principal road network junctions.*

2. *Links to Transport Infrastructure*

Relevant considerations in the siting of installations will include access to the transport network, including road, rail and waterways. All decisions regarding the location of waste management infrastructure should take into consideration how wastes and end products are transported to and from the site, minimising unnecessary travel.

3. *Impact on Environment*

As with all other types of development, proposed waste management facilities should be located in sites where potential impacts on the human, built and natural environment can be minimised.

4. *Heat and Power Use*

Any sites identified specifically for energy from waste facilities should allow links to be made to potential users of renewable heat and energy.

5. Construction and Demolition Waste

Development plans should identify suitable sites for the processing of all waste types, including construction and demolition wastes.

102. The SPP in considering planning for zero waste in respect of sites identified for EfW facilities requires that the completed facility should enable links to be made to potential users of renewable heat and energy. The SPP goes on to add that such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat.

103. Paragraph 186 of the SPP provides a clear steer for the role of local development plans in addressing new waste infrastructure by requiring local planning authorities to identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution.

104. The site selection process has been undertaken at two levels. Firstly, that undertaken by the Applicant; and secondly, that undertaken by the Local Planning Authority as part of the process in bringing forward the PALDP.

Applicants Site Selection

105. The Applicants within the ES include a Site Selection Assessment Report that adopted the locational criteria outlined within Annex B to the ZWP, guidance set within the SPP, together with SEPAs Thermal Treatment of Waste Guidelines. The locational framework also included the proximity principle.

106. The long list identified some 44 sites of which, all bar 6 were within the administrative governance of Aberdeen City Council. The long list key criteria (phase 1) included sites allocated or proposed for allocation in either of the LDPs for employment, industrial or storage uses (save sites in proximity to sensitive receptors – e.g. schools, housing); sites listed in the Aberdeen Vacant and Derelict Land Survey 2014 where business and industry was identified as the preferred use; and sites of 2 hectares or more.

107. The second phase was a strategic assessment of the long-list sites using strategic policy considerations to filter out those sites owning to their location and/or physical characteristics.

108. The third phase assessed the remaining 15 sites against 4 criteria: proximity to terrestrial ecologically sensitive areas; row heading; proximity to primary road network; and evidence of significant heat demand/users.

109. The final phase involved an assessment of 11 sites, which aside from the location criteria included availability of the site. Three sites were identified as having potential, namely: Findlay Farm; Bridge of Don Industrial Estate; and East Tullos Industrial Estate (i.e. the application site).

110. The conclusion of the site assessment report noted that all sites had varying degrees of environmental constraints and that none of the constraints were seen as *showstoppers*. However, the application site was selected taking into account of its availability, constraints and deliverability.

111. It is appreciated that the view could be taken that the site selection process has a very limited assessment on availability and its ranking of the sites in the site search. In effect, the applicant regards sites as being available if it owns them or in the ownership of a party who has indicated a willingness to make the site available. Given the emphasis on the need to deliver new waste management facilities it is a somewhat pointless task to chase sites that are unavailable, which is relevant with the need to divert waste from landfill is urgent.

112. Whilst all site searches involve subjective judgements to varying degrees, it is considered that the site selection process is appropriate and should be given weight in the decision-taking process.

Local Planning Authority Site Selection

113. As highlighted above there is a need for a facility to address the management of municipal residual waste and potential future waste products that cannot be recycled. The Local Planning Authority undertook a site selection process in 2013 and notionally allocated the site as being able to accommodate an EfW facility within the PALDP issued in March 2015.

114. The PALDP has clearly applied the guidance set not only within the ZWP but also set by the SPP, and this fact is supported by the findings of the Reporter on the PALDP who noted that the City Waste Strategy identified a need for the local development plan to specify suitable sites for the development of waste and recycling infrastructure such as energy-from-waste facilities. The Reporter concluded that there is a strong case for the identification of a site for an energy-from-waste plant in the plan.

115. With regard to the proposed location for the EfW the Reporter concluded…*that its* [the application site] *identification as an opportunity site for an*

energy-from-waste plant is appropriate. The Reporters' full comments are cited earlier in the report.

Proximity Principle

116. The proximity has at its heart the objective of dealing with waste as close to the point of origin as possible and this is reflected within the Strategic Plan. However, the SPP at paragraph 182 states:

117. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries.

118. As cited above there is a clear and definable need for the proposed facility in light of a significant shortfall of comparable operations therefore the proximity principle stands aside in this instance. However, allowing for the waste streams from each of the supplying authorities and the population concentration in and around the City of Aberdeen it is considered that it does have a clear proximity relationship to the source of the waste to be processed by the facility.

Conclusion

119. There is no reason to doubt that the Applicant and Local Planning Authority have not undertaken an appropriate site selection assessment and its findings are supported by locational criteria contained in the ZWP, SPP and the Reporters findings. It is therefore considered that the locational and proximity tests have been met.

Air Quality, Pollution and Health Issues

Emissions from the EfW facility

120. Concerns relating to the effect of the proposed EfW facility on the health of those living in the immediate and wider area to the site were raised through the planning consultation process from the local community and reiterated again at the public hearing. In a very large part these concerns are focussed upon the emissions to the air from the operation of the proposed facility and these concerns are understandable and not unexpected. It is important to consider these concerns in the context of national policy and the regulatory regime.

121. The first point to note is that there is a clear distinction between the pollution control regime and the planning system, albeit they are complementary. The purpose of the planning system is to assess whether proposals accords with the relevant land-use and environmental policies of the Development Plan and other material considerations. Whereas; separately and independently, the facility is also

subject to Pollution Prevention and Control legislation (PPC) which is administered by the appropriate regulatory Authority, in this instance the Scottish Environment Protection Agency (SEPA), that seeks to prevent or limit potential effects on the environment and human health.

122. The design and operation of the EfW facility is governed by the Waste Incineration Directive (WID) that requires adherence to specific emission limits for a range of pollutants, and assessment criteria are set out in national Air Quality Standards which precribe the objectives to be achieved.

123. The proposed development, as with any EfW plant, is regulated under the Pollution Prevention and Control (Scotland) (PPC) Regulations 2012 (the Regulations), which includes the controls required under the WID. The operator is required to apply and secure a PPC Permit from SEPA prior to commissioning the plant. The purpose of the Permit is to ensure that the plant is designed and can operate without damage to the environment or harm to human health resulting from pollution such as airborne particles and direct run-off from the facility.

124. Any application to SEPA for a permit made under regulation 13 of the Regulations must provide the information detailed in Part 1 of Schedule 4 of the Regulations. Key matters during operation (but not construction) will be assessed in detail as part of the assessment of the permit application and controlled through conditions attached to any permit issued. These matters include:

- Air quality
- Impacts on health
- Water quality
- Odour impacts
- Noise impacts
- Impacts on sensitive ecological receptors
- Application of best available techniques
- Resource and energy efficiency
- Treatment of wastes generated

125. In seeking a permit the Applicant must also take account of Best Available Techniques and SEPAs Thermal Treatment of Waste Guidelines 2014 when describing the proposed activity and its environmental effects, particularly with regard to satisfying the requirements of Regulation 9F of the Waste (Scotland) Regulations 2011, which demands that the recovery of energy takes place with a high level of energy efficiency.

126. The regulatory requirements also include The Waste Incineration (Scotland) Regulations 2003 that provide a firm and robust foundation to ensure that existing and future thermal treatment of waste facilities will be regulated to ensure a high

level of protection for the environment and human health. This regulation includes setting stringent operational conditions, technical requirements and emission limits in order to prevent or limit potential effects on the environment and human health.

127. Any application for a PPC permit will also require a Human Health Impact Assessment, which should follow the methodology provided in the Scotland and Northern Ireland Forum for Environmental Research (SNIFFER's) Assessment of Environmental Legislative and Associated Guidance Requirements for Protection of Human Health and the 2003 version of the Horizontal guidance on assessing environmental impact.

128. It is national waste planning policy set out under Annex B of the ZWP that the determination of the application must precede on the basis that SEPA will carry out its functions competently and in accordance with its various statutory and regulatory duties.

129. Aside from the permit regime the PALD under policy T4 does consider the matter of *Air Quality* and states in the first paragraph:

Development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed with the Planning Authority. Planning applications for such proposals should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed.

130. This position expands upon ALDP policy R8 (Renewable and Low Carbon Energy Developments) that will not support such proposals if they negatively impact upon air quality.

131. It is well established that the public's concerns or the perception of harm in relation to health and air quality that is a material consideration in the decision-taking process. Having said this, the weight attributed to it will be determined on the particular facts and by the existence or otherwise of objective justification for the concern and the degree to which land-use consequences flow from the perception of harm. As noted above there is a separation of powers between the planning and regulatory regime and the recognition that the plant will have to comply with the permit requirements and it will be policed accordingly.

132. The forward to *The Incineration of Waste and Reported Human Health Effect* report issued jointly by SEPA, Health Protection Scotland and NHS Scotland in 2009 reaffirmed the summary to the Health Protection Authority report entitled *The Impact on Health of Emissions to Air from Municipal Incinerators* (2009) which states:

Whilst it is not possible to rule out adverse health effects from modern, well regulated municipal waste incinerators with complete certainty, any potential damage to health of those living close by is likely to be very small, if detectable…

133. This position is substantiated on the following terms:

This view is based on detailed assessments of the effects of air pollutants on health and the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants.

134. The applicants ES incorporates an assessment to evaluate the potential risk to human health due to daily intake of polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzonfurans (PCDFs) associated with process emissions from the flue stack into the atmosphere. The potential environmental effects of these emissions have been assessed using detailed dispersion modelling using a 'worst case' scenario.

135. The results of the modelling have indicated that the proposed stack would provide appropriate levels of dispersion to the atmosphere and with regard to adults, allowing for background intake and incremental intake based on emissions from the EfW facility is less than the Tolerable Daily Intake (TDI). With regard to infants *the predicated values would not result in an exceedance of the TDI.* As such the Human Health Risk Assessment Report concludes…*that the risk of adverse human health effects occurring due to PCDD/F emissions from the EfW facility is* ***low or effectively zero****.*

136. The ES assessment of operational phase process emissions has demonstrated that providing measures required by legislation are adhered to (i.e. compliance with the Permit) then there would be a low or effectively zero risk to human health. Since the EfW facility would be operated under a Permit, the planning authority can be satisfied in this instance that its operation would be appropriately regulated to ensure that it meets air quality, pollution and health controls. The monitoring intervals of emissions are a pollution control issue and not a material planning consideration.

137. As noted elsewhere, the Permit is actually a permit to allow emissions to the atmosphere of various substances including pollutants that are judged upon available evidence to be levels within which harm is not likely to be caused.

138. The Council's Environment Health Service commented in respect of the Technical Methodology Report of Point Source Emissions to Air…*As the local authority is not the regulator for EfW operations, Environmental Health Officers are unable to comment on the proposed design and technical aspects of the modelling and assessment processes*. The same position was held in connection with the

submitted documentation addressing Human Health Risk Assessment of Daily Intake of PCDD/Fs due to Process Emissions… *As the local authority is not the regulator for EfW facilities Environmental Health Officers are unable to comment on the technical aspects of the Health Impact Assessment methodology.*

139. The above position recognises that the consentability of the proposed development sits outside the planning and environmental health regimes of the Council. This position is set out within the on-line advice on waste management issued by the Scottish Government (July 2015) at paragraph 53 which critically states…*It should not be necessary to refer to health in development plan policies for waste management as it is covered by SEPA's PPC licensing function. Planning conditions to protect health are unnecessary for the same reason*. SEPA have no objection to the development in principle as the detail of its operation resides at the assessment of the permit application stage.

140. Taking into account the advice in the ZWP that planning authorities should assume that the pollution control regime will operate effectively, as well as the on-line advice on waste management, it is considered that a refusal of planning permission on grounds of impact on air quality or health, or the perception of risk relating to such impacts, cannot be substantiated.

Air Quality - Traffic

141. The Council's Environmental Health Service undertook a review of the air quality effects in respect of the vehicle movements associated with the proposed development and noted that the operational phase of the proposed development will result in an estimated 22 HGV and 11 LGV movements per day on the northern section of Wellington Road (i.e. within the Air Quality Management Area (AQMA)), compared to the existing level of movements. Consequently, the number of movements was considered to have an insignificant impact on air quality within the AQMA.

142. The majority of HGV movements will be via the AWPR and the south section of Wellington Road. Construction traffic will be marginally greater than the metrics used to determine the need for an air quality assessment; however construction traffic was not assessed due to the temporary nature of movements.

143. The Environmental Health Service having reviewed the ES are of the view that the additional level of traffic generated by the proposed development would have a negligible effect upon either N02 and Cadium levels and raised no objection to the proposed development

Precautionary Principle

144. At the public hearing the Torry Community Council suggested that the precautionary principle should be invoked. It is clear that the precautionary principle should apply only where there is good reason to believe that harmful effects may occur to health or to the environment and that there is a level of scientific uncertainty about the risks which would prevent a confident assessment to inform decision making. These considerations do not apply in this case.

145. As noted above there is a division between the planning and regulatory regimes and these is no good reason to suggest that under the permit requirements for the plant to operate that the facility would adversely affect human health.

Conclusion

146. It is therefore concluded that the operation of the facility would not result in any significant air quality, pollution or health impacts and a refusal of planning permission on these grounds could not be substantiated.

Vehicle movements, Accessibility, Parking and Sustainability

147. Traffic objections are one of the fundamental issues raised in representations to the application and voiced at the public hearing held on the 24th of August 2016. The concerns primarily relate to the increased level of traffic using the Wellington Road and consequential traffic congestion.

148. Neither the ALPD nor the PALDP contain a specific policy addressing the matter of vehicular movements associated with waste management facilities, save the reference in ALDP policy R3 of the generic need to *minimise the transport of waste from its source.* However a Transport Statement (TS) was sought as part of the application submission that includes details of the transport impacts of freight or services operations associated with the proposed EfW facility.

149. The planning application is supported by a TS document which incorporates a qualified assessment of the traffic generated by the proposed development, reviews the existing road network capacity, safety and general site accessibility, together with the local road network suitability to accommodate the projected traffic levels. The TS considered both constructional and operational traffic levels.

150. In addition, the preparation of the TS involved accounting for the following committed developments:

- Former Glencraft site – junction Greenbank Road with Wellington road
- City Park offices off Hareness Road
- South of the City Campus – high school located off Redmoss Road: and
- Aberdeen Harbour expansion project

151. The TS identifies that access to and from the application site to the wider highway network would be taken via the existing internal road network of the East Tullos Industrial Estate to the junction onto Wellington Road that forms part of the strategic road network.

Vehicle Movements

152. The internal road layout of the EfW plant will provide adequate parking space for waste delivery vehicles. The details of the internal road layout described in the TS are considered adequate for vehicles queueing within the site boundary. This arrangement greatly reduces the likelihood of the site impacting on local roads.

153. There will be two weighbridges on the site, one for inbound HGVs with waste and one outbound for empty vehicles. This feature will assist maintaining a throughput of HGVs and minimise lost time. The HGVs will not be required to queue excessively while waiting to unload waste material in the industrial area's neighbouring streets.

Construction Phase

154. The TS identifies the construction HGV movements as 100 vehicles (i.e. 50 in – 50 out) that are modelled to be spread out evenly throughout the construction day (i.e. 08:00 – 17:00 hrs. However, the maximum traffic impact would occur at the peak hours of 08:00 hrs and 17:00 hrs associated with the arrival/departure of the construction workers estimated as a maximum of 150 i.e. 150 movements in – 150 movements out = 300 trips). This assumes all staff will arrive individually. A suitable vehicle compound is required during the construction phase. Allowing for HGV and contractor movements, materials delivery and parking requirements the Roads Development Management Team (RDMT) are seeking a vehicle compound for construction traffic, a traffic management regime and controlled hours of construction as part of any grant of planning permission.

155. It is recognised that the proposed EfW facility is a major construction project and it is important that any disturbance to surrounding land uses is minimised during the construction period and to this end, and in light of the comments of the RDMT, it is considered that a planning condition is applied to any forthcoming grant of planning permission requiring a Construction Traffic Management Travel Plan (CTMTP). The Applicants have indicated support for such a condition should planning permission be granted. It is anticipated that the CTMTP would include, albeit not limited to:

- Construction operational hours
- 'on-site' construction vehicle parking and manoeuvring
- Off-site construction vehicle routing

- Wheel washing facilities
- Contractor parking arrangements (including travel management initiatives)
- Movement and procedures for abnormal loads
- Construction noise, dust and litter management
- Local signage strategy

156. Having regard to a number of planning conditions the RDMT are content that the construction phase of the proposed development will not have an adverse impact on the local road network.

Operational Phase

157. For the operational phase waste will only be delivered to the site between 07:00 – 19:00 hrs Monday to Friday and between 07:00 – 13:00 hrs on Saturday.

158. With regard to the import of waste from the Aberdeenshire and Moray Council areas the TS estimates that using 22 tonne HGVs the following trip generation:

- Monday to Friday – 28 vehicle trips (14 vehicles in and out daily)
- Saturday – 18 vehicle trips (9 vehicles in and out daily)

159. Whereas; Aberdeen City Council operates a fleet of 6 tonne HGVs and will supply waste with the following trip generation:

- Monday to Friday - 70 vehicle trips (35 vehicles in and out daily)
- Saturday – 34 vehicle trips (17 vehicles in and out daily)

160. On the matter of 'servicing', IBA (Incinerated Burnt Ash) comprising of Fly Ash and APC (Air Pollution Control residue) will be collected from the plant. Chemicals (Ammonia) required by the incineration process also require regular HGV movements. The TS estimates:

- Fly Ash – 10 vehicle trips (5 vehicles in and out daily)
- APC – 2 vehicle trips (1 vehicle in and out daily)
- Chemicals (Ammonia) – 1 delivery / collection per day (1 vehicle in and out daily)

161. As a 'headline' figure the estimated number of vehicles accessing the EfW site will involve:

- 614 HGV vehicle movements (307 in; and 307 out) per week over 5.5 days (this includes Aberdeen City Council, Aberdeenshire Council and Moray Council waste deliveries, removal of lBA and chemical delivery and removal), which results in 5 HGV vehicles on average visiting the plant per operating hour.

162. The impact of these traffic movements have been assessed within the TS using established environmental management guidelines to quantify the significant impact from vehicles on comparing predicted traffic over the am period against existing traffic flows. The results showed a 2% rise in the movement of HGVs entering Greenbank Road from the south and 1% from the north. This reflects the TS estimate that 73% of vehicles will approach on Wellington Road from the south and 27% of vehicles accessing the site will approach Wellington Road from the north.

163. As noted above the 1% rise in HGV movements is negligible based upon the traffic surveys (i.e. 306 per hour existing and with the development the forecast figure in 308 = 1%). Whereas, the 2% rise based upon the traffic surveys (i.e. 289 per hour existing and with the development the forecast figure is 296 = 2%).

164. The number of vehicles using Greenbank Road would increase from 30 to 39 in the AM peak hour (08:00 to 09:00 hrs). This is a change of +30%. As Greenbank Road is quiet in comparison to Wellington Road a 30% increase in HGV traffic (or 22% increase in general traffic) would be noticeable as any increase of traffic along Greenbank Road would be significant. However it is considered that the increased HGV traffic will not harm road safety.

165. On the basis that it is the number of vehicles that provide the waste and not the waste capacity of the facility in tonnes, Road Development Management Team is seeking a condition that the level of HGV movements would not be exceeded.

Parking

166. Some alteration to on-street parking is required and the developer has come forward with provision of an additional 27 metres of on-street parking on the west side of Greenwell Crescent that requires a reduction to the Greenwell Crescent / Greenwell Road footway width to 1.5 metres. This is shown in drawing no. 37482-Gla100d.

167. However, the scheme does also include the removal of 33 metres of on-street parking on the east side of Greenwell Crescent north of the new access. This is considered acceptable by the RDMT, as removing parking at this location will serve to assist junction visibility from the proposed EfW staff car park access and, in turn, road safety.

168. The number of parking spaces provided on site is 16 spaces (including 1 disabled space), which complies with the standards of the Council. The scheme does provide for cycle parking and the form and location will be secured by way of a planning condition.

Accessibility

169. In terms of vehicle accessibility the main development access has a crossroads junction and there are some safety concerns with this layout. No additional detail has been provided in terms of vehicle speeds or pedestrian movements other than site observations which indicate this would not cause an issue. Given that the flow on both minor arms will be low, the principle of a crossroads arrangement will be accepted.

170. New on-street parking has been proposed to replace that lost as a result of the new access. This will result in the footway being reduced in width to 1.5m on the west side of Greenbank Crescent, as noted above, and the RDMT accepts this footway width on this occasion. This is due to the footway location being on an industrial estate with low footfall levels and the lack of continuous footways. Swept path analysis has been submitted which is acceptable.

171. The use of two access points has been justified for operational reasons and the visibility splays shown on drawing 37482-Gla100d for each access are accepted by the RDMT.

Sustainability

172. The ALDP plan in line with national planning advice seeks to promote the shift away from the reliance of the single occupancy motor vehicle as the main means of transport.

173. The Technical Note supplied by the Agents Amec Foster Wheeler, Appendix D of June 2016, has established that the number of trips by modes other than the car will be very low (i.e. 10% walk, 3% cycle), albeit the site is connected to the wider pedestrian and cycle network. Public transport is available on Wellington Road (approx. 750 metres) and Girdleness Road (approx. 550 metres) within 800 metres of the development site. These bus stops are beyond the 400 metre threshold considered walkable by the RDMT.

174. It is accepted that the site is not the most sustainable to access by means other than by car, however, the opportunity should be taken to promote other options such as car sharing and this can be covered by a planning condition.

175. Sustainability and its relationship to transportation extend to the use of other means of transporting the waste other than by HGV. Annex B to the ZWP on identifying potential waste management sites under the heading of *Links to Transport Infrastructure* notes that…*Relevant considerations in the siting of installations will include access to the transport network, including road, rail and*

waterways. The need to promote sustainable travel by the use of existing infrastructure and freight movement by rail is set out within the SPP.

176. In this instance it was recognised at the site visit by Members of the PDMC that the site is in immediate proximity to rail network infrastructure. The Applicant within the documentation has looked at a rail option for the transportation of waste and concluded it is unviable.

177. Whilst the proposed development does not offer alternatives to road transportation, this does not of itself make the scheme contrary to sustainable planning principles as the SPP has to be read as a whole. Indeed, the level of additional road trips is of such a magnitude as not to adversely affect the road network. Subject to the waste arisings in the future the potential still exists to use rail to transport waste.

Conclusion

178. Overall it is concluded that the proposed development would not result in any adverse road safety or traffic amenity impacts, subject to the aforementioned conditions.

Landscape and visual impact of the proposal

179. The application sits in front of Tullos Hill, part of Loirston Country Park, which creates a distinctive landscape back drop and skyline not only to the site but other development within the East Tullos industrial Estate. In effect it marks a clear transition between townscape/cityscape, seascape and a natural landscape.

180. The character of an area is not just the composition of the buildings and their juxtapositions but also the spaces they create and relationship to their surrounding built and natural environments. Consequently any development shall have regard to its context and respond accordingly.

181. The East Tullos Industrial Estate can be described as having a dynamic quality that has reflected industrial, commercial and infrastructure change this is clearly witnessed by the derelict gas holder on the application site, and modern and older industrial and office development in immediate proximity to each other. The northern aspect of the industrial estate is delineated by the railway line. The railway line does not prevent the site being dominated by the industrial character of the neighbouring buildings, not is it a visual barrier to the site when viewed from the residential area of Torry.

182. It is accepted that the application site can accommodate infrastructure projects including waste management facilities with a vertical emphasis including tall

buildings (e.g. neighbouring fish factory). However, the assessment is whether a building of the form and scale as proposed would harm the character of the area.

183. The ES and the additional information provided an assessment of the anticipated landscape/cityscape/seascape and visual impacts, which included a number of viewpoints including: The ES took a number of viewpoints including:

- Loirston County Park (Tullos Hill)
- Ladywell Place
- Wellington Road Bridge (Rail)
- St Fittick's Road (St Fittick's Church)
- Kincorth Hill
- Nigg Bay
- Kirkhill Place
- Kirkhill Road
- Anderson Drive
- A93 – North Deeside Road

184. The ES was also supported by a number of images of the building during the hours of darkness, together with a view of the stack with aviation lights.

185. Any assessment has to be set against the planning framework fashioned by national and local planning policies.

186. At the national level the NPF sees planning playing an important role in protecting, enhancing and promoting access to key environmental resources, whilst supporting their sustainable use. The SPP follows the position of the NPF by looking to facilitate positive change while maintaining and enhancing distinctive landscape characters. The SPP under the heading of Development Management at paragraph 202 states:

The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

187. At the local level policies D1 (Architecture and Placemaking) and D6 (Landscape) of the ALDP are of relevance in assessing the impact of the proposed development on its immediate and wider environment.

188. ALDP policy D1 provides, in part, that:

Landmark or high buildings should respect the height and scale of their surroundings, urban topography, the City's skyline and aim to preserve or enhance important views.

189. The theme of protecting important views is embraced within policy D6 of the ADLP which will not support development unless it avoids a number of matters that includes:

Obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads and railways

190. Point (b) to policy R3 of both the ALDP and PALDP requires for new waste management facilities a design statement where the development would have more than a local visual impact.

191. Policy R8 of the ALDP considers Renewable and Low Carbon Energy Developments, which will support such developments in principle if proposal, in part,

- Do not cause significant harm to the local environment, including landscape character

- Do not have a significant adverse impact on the amenity of dwelling houses

192. The area around the site is marked by Townscape Character Area 2a (Ladywell Place etc), Landscape Character Area 23 (Girdleness/Nigg Bay) and potentially Seascape Character Type 2 (Mainland Rocky) Coastline with Open Sea Views.

<u>Landscape (Daylight)</u>

193. In respect of the Girdle Ness / Nigg Bay and the Open Farmland (Tullos Hill) area the impact of the proposed development of these areas is assessed as significant (substantial/moderate, permanent and either positive or negative) and comments:

due to the open and / or elevated character of these areas with direct views of the Proposed Development which would appear as a new large feature, breaking the skyline, in contrast to the its surrounding. *Some of these effects are in part mitigated by the proposed architectural design of the building to appear as an architectural landmark*.

194. It is considered having reviewed all the information that the effects could not be seen as positive. This is mainly due to the scale of the building which the assessment acknowledges breaks the sky line. The other developments within the industrial estate that can be seen from public view points on the Loirston County Park, Ladywell Place and Wellington Road and sit below the skyline. Views from Anderson Drive and the A93 North Deeside show the building below the skyline and the view from Kincorth Hill the building is seen almost as an extension to the office building in the 'foreground'.

195. The applicant is of the view that some of the harm is mitigated by the design of the building, principally the curve of the roof. Notwithstanding the Anderson Drive, A93 and Kincorth Hill views it is considered that the proposed development by reason of its scale will cause significant harm to the landscape and in particular the skyline of Loirston Country Park that is an important feature and is an important accessible vantage point.

Visual Effects (Daylight)

196. The proposed development includes one very large main building, whose height and massing is considerably greater than that of the adjacent United Fish Industries buildings and other industrial developments on the East Tullos Industrial Estate.

197. Additionally, the height of the proposed stack at 80 metres above site ground level, by being seen to 'top out' the main building and breaching the skyline would add to the visibility of the stack and its dominance over the stack at the United Fish Industries that stands at 40m above site ground level.

198. Allowing for the topography of the City to the north-west of the application site the proposed development and its stack would be seen against the backdrop of Loirston Country Park and other industrial/commercial development from the longer distance views on the A93 and Anderson Drive.

199. In many views, the main building and stack of the EfW facility plant would be seen across hundreds of metres and unlike the adjacent United Fish Industries buildings and stack the proposed development breach this backdrop (i.e. break the skyline) and would constitute the main impact on near and medium distant views (examples). In these views, the main building and stack would be conspicuous and intrusive.

200. This is particularly apparent with regard to the view from Ladywell Place and to a lesser degree from Kirkhill Place and Kirkhill Road. The assessment of impact in the ES moved from slight/negligible to moderate, with significant visual effects noted from some views in this area. It is considered that the proposed development

will have a significant negative impact from all aspects of Ladywell Place. The submitted view illustrates how the building is prominent and breaks the skyline. The scale and location of the building brings the presence of the industrial estate apparently closer to the residential area, magnifying the visual influence of the industrial estate.

201. This presence is considered to be overbearing, where overbearing is defined as the effect of a development proposal may have when it looks over, or dominates the amenity space or outlook of the occupiers of a (usually) residential property.

202. On the matter of visual impact it is considered that the proposed development significantly harms the visual quality of the area.

Night lighting assessment

203. The updated night time assessment identifies significant effects for Ladywell Place. The changes to night lighting are an improvement, helping to reduce night time impacts. A more subtle lighting arrangement is proposed with the upper parts of the structure largely unlit other than from ambient light. The Applicants have also submitted images with aircraft warning lights.

204. It is considered that the night time views from Wellington Road Bridge show an industrial building in an industrial setting, and it speaks both to the industrial estate as well as the railway line. However, from Ladywell Place the lighting maintains this presence (i.e. the illumination maintains the hunched presence of the building). It is considered that this aspect could be addressed by a revised lighting regime controlled by a planning condition should planning permission be granted.

Concluding Comments

205. The character of the area can absorb tall buildings. However, it is considered that the scale of the building and the stack pushes creates a prominent feature which breaks the skyline contrary to policies D1 and R8 of the y D1 of the ALDP and has significant adverse visual effects (Policies D6 and R8 of the ALDP) by extending the visual envelope of the industrial area into surrounding landscapes, townscapes and seascapes.

206. Notwithstanding the high quality of the design of the principal building, the proposed development would have an intrusive and harmful impact and change setting of the coast, green space and parklands of the area, and to sensitive receptors such as recreational users, together with the visual and residential amenity of local residents. All of these impacts are considered significant.

Noise

207. As with the matter of litter and dust the ALDP does not contain specific requirements in respect of noise at waste management facilities, save the overarching provision of point (a) to policy R3 quoted above. This position is repeated under the same policy reference within the PALDP.

208. The matter of Business and Industry is addressed under both the ALDP and PALDP as policy Bl1 and B1 respectively. Whilst the wording of these policies differs they recognise the potential conflict between operations on industrial land and surrounding sensitive land uses (e.g. residential) and the potential use of conditions restricting noise, hours of operation and external storage.

209. However, the PALDP contains policy T5 (*Noise*) that provides:

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally permitted close to existing noisy land uses without significant mitigation measures in place to reduce the impact of noise.

210. In addition to the above and material to the decision-taking process Planning Advice Note (PAN) 1/2011 – *Planning and Noise* (March 2011) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. PAN 1/2011 is supplemented by the Technical Advice Note on the *Assessment of Noise* also dating from 2011. The PAN recognises that unwanted noise can have a significant impact upon environmental quality, public health and amenity. The PAN also sets out a number of measures can be used to control the source of or limit exposure to noise, recognising that such measures should be proportionate and reasonable. Possible measures include, albeit not limited to:

- Engineering - reduction of noise at point of generation; and protection of surrounding noise-sensitive buildings

- Lay-out - adequate distance between source and noise-sensitive buildings or areas; screening by natural barriers, other buildings,

- Operational - limiting operating time of source; restricting activities allowed on the site and specifying an acceptable and reasonable noise limit.

- Work sequencing - programming and phasing construction or extraction activities to limit noise impact; use of acoustic screens around plant; limiting vehicle noise through speed control, road surfacing and driving style;

- Acoustic fencing - an alternative to baffle mounds or used on top of a mound to increase acoustic protection;

- Off-site road traffic noise – restriction of lorry movements to particular times or particular routes; low-noise road surfaces and road surface maintenance;

- Equipment selection – setting noise limits for specific items of plant and equipment.

211. Paragraph 21 of the PAN states…*Where appropriate, relevant and enforceable mitigation measures can be implemented through planning conditions and/or legal agreements.*

212. The ES included an assessment on noise impact from the development and this was augmented by further information sought of the applicant by the Environmental Health Service in respect of tonal and construction noise.

213. The ES and the further information considered the impact of noise associated with the proposed development in terms of the operational and construction phases. The ES identified a number of key residential (i.e. Kirkhill Place and Wellington Road) and non-domestic (i.e. Tullos Primary School, Altens Nursery and commercial units within the industrial park) noise sensitive receptors. Road traffic noise receptors were also identified (i.e. Greenbank Road and Wellington Road). The sound monitoring locations were at:

- External amenity area of 51 Kirkhill Place, approximately 310 metres north of the site; and
- External amenity area of 127 Wellington Road, approximately 685 metres of the site

214. With regard to the construction phase the ES adopted a worst case approach and concluded that the predicted affect is *not significant*. However, the ES noted that construction works would continue for a period of some 30 months and as such allowing for the nature of the works the Environmental Health Service has asked for conditions relating to:

- A Construction Noise Management Plan is to be submitted and agreed in writing with this Service prior to the commencement of demolition, preparation, and construction activities

- For the duration of the site preparation and construction phase, operations involving an element of noise emission must not occur outside the hours of 07:00 to 19:00 Monday to Friday and outside the hours of 09:00 to 16:00 on Saturdays.

- For the duration of the site preparation and construction phase, solid hoarding to be erected around the Development Site boundary (of minimum 2m height) particularly adjacent to the closest residential and commercial premises.

215. With regard to the operational phase the ES concludes that the day time predicated effect would be *low impact* during the daytime and *less than indication of adverse impact* during the night-time. The Council sought that the noise rating does not exceed the existing background noise level during the night-time. The ES shows that during the daytime noise levels are below the guideline value, but rating level may exceed the background sound level at night-time. The Environmental Health Service recommends that conditions relating to the operation of the facility are attached to any planning permission. These conditions include:

- Ensure the material used for the external walls and roofs of all rooms/halls is double cladded, providing a minimum sound reduction of Rw 35 (dB).

- Prior to procurement of the chosen operational plant, provide evidence in the form of a report produced by a suitably qualified consultant, that the chosen operational plant and their acoustic performance do not exceed the predicted noise levels contained within the assessments - To ensure tonal acoustic characters from facility plant are inaudible at the nearest residential receptors through use of plant utilising best available design and techniques for noise controls or equivalent.

- Prior to the commencement of operations of the facility a scheme for the management of resultant noise, shall be submitted to, and approved in writing by this Service. Thereafter, all noise emitting activities and operations shall take place in accordance with the approved scheme

216. The ES in terms of noise for traffic during the construction and operation phases and concluded that the magnitude of change would be negligible. The Environmental Health Service is content with the findings of the ES in respect of traffic noise.

<u>Concluding Comments</u>

217. Having regard to the policy requirements and submitted information the outcome of the assessment is considered reasonable for both operational noise and

construction site noise, subject to the attachment of appropriately worded planning conditions.

Odour

218. The residual waste processed by the EfW facility has potential to generate odour releases and affect the amenity of surrounding land and property (i.e. policy R8 of the ALDP) if effective controls are not put in place.

219. In terms of the operations of the facility, the main potential source of odour transmission would arise when the waste enters the tipping hall and is transferred to from the waste vehicles into the bunker prior to treatment within the incinerator.

220. All operations associated with the proposed development would be conducted within enclosed buildings equipped with fast acting roller shutter doors with automatic air louvres to balance the required air movements. The facility would be continuously operated whilst delivery of material would be restricted to the hours of 07:00 to 19:00 hrs Monday to Friday and 07:00 to 13:00 hrs on a Saturday. As such some storage of waste on site would be required to ensure continuous operation of the proposed development.

221. Air is extracted from the tipping hall and bunker to hold the building at negative pressure. The air is used in the waste combustion process that helps to control odours arising in this area.

222. Odour concentration is expressed as European odour units per cubic metre (OUE m-3). Exposure is usually quantified in terms of frequency of occurrence over a year of hourly average concentrations above a certain limit odour concentration. SEPA's Odour Guidance 2010 provides odour thresholds based on achievement of a 1 hour mean concentration, not to be exceeded for more than 2% a year (i.e. a 98th percentile 1-hour mean value). The ES on this matter concluded that exceedance of the odour benchmark was predicted at receptors during abnormal operations.

223. It is important to note that odour controls would be regulated through the SEPA permit process that requires the applicant to prepare an Odour Management Plan that would regulate the process to ensure that 'best available techniques' are employed to ensure the operation of the facility does not result in detectable odours beyond the site boundary.

224. Notwithstanding the above, there are legitimate concerns that the transport of waste to the facility would be odorous. Whilst it is recognised that the majority of the waste vehicles are already on the public road network, the risk of odours releases from delivery vehicles cannot be ruled out and any releases would be transient in nature and pass relatively quickly. To avoid the harm that spreading odours can

engender this matter can be addressed by an appropriately worded planning condition.

Conclusion

225. The transmission of odours can affect amenity and is a material consideration in the decision-taking process. It is considered subject to appropriately worded planning conditions that the proposed operation of the development will not cause harm to the amenity of the surrounding land uses, having particular regard to Waste Management Advice issued in 2015:

Planning authorities should not impose planning conditions on matters subject to regulation by SEPA under pollution prevention or environmental protection legislation

Litter and dust

226. Neither the ALDP nor the PALDP contain specific policy requirements to control litter and dust generation on waste management facilities, save that dust could affect air quality (ALDP policy R8 point 2). However, under point (a) to policy R3 (New Waste Management Facilities) that is common both the ALDP and PALDP requires applicants to submit…*sufficient information within the application to enable a full assessment to be made of the likely effects of the development, together with proposals for appropriate control, mitigation and monitoring.* The policy goes on to note that new waste management facilities on industrial land would normally be required to be located in a building.

227. The likelihood of dust and litter occurring during the construction period is recognised within the ES and whilst there are no residential properties in the vicinity of the proposed development site and the likelihood of dust soiling affecting people and property is low there are surrounding businesses that could be affected by nuisance from dust and litter. Therefore, it is considered that planning conditions to control dust and litter both during the construction and operational phases of the proposed development would be appropriate.

Alternative Technologies

228. The fact that there are alternative methods for dealing with municipal waste is self-evident. Powering Aberdeen document looks at alternative energy generating technologies in the round in terms of increasing energy power generation and its procurement, whilst the Aberdeen Waste Strategy 2014-2025 is silent on a type of technology.

229. The SPP on waste management infrastructure is not prescriptive and supports the management of Scotland's waste by means of the most appropriate

methods and technologies, in order to protect the environment and public health. This position is taken from Article 16 *(Principles of self-sufficiency)* of the revised EU Waste Framework Directive (2008/98/EC),

230. The pre-amble to policies R5 (Energy from Waste) of the ALDP and PALDP does not specifically identify the type of technology that should be used to secure energy from waste. Paragraph 3.132 of the PALDP comments:

The means by which this waste [not recycled or composted] *could be treated will be determined through an analysis which will consider all available technologies including incineration, gasification and pyrolysis of waste.*

231. Point (b) to policy R3 of both the ALDP and PALDP requires for new waste management facilities a design statement where the development would have more than a local visual impact. The need to emphasise this point indicates that the policy had in mind the potential for the sort of EfW plant now being proposed (i.e. considerable scale of buildings and stack height).

232. The choice of technology is a commercial decision and in a large measure is influenced by the reliability of the technology employed and the value that such a choice provides for the commissioning body/operator.

233. The supporting papers to the application recognises that other technologies exist but notes that *mass burn incineration is by far the most common, with a significant track record of working efficiently and safely in the UK, processing residual municipal waste, therefore this technology has been selected.*

234. The application has to be considered on what is being presented for determination (i.e. mass burn incineration by way of a moving grate) and not any other alternative treatment technology. Allowing for the lead in time to bring this matter forward to a planning application submission and the changing landfill requirements it is considered highly likely that another scheme based upon a different technology could not be delivered by the target date of 2021.

235. Finally and importantly the SEPA PPC permit application must fully justify the choice of techniques to be applied. SPP states clearly that the planning system should not be used to secure objectives that are more properly achieved under other legislation. It is therefore considered that the availability of other waste management technologies carries very little weight in the decision-taking process on the planning application.

Drainage and Flood Risk

236. ALDP policy NE6 (Flooding and Drainage) and policy NE6 (Flooding, Drainage and Water Quality) of the PALDP seek to ensure that new development, including waste management facilities, avoid pollution of ground or surface water and flooding both during and post construction. The policy also requires a Drainage Impact Assessment (DIA) that should detail how surface water and waste water will be managed.

237. Policy NE6 also adds that there is a presumption against excessive engineering of watercourses and there will be a requirement to restore existing culverted or canalised water bodies to a naturalised state where this is possible. The policy recognises that there are instances where culverts are unavoidable and they should be designed to maintain existing flow conditions and aquatic life. In addition, the policy places a requirement on the applicant that:

Any proposals for new culverts should have a demonstrable neutral impact on flood risk and be linked to long term maintenance arrangements to ensure that they are not the cause of flooding in the future.

238. Potential impacts to the proposed developments effect on surface water, ground water and flood risk has been addressed as part of the ES and cites that construction measures would be implemented to ensure that adverse water quality and flooding impacts do not arise from the construction period:

Further details of construction phase drainage management measures would be developed by the appointed contractors after planning permission has been granted and would be presented in the DMP [Drainage Management Plan].

239. As the drainage management measures are not in place, and therefore cannot be assessed, a planning condition as sought by the Council's flooding team would be required of the Applicant that would control surface water drainage and pollution during the construction period.

240. With regard to the operational phase the ES identifies the creation of a detention basin on the site with additional storage provided by below ground tanks and discharge would be made to the East Tullos Burn culvert at greenfield rates. Three stages of treatment would be provided to all surface water leaving the site through the use of:

a. Filter strips
b. Trapped gullies; and
c. The detention basin

241. The Applicant has also identified the need to re-route the East Tullos Burn culvert which, in part, runs beneath the site. This described element does not form

part of the application submission and the applicant notes that it will be the subject to appropriate consents. Policy NE6 places requirements upon culverted watercourses and as the re-routing is required for the development to proceed, it is considered that the delivery of the re-routing should be secured by way of a planning permission before construction works commence on the proposed EfW facility.

Conclusion

242. The flooding team of the Council raise no objection to the proposed development subject to the submission of further drainage information that can be controlled by planning conditions.

Implications of not proceeding with the development

243. There is a need to meet the targets of diverting waste from landfill, further heightened by the landfill 'ban' and the need to manage waste further up the waste hierarchy, thereby meeting national targets and complying with European and national policy.

244. It is also reasonable to conclude that should the scheme be rejected the provision of replacement facilities of any size is likely to take a considerable time, from identifying new sites, identifying a new strategy, securing planning permission and constructing the new facility.

245. In addition, a further repercussion of the development not proceeding will be the bulk transport of waste out of Aberdeen City for disposal elsewhere. As indicated previously there are no large available landfill sites available in the short term or other comparable waste management facilities 'just over the border'. Therefore the waste will have to be transported considerable distances with cost and greenhouse gas implications as stated by Mr Peter Lawrence at the Public Hearing.

246. It is clear from national guidance the importance of reducing the costs of waste management and improves the procurement by local authorities to ensure the timely delivery of major elements of waste management infrastructure. There is the additional impetus of Government to secure facilities that reduce the travel consequences in terms of greenhouse emissions.

247. Financial considerations are deserving of weight in the decision-taking process.

248. Of course, this does not mean that the financial implications take precedent over all the other considerations. They form part of the planning balance exercise along other considerations in the decision-taking process.

249. The cost to the Council's taxpayers of the EfW proposal being rejected and a long delay in bringing in new facilities forward and movement of waste outwith the City and well beyond could exceed £9m pa. This would hit taxpayers and the Council hard at a time of straightened financial circumstances affecting both individuals and local authorities. The fiscal implications of rejecting the proposal is a matter that should be accorded substantial weight along with the other consequences of failing to meet targets, that of not diverting waste from landfill and not managing waste in a more sustainable manner.

Other Issues

Ground contamination and remediation

250. NPF3, SPP and the provisions of the Development Plan strongly supports the re-use of land that has been previously-developed (i.e. brownfield site) or is of a low environmental value. Policy R2 of the ALDP (Degraded and Contaminated Land), repeated verbatim under the same policy reference within the PALDP, identifies that *"all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use"*.

251. The ES incorporates an assessment of the potential effects of the proposed development upon ground conditions by way of desk top survey and historic site inspection reports from 2002. The ES notes that the owners of the land (i.e. SGN) would demolish the gas holder and remediate the land as part of the site's sale. The Applicant's phase 1 desk based study noted that ground investigations would be carried out to validate the remediation works, including investigation beneath the concrete slab base of the gas holder. This was designed to address risks associated with the gas holder and associated oil interceptor. The gas holder remains in situ.

252. Allowing for the history of the site, together with the standing archaeology (i.e. derelict gas holder) as set out within the ES, the Applicant notes that the environmental risk assessment identified potentially significant pollutant linkages. In addition, the ES recognised given the site's historical use it is likely that asbestos containing materials were present in the built development and were present in the demolished buildings and structures. The ES goes on to critically comment that where demolition rubble is identified at surface or as fill material this has the potential to contain asbestos so testing of all made ground for asbestos would be required.

253. Allowing for the contents of the submitted information that section of the Council's Environmental Health Service that consider contaminated land issues have no objection to the proposed development subject to the imposition of planning conditions addressing the matter of contamination to ensure the satisfactory remediation of the site prior to the development being first brought into use.

Aviation

254. Although the Aberdeen Airport Safeguarding have not objected to the proposed development it is considered prudent to secure aviation lighting on the tower to avoid any potential incidents. This can be addressed by a planning condition.

Effect upon nature conservation interests

255. The natural environment forms the foundation of the spatial strategy set out in NPF3 and the SPP establishes the position that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment, including protected species. The direct or indirect effects of a development on statutorily protected sites will be an important consideration in the decision taking process, but designation does not impose an automatic prohibition on development.

256. The national position is embraced within the ALDP under policy NE8 (Natural Heritage) and within the PALDP also referenced as policy NE8.

257. With regard to statutory designations the site is approximately 1.1km distant from the River Dee Special Area of Conservation (SAC), some 2 kilometres from the Nigg Bay Site of Special Scientific Interest (SSSI) and 3 kilometres from the Cove SSSI.

258. Scottish Natural Heritage having reviewed the ES information advised in respect of the River Dee SAC there is unlikely to be a significant effect on the qualifying features of the River Dee SAC, either directly or indirectly from the proposed development. This view was taken as there is no hydrological link between the river and the proposal site and because SEPA have advised SNH that air emissions should be negligible. With regard to the SSSI sites SHN agreed with the conclusions in the ES that the proposal is not likely to affect these sites due to their distance from the site and because air emissions should be negligible.

259. On the matter of protected species; the documentation has been reviewed by Officers, it is accepted that there will be no significant effects from the proposed development. However, Tullos Hill, which is 43 metres from the site and not 240 meters as set out in the ES, supports commuting and foraging badgers. Whilst they may not be affected when the plant is operational they can be affected during the construction phase. The proposed mitigation measures set out in the ES of sensitive directing of artificial light, the fencing off of potentially dangerous equipment and provision of means of escape from excavations are acceptable and should form part of a planning condition. The proposed mitigation measures for reptiles (i.e. pre-

works checks, means of escape from excavations and relocation if reptiles are found) is acceptable and wold form part of a natural environment condition.

260. Allowing for the fact that conditions can change between any grant of planning permission and works commencing it is proposed that a condition requiring an ecological survey of the site is undertaken prior to commencement of works.

261. It is therefore considered that subject to appropriately worded planning conditions the proposed development would not harm nature conservation interests

Historic Assets

262. Historic Environment Scotland (HES) were consulted on the application and are of the view that the proposed development will not have a significant impact upon the setting of the Baron's Cairn, Tullos Cairn, Crab's Cairn, Loirston Country Park Cairn and Cat Cairn. HES noted that while the proposed development will break the skyline when viewed from many of the monuments, this will be an alteration to a view which is already largely industrial and urban.

263. HES also do not consider that there will be a significant impact on the inter-relationship between the monuments. The development will not interrupt or significantly distract from their inter-visibility. Open views towards the coast, along the line of the ridge on which the monuments sit, will also be unaffected.

264. HES concluded agreed with the findings of the ES that significant impacts upon heritage assets within their remit are unlikely, and have no objection to the planning application.

Public Rights of Way / Core Paths

265. Policy NE9 of the ALDP and PALDP (Access and Informal Recreation) looks to protect and enhance existing access rights, including core paths, other paths and rights of way and are not adversely affected by development proposals. As the proposed development does not affect any public rights of way/core paths etc, the requirements of policy R9 are satisfied

Property Values

266. The impact of a development on property values is not a material consideration in the decision-taking process and the purpose of planning is not to protect private interests

THE PLANNING BALANCE AND OVERALL CONCLUSION

267. There is no doubt that the East Tullos Industrial Estate has undergone considerable change and the landscape has absorbed some significant development over time and has the capacity to do so in the future. However, all the developments have had due regard to context in terms of landscape (i.e. skyline) and its relationship to the wider area immediate and wider area. (e.g. Torry, Wellington Road, and the Nigg Bay area).

268. It is self-evident that a large building with the stack as that proposed, but nevertheless as envisaged by the ALDP and the PALDP, will have a visual impact. Notwithstanding this it is considered that the proposal would, by reason of the height of the stack and the height and scale of the buildings, have an adverse visual impact when seen from a number of views. As such, the proposal would not be compliant with ALDP policies D1, D6 and R8 and national advice within the SPP.

269. The proposal would also adversely affect the amenity of those residing along Kirkhill Place, Kirkhill Road and Ladywell Place, and the residents of the latter area would also be affected during the hours of darkness. As such the proposal the proposal would be contrary to ALDP Policy R8 (4) and the advice set within the SPP and Creating Places.

270. The harm to these interests of acknowledged importance has to be set against the benefits of the proposal proceeding, which are considered to constitute:

- Contribution to the UK and Scottish Government's overall energy policy and climate change programme
- It would move the management of waste up the waste hierarchy
- It would generate electricity from and thus reduce the national dependence on fossil fuels and provide an aspect of energy security
- It offers the potential to make use of heat generated by the proposal
- Adverse consequences of the application not succeeding

271. It is considered that the energy and climate change benefit of the proposed development is such that the harm that would be caused would be outweighed and planning should be allowed subject to conditions.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

The proposed development is considered acceptable as it accords with the terms of the Aberdeen City and Shire Strategic Development Plan 2014, the adopted Aberdeen Local Development Plan 2012, emerging Aberdeen Local Development Plan 2015, Aberdeen City Waste Strategy 2014-2025, Scottish Planning Policy, National Planning Framework, Scotland's Zero Waste Plan and other cited government policy and European Directives, where it has been adequately demonstrated that the proposals are acceptable in terms of need, complies with the proximity principle, offers the best practicable environment option for dealing with the defined waste stream. There was no objection from SEPA, SNH, and Transport Scotland. Aside from the objection from the Environmental Policy Service of ACC, there we no other objections from other ACC Services requested to comment on the application. The accompanying ES and further supporting information demonstrates that environmental impacts from the development would not be significant and it is agreed that mitigation measures can be controlled through appropriately worded planning conditions.

Despite the significant representations and the views expressed at the public hearing in regards to the application, it has been determined that the material terms of the objections cannot be sustained. The proposed development accords with the provisions of the Development Plan, national guidance and other material considerations noted in the main report.