



## Report to the Scottish Ministers

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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Report by Stephen Hall, a reporter appointed by the Scottish Ministers

- Case reference: PPA-320-2125
- Site Address: 251 Glasgow And Edinburgh Road, Coatbridge, ML5 4UG
- Appeal by North Lanarkshire Bio Power Limited against the decision by North Lanarkshire Council
- Application for planning permission, ref. 18/00180/AMD dated 7 February 2018, refused by notice dated 25 April 2018
- The development proposed: Alterations to approved plans for energy from waste processing building incorporating a reduction in the footprint of the building, changes to the design of the building, an increase in the height of the ventilation stack to 80 metres, an increase in the gross energy output to 27Mw, an increase in the throughput of waste fuel to 204,000 dry tonnes per annum (an increase of 24,000 tonnes) and associated access improvements to the junction with the A8.
- Date of inquiry site visit: 22 August 2018 and 3 October 2019

Date of this report and recommendation: 25 November 2019

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**Description of development: Alterations to approved plans for energy from waste processing building incorporating a reduction in the footprint of the building, changes to the design of the building, an increase in the height of the ventilation stack to 80 metres, an increase in the gross energy output to 27Mw, an increase in the throughput of waste fuel to 204,000 dry tonnes per annum (an increase of 24,000 tonnes) and associated access improvements to the junction with the A8 at 251 Glasgow And Edinburgh Road, Coatbridge, ML5 4UG**

• Case reference	PPA-320-2125
• Case type	Planning Appeal
• Reporter	Stephen Hall
• Appellant	North Lanarkshire Bio Power Limited
• Planning authority	North Lanarkshire Council
• Other parties	As listed in Appendix 1
• Date of application	7 February 2018
• Date case received by DPEA	15 May 2018
• Method of consideration and dates	Written submissions and unaccompanied site inspections on 22 August 2018 and 3 October 2019
• Date of report	25 November 2019
• Reporter's recommendation	Allow the appeal and grant planning permission subject to conditions

## The Site

The appeal site consists of the former Shanks and McEwan premises at 251 Glasgow and Edinburgh Road, Coatbridge, and is around 3.6 hectares in area. The site is clear of buildings and other structures, but hardstanding areas associated with previous industrial buildings and operations remain. There is an existing vehicle site access from the A8 associated with the historic use of the site.

The site is bounded to the south by the A8 (Glasgow and Edinburgh Road), to the east by the Motherwell-Coatbridge railway line and to the west and north by an area of scrubland (formerly a landfill site) with the North Calder Water further to the north-west. The residential area of South Carnbroe is situated around 200 metres north-east of the site beyond the railway line and a woodland corridor. Immediately to the east of the rail line is a site where planning permission in principle was granted in 2018 for 400 houses.

Further afield, the M8 motorway runs approximately 250 metres to the south of the site, and the Eurocentral business park lies around 700 metres to the south-east (at its nearest point). The site is centrally located between the North Lanarkshire towns of Coatbridge (to the north), Airdrie (to the north-east) and Bellshill (to the south).

## Background

The site has previously supported a mixed variety of industrial and waste management land uses. Planning permission for a waste material recovery and renewable energy facility was granted on appeal in 2011. This decision was the basis of unsuccessful legal challenges by the council. Limited works were started on site in 2014 so the planning permission remains in place without a time limit.

## **Description of the Development**

Despite being described on the application form as alterations to the approved plans, the footprint, profile, massing and height of the proposed building has changed significantly. The proposed footprint of the building has moved further to the north-east of the site. The building height would now rise to 38 metres as opposed to 30 metres in the 2009 application. Two 27 metre stacks would be replaced by a single 80 metre stack. The curved roof design would be replaced by flat roofs. Large condenser units would be introduced separated from the main buildings. The administration building would be in a different location on the site. Overall, the current proposal can only be described as a different building to that approved in 2011.

In addition, the process proposed to be carried out in the building has changed from one including 'front-end' waste sorting to the processing only of pre-treated residual waste. The maximum tonnage of waste fuel would increase by 24,000 tonnes per annum to 204,000 tonnes per annum. Power generation would change from combined cycle to steam. The power output from the plant would increase from 22.6MW (gross) to 27MW. The amount of waste materials (ash and metals) to be disposed of to landfill would reduce from 31% to 5-8%.

It is therefore questionable whether this application can be described as a variation to the previously-approved development. It would be better characterised as a fresh application for a different form of energy-from-waste plant on a site previously approved for that use.

The development is based around several main buildings, comprising the turbine, boiler building, administration building, waste bunker and reception hall. The main buildings are steel structures with cladding, built on concrete foundations while the waste bunker buildings are concrete structures with upper steel structure. In addition to the main buildings, there will be a steel stack and various ancillary infrastructure elements, such as air cooled condensers, vehicle weighbridge, gatehouse, internal roads and car parking area, radiator fans, water tanks, ash storage and transfer area, silos and transformers.

The process would involve the gasification thermal treatment of pre-treated offsite-prepared fuel derived from residual waste from commercial and industrial sources. Waste received at the site would be directed to the fuel reception building where it would be shredded in order to form a homogeneous feedstock suitable for the gasification facility. The feedstock would then be conveyed to the process building which houses the gasification plant, turbine and flue gas clean-up equipment, and where the thermal treatment and energy recovery would take place.

## **The Council's Decision, Consultations and Representations**

The council refused the application, contrary to its officer's recommendation for reasons relating to air pollution and visual intrusion. Consultation bodies, including SEPA, do not object to the proposal, but 252 representations were received at the application stage, 82 at

the appeal stage and 460 representations were made on the EIA report. The principal concern related to emissions and public health, but issues of visual impact, noise, odour, impact on wildlife, traffic, impact on tourism, ground stability and pollution to watercourses were also raised.

### **The Appellant's Case**

The appellant argues that the appeal site has a long history of industrial and waste management use, and the principle of an energy-from-waste plant has been established on this site by the extant planning permission. The Scottish Ministers' reasons for granting the previous permission on appeal remain valid. The appeal site is designated for continued use as an industrial/ business area in the local plan.

The changes proposed from the consented development represent current best practice and will not result in any significant environmental effects. Claims of increased and harmful levels of air pollution are unsubstantiated. An emissions modelling report concludes that all controlled pollutants would be well below objective limits, and other pollutants would not exceed their respective objective values and relevant environmental assessment levels. The report concludes that the potential impact on local air quality is likely to be small and unlikely to result in a significant threat to the health of people living and working nearby. A health impact assessment, based on conservative worst case assumptions, concluded that many of the potential health impacts could be screened out as 'insignificant' and that, overall, there was no significant health risk associated with emission of pollutants from the proposed development.

The proposed stack height in the current application would further assist in the dispersion of emissions and reduce the impact on receptors which potentially provides betterment over the existing consented and implemented scheme. There is no evidence of an adverse impact on any of the council's designated air quality management areas.

SEPA has confirmed that the applicant has submitted sufficient information to allow them to confirm that the proposed plant is potentially consentable, as per the requirements of the Pollution Prevention and Control regulatory regime. North Lanarkshire Council Protective Services had raised no concerns in relation to the application.

Whilst the visual impact of the 80 metre chimney stack would be noticeable over the surrounding area, this impact would not be so significant or adverse to merit the refusal of the application. The height and visual prominence of the stack is in context in this development corridor as industrial buildings of significant height (in excess of 40 metres) are located less than a mile away at Eurocentral thereby establishing a precedent for this type of structure along the A8 corridor in this area. There is no evidence of overshadowing.

Within the context of a rapidly changing, extensively modified urban landscape, which already includes permission for an energy-from-waste plant, the increased prominence and localised impacts of the larger facility would not be sufficient to refuse permission on landscape or visual grounds. Potential effects on the residential dwellings immediately east of the site could be avoided with a sympathetic housing layout incorporating appropriate screening.

The proposed development would further enable Scottish councils and businesses meet their zero waste obligations. The plant would treat 204,000 dry tonnes per annum of

residual waste, and produce a gross electrical energy output of 27MW to be exported to the local distribution grid network. The development would result in a saving of between 80,004 to 101,813 tonnes of CO<sub>2</sub> equivalent per annum compared to landfilling the waste. The development also has potential to export up to 18 MW (thermal) of heat.

### **The Council's Case**

The council argues that it is unlikely that the extant planning permission would meet SEPA's current Pollution Prevention and Control requirements and as such it is unlikely that it could be built in the form approved should the current appeal be dismissed.

The increase in scale of development and operation could have a significantly detrimental air quality impact on the amenity of the surrounding area. A major omission from the air quality assessment is the lack of reference to potential impact on air quality or the health impact of the revised proposals on the future residents of the adjacent housing site which now benefits from 'minded to grant' approval for 500 units. There are areas where the air quality assessment is lacking or deficient and therefore the full impact of the proposed development, in air quality terms, is uncertain. A precautionary stance should therefore be taken, and the application refused on air quality grounds.

The proposed scale of the building and the stack does not integrate successfully into the local area or relate well to the existing context, and adversely impacts upon existing and proposed properties in landscape and visual impact terms. The increase in the height of the building and the tripling of the height of the chimney stack could have a significantly detrimental visual impact on the amenity of the surrounding area in particular the recently approved development of 500 houses directly adjacent to the eastern boundary of the site.

The stack and building would be prominent on the skyline. Due to their prominence, there would be widespread significant visual effects to distances of one kilometre. The significant visual effects of the proposed amended design would be more widespread than the effects of the consented design.

The impacts described in the appellant's landscape and visual assessment are often underplayed, including a lack of mention of the effect on the M8. While increased development across the wider area will reduce the 'standalone' effects of the proposals, there will be significant combined cumulative effects, and future residential receptors will experience a more urban landscape. Existing tall structures are either not nearly as tall as the proposals or are located at some distance away. The high quality buildings of the Eurocentral site do not create a precedent for an 80 metre flue stack along the A8 corridor.

### **Other Parties' Cases**

Representations to the appeal and on the EIA report highlight the fact that additional housing development has been permitted closer to the appeal site since the previous approval. There are also claims that existing incineration capacity in Scotland is not being fully utilised.

Various international studies show negative health impacts around incinerators. Particular health concerns were raised about: fine particulates, toxic metals and organic chemicals bio-accumulating and cause chronic illness; toxic metals from emissions and fly ash being linked to behavioural problems; and some chemical pollutants causing genetic changes.

Fine particulates and heavy metals are resistant to removal. It would be better to err on side of caution and take a precautionary approach because this is a new and developing technology with inadequate data about its effects.

As put to me in representations from objectors, this is an area with already poor health statistics and high pollution. The EIA report acknowledges that existing nitrogen levels 'exceed critical load values', and even a slight further deterioration in air quality may therefore have a significant effect. Even low emissions can affect vulnerable groups e.g. asthma sufferers. There will be an impact on the proposed low emission zone in Coatbridge. It is contrary to the principle of environmental justice to subject this community to further polluting development, and it is unethical for people to be subjected to emissions when safe alternatives exist.

Specific points raised included: the contribution of SO<sub>2</sub> and NO<sub>2</sub> to acid rain and smog; uncertainty and concern about the type of waste to be incinerated; risks connected with the export of the light and easily windborne residual toxic fly ash to landfill; emissions when the plant is not operating in 'normal operating conditions' or at 100% efficiency; and lack of trust in SEPA as a regulator.

Concerns were expressed about visual impact, particularly of the chimney stack.

Scepticism was expressed about some of the benefits claimed. Options for reducing, reusing, recycling and composting waste should be explored before allowing incineration. Local authorities will be tied in to contracts to supply waste for this plant, undermining their incentive to reduce/ reuse/ recycle. There would be increased greenhouse gas emissions in comparison to recycling/ reuse/ composting. Fewer jobs would be created than in recycling alternatives. District heating claims are unsubstantiated. There would be no benefit to the local community.

Other matters raised in representations on the appeal or EIA report, included concerns about noise, impact on trees and wildlife, pollution of the Calder Water, traffic, odour/ vermin/ flies, a detrimental effect on tourism, and ground stability.

## **Environmental Impact Assessment**

While the planning application to the council was not accompanied by an EIA report, following a screening direction by Scottish Ministers (and subsequent scoping direction) an EIA report was submitted and consulted on during the course of this appeal. The EIA report covers topics including impacts on designated sites, ecological impact, landscape and visual impact, emissions, air quality, human health, noise, odour and traffic.

The report itself is brief, and most information is contained in appendices. These are mainly independent reports that have been brought together for the purposes of the EIA report. The information is not always presented in a way that reflects best practice in the field of environmental assessment, and as a result the report does not read as a fully coherent piece of work. However I am satisfied that the report contains sufficient information to enable a reasoned conclusion on the environmental effects of the scheme to be drawn. Unless otherwise stated I agree with the conclusions of the EIA report.

## **Reporter's Conclusions**

## The Principle of the Use of the Land

The appeal proposal complies with the relevant locational criteria set out in Policy 11 of the strategic development plan, which deals specifically with planning for zero waste, most notably because the site is designated for industrial use; can be described as degraded/derelict; and was previously occupied by waste management facilities. The proposal also draws general support from Policy 10 of the strategic development plan, which supports the delivery of heat and electricity through alternative renewable technologies.

In the North Lanarkshire Local Plan, the appeal site is specifically identified as an existing waste management facility. Here Policy EDI1A supports the continuing industrial and business character. Policy EDI3A provides in-principle support for all forms of renewable energy generation. Policy EDI3C supports applications for waste management facilities, subject to criteria that include support for locations in previous waste management facilities, or contaminated or degraded land. Policy NBE2C of the local plan promotes the re-use of vacant and derelict land such as the appeal site.

I conclude that the principle of developing an energy-from-waste facility at this location gains significant support from the provisions of the development plan, subject to consideration of the particular impacts of the proposal.

In terms of other material considerations, the site has a history of being used for waste management purposes, and a live planning permission for an energy-from-waste plant exists on this site. This permission has been materially commenced and will therefore remain in place without time limit. Though there is an element of doubt as to the likelihood that the existing permission would in fact be built should the current appeal be dismissed, the existence of this permission is nevertheless a powerful precedent indicative of the general acceptability of the use of this land for some form of energy-from-waste facility.

A significant change of circumstance since the granting of the existing permission has been the granting by the council of planning permission in principle for a large mixed use development (including 400-500 houses) on land immediately to the east of the appeal site. Although the final housing layout for this land is currently unknown, it will (if built) bring residential development much closer to the appeal site than was the case at the time of the earlier permission.

Paragraph 191 of Scottish Planning Policy suggests 250 metres as a guideline buffer zone between sensitive receptors (including housing) and thermal treatment plants. The layout of the neighbouring development site is as yet unknown, but the design statement accompanying the planning permission in principle implies that housing is envisaged within around 90 metres of the proposed energy-from-waste building.

The precautionary principle forms no part of Scottish Planning Policy for this type of development (except in the cases of flood risk or sound evidence of possible significant irreversible damage to nationally or internationally significant landscape or natural heritage resources).

Overall I conclude that the principle of an energy-from-waste development at this location is likely to be acceptable, most notably due to the site's allocation for waste management use in the local plan, the support given for waste management facilities on sites of this type by Policy 11 of the strategic development plan, the history of waste management use for this

land, and the existence of a live planning permission for an energy-from-waste development. However the significant change of circumstance since the granting of the existing permission in the form of the adjacent mixed use consent must also be acknowledged and considered when examining the particular impacts of the development. It must also be acknowledged that, due to this adjacent consent, the proposal is now located well within the guideline 250 metre buffer zone identified in Scottish Planning Policy.

### Air Quality, Emissions and Public Health

The principle role in regulating emissions from plants of this nature does not fall to the planning system, but falls to SEPA to licence under the Pollution Prevention and Control Regulations. However, Planning Advice Note 63 identifies air quality and pollution prevention among the matters to be considered in determining planning applications for energy-from-waste plants. One of the council's reasons for refusal related to air quality and health concerns, and the vast majority of representations on the appeal express concern about the health impacts of the proposed plant. I have therefore found it necessary to consider the potential impact of emissions in this planning appeal.

In terms of expert opinion on the air quality and health impact assessments, and supplementary environmental information, supplied by the appellant, SEPA has given its opinion that the applicant has submitted sufficient information to allow it to confirm that the proposed plant is potentially consentable, as per the requirements of the Pollution Prevention and Control regulatory regime. No objection to the proposal was received from the council's internal Protective Services Department. The council's consultants for this appeal have made various criticisms of the approach followed, which I address in the report, but overall consider the methodology adopted by the assessment to be robust. In the light of these views and my analysis of the assessments, I conclude that a sufficient level of certainty exists that emissions from the proposed plant would fall within acceptable limits to enable planning permission to be granted. The proposal therefore complies with Policy DSP4(3)d of the North Lanarkshire Local Plan because it adequately mitigates its air quality impacts.

Significant concerns about the feared health effects of emissions from this proposed plant have been raised by most of the large number of representations received on this appeal. These concerns are clearly genuinely held, and it is wholly legitimate for local people to have questions that they would expect to be fully and properly addressed before the development is allowed to proceed. Representations have referenced many international studies into the health effects of emissions from various types of incineration facility. However, it is beyond the scope of this individual appeal to carry out a review of the wide range of specialist literature on this topic. The general acceptability of forms of incineration as a means of disposing of waste is a matter for wider Government waste policy rather than this individual appeal. For the purposes of this planning appeal, the decision must be guided foremost by the policies of the development plan, but also by national planning policy. Planning Advice Note 63 acknowledges that energy-from-waste has an important role to play in meeting renewable energy targets.

### Landscape and Visual Impact

The proposal would not have a significant detrimental impact on the local landscape due in part to the increasingly urbanised character of this part of North Lanarkshire. However the bulk and utilitarian appearance of the proposed plant and the height of the proposed stack

(and occasionally its associated visible plume) would give rise to some important adverse visual effects. The most notable of these would be on the proposed residential development to the east of the site and on travellers on the A8 trunk road and M8 motorway. The stack in particular would become a notable landmark on one of central Scotland's most important transport corridors. For this reason the proposal would be contrary to criterion 3f of local development plan Policy DSP4 due to the failure to fully relate well to the existing context, and to avoid any adverse impact on existing or proposed properties through loss of amenity.

It is possible that people's response to views of the stack would be affected by their knowledge that this was an energy-from-waste plant, and their concerns about emissions from such plants. While I have concluded that emissions and health impacts are likely to fall well within acceptable levels, this will not necessarily remove people's concerns, and hence their increased sensitivity to views of the proposed plant. However it does not appear to me that these considerations can be given any significant weight in planning decision-making, as they are not based on any objective assessment of actual impacts.

### The Benefits of the Development

The proposed plant would contribute towards the achievement of Scotland's zero waste target of sending no more than 5% of Scotland's annual waste arisings to landfill by 2025. In terms of the waste hierarchy, an energy recovery facility such as this is more beneficial than waste disposal, but less desirable than waste prevention, reuse or recycling. However it should be noted that the facility will only treat residual waste from which recyclates have been removed, and will itself produce some reusable metals as a residue. It would appear that a plant of this nature would make a contribution to the range of waste treatment options available in central Scotland.

The proposed plant would also contribute towards the national targets of deriving 30% of overall energy demand and the equivalent of 100% of electricity demand from renewable sources by 2020. It would also avoid the release of significant amounts of CO<sub>2</sub> that would otherwise have been released had the waste been landfilled or the electricity generated from a fossil fuel.

The appellant's work on exporting heat is clearly at an early stage, and there can be no guarantees that any such benefits would in fact arise. The best that can be said at this stage is that there is good potential for such systems to be installed and the site is relatively well located to benefit several users of heat in the locality.

Overall I am satisfied that the proposed development would produce a number of benefits. However most of these benefits mainly arise at the national and global scale, rather than being direct benefits for local communities.

### Other Matters

A small element of uncertainty remains about some aspects of the appellant's assessment of predicted noise levels in the proposed new housing development to the east. However, there remains a considerable 'margin for error' before noise levels that could be considered to have a significant adverse impact would arise, and account could be taken in the design and layout of the new housing area of the existence of the plant. In terms of noise, I therefore conclude that the proposal complies with local plan Policy DSP4 3d of because it mitigates any likely noise impacts.

Regarding impact on wildlife, an active badger sett exists outwith but close to the appeal site. The appellant has produced a badger protection plan that sets out mitigation measures that would be followed in the event that a licence from Scottish Natural Heritage was required for works affecting the sett. It is probable that these measures would be adequate, but it should be acknowledged that some small risk remains that any planning permission would not be capable of implementation in the event of any requisite licence not being forthcoming. Otherwise, I conclude that the proposed development would comply with local plan Policy NBE1 because it safeguards sites of importance for natural heritage and biodiversity, and I am satisfied that protected species would either not be compromised or any adverse effects can be mitigated.

In terms of water pollution, traffic, odour and ground stability, I am satisfied that the development would not give rise to any problematic issues. Regarding tourism, while some negative impact on the visitor experience is possible, this would be small and diffuse.

### Overall Conclusions

In terms of the development plan, the principle of developing an energy-from-waste facility at this location is acceptable. The air quality and health impacts of this particular proposed development also appear to fall within acceptable limits, and there would not be a significant detrimental impact on the local landscape. While there would be some important adverse visual effects, most notably on the proposed residential development to the east of the site and on travellers on the A8 trunk road and M8 motorway, I nevertheless conclude on balance that the proposed development accords overall with the development plan.

The existence of an extant planning permission for an energy-from-waste plant on the appeal site is a significant material consideration which establishes the principle of the use. However, the prospect of residential development immediately to the east of the appeal site is a major change in circumstances since the approval of the existing planning permission. If built, this would bring sensitive receptors within the 250 metre guideline appropriate buffer distance to thermal treatment plants suggested at paragraph 191 of Scottish Planning Policy.

Claimed benefits of the scheme include the treatment of 204,000 dry tonnes per annum of residual waste that might otherwise have gone to landfill, the generation of 27MW gross of renewable electricity, the avoidance of over 80,000 tonnes of CO<sub>2</sub> equivalent emissions per annum compared to landfilling the waste, and the potential for the use of waste heat.

While some material considerations therefore militate against the development, others add to the case for granting planning permission. On balance I consider that the adverse considerations are not so powerful as to justify putting aside the support for the proposed energy-from-waste plant given by the development plan.

### **Recommendation**

I recommend that planning permission be granted, subject to the conditions listed in Appendix 3.



Scottish Government  
Planning and Environmental Appeals Division  
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Callendar Business Park  
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FK1 1XR

DPEA case reference: PPA-320-2125

The Scottish Ministers  
Edinburgh

Ministers

In accordance with my [minute of appointment](#) dated 27 July 2018, I have considered the appeal against the decision of North Lanarkshire Council to refuse planning permission for alterations to approved plans for energy to waste processing building at land at the former Shanks & McEwan site, 251 Glasgow and Edinburgh Road, Coatbridge, ML5 4UG.

This case was received by the Planning and Appeals Division on 15 May 2018. 82 representations were made on the appeal, either directly to the Planning and Environmental Appeals Division (DPEA), or to Members of the Scottish Parliament that were subsequently forwarded to the DPEA. On 21 June 2018, the Scottish Ministers issued a [recall direction](#) confirming that they would determine the appeal themselves instead of the person appointed by them. The reason given for the direction was the sensitive nature of this particular type of development, the proposal's possible implications for development plan policies, which include the promotion of clean air, public health, zero waste and visual amenity and because of the significant level of public interest.

On 9 February 2018, prior to its determination of the planning application, North Lanarkshire Council issued an Environmental Impact Assessment (EIA) [Screening Opinion](#) to the effect that EIA was not required for this development. On 20 February 2018, a member of the public emailed the Scottish Government to request that the Scottish Ministers issue a screening direction that EIA was required. By [letter](#) on 2 May 2018 the Scottish Government declined to issue a screening direction. However on 26 September 2018, the Scottish Ministers revisited the terms of the 2 May letter and determined to issue an [EIA Screening Direction](#), directing that the development was EIA development. The main reason for the Scottish Ministers' conclusion was that the proposed development was development described in paragraph 10 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations) (waste disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity exceeding 100 tonnes per day). Schedule 1 development is also EIA development within the meaning of the 2017 Regulations.

Having been informed of the requirement to prepare an EIA report, the appellant exercised their right to request an EIA scoping direction from Scottish Ministers. It was decided that the scoping direction in this case would be issued by the reporter. As required by the EIA Regulations, I therefore [consulted](#) the consultation bodies (Scottish Natural Heritage, Scottish Water, the Scottish Environment Protection Agency (SEPA), North Lanarkshire Council, the Health and Safety Executive and Historic Environment Scotland). Following the receipt of these bodies' comments, I subsequently issued an [EIA scoping direction](#) on

10 January 2019. Following further clarification from SEPA relating to carbon capture readiness, I issued an [amendment](#) to the scoping direction on 19 February 2019. The case was sisted while the environmental statement was in preparation.

The [EIA Report](#) was submitted on 8 March 2019, and was duly advertised (on 5 April 2019) and [consulted](#) upon. It was also decided to go beyond the regulatory requirement and notify all the parties who had made representations on the appeal. A total of 475 representations were received in response to the consultation on the EIA report, mainly from local residents. Following the close of the representations period on 3 May 2019, the appellant submitted their response to the points made on 30 May 2019.

Given the decision that this was EIA development, a member of the public questioned whether this application had been correctly determined by the council to be a 'local development', as opposed to a 'major development', under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As a consequence of its being treated as a local development, various procedures that would have been carried out for a major development, such as pre-application consultation, were not carried out for this application. I sought the views of parties on the implications of this matter, but ultimately [ruled](#) on 16 January 2019 that the judgement as to whether this was a major or a local development was not before me and did not fall to be decided by the Scottish Ministers because it was up to the council to make this determination, to which there is no right of appeal.

I conducted unaccompanied inspections of the appeal site, its surroundings and other locations referred to in evidence on 22 August 2018 and 3 October 2019.

My report takes account of the written representations made by the parties. It also takes account of the EIA Report and other environmental information submitted by the parties, and of evidence from my site inspections.

The report provides a background to the proposed development in chapter 1. In chapter 2, the main findings of the EIA Report are summarised, to provide a broader contextual understanding of the scheme. I consider the cases of the appellant, the council and the parties who have made representations on the proposal in the subsequent topic-based chapters, before setting out my overall conclusions and recommendation in chapter 8.

## Abbreviations

CO <sub>2</sub>	Carbon dioxide
dB LA90	A statistical parameter, representing the A-weighted noise level exceeded for 90% of each sample period. This gives a measure of the underlying noise, and is commonly used to describe the ambient background noise.
DPEA	Planning and Environmental Appeals Division
EIA	Environmental Impact Assessment
The EIA Regulations	The Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017
mg m <sup>-3</sup>	Milligram per cubic metre
MWh	Megawatts per hour
NO <sub>2</sub>	Nitrogen dioxide
NO <sub>x</sub>	Nitrogen oxides
PM <sub>2.5</sub>	Particulate matter of 2.5 microns in diameter or smaller
PM <sub>10</sub>	Particulate matter of 10 microns in diameter or smaller
SCAIL	Simple Calculation of Atmospheric Impact Levels
SEPA	The Scottish Environment Protection Agency
SO <sub>2</sub>	Sulphur dioxide
SSSI	Site of Special Scientific Interest
SuDS	Sustainable drainage systems
WRATE	Waste & Resources Assessment Tool for the Environment
µg m <sup>-3</sup>	Microgram per cubic metre

## CHAPTER 1: BACKGROUND

### Site location and ownership

1.1 The appeal site consists of the former Shanks and McEwan premises at 251 Glasgow and Edinburgh Road, Coatbridge, and is around 3.6 hectares in area. The site is clear of buildings and other structures, but hardstanding areas associated with previous industrial buildings and operations remain. There is an existing vehicle site access from the A8 associated with the historic use of the site.

1.2 The site is located at Ordnance Survey grid reference 2744 6626. It is bounded to the south by the A8 (Glasgow and Edinburgh Road), to the east by the main Motherwell-Coatbridge railway line and woodland corridor and to the west and north by an area of scrubland (formerly a landfill site) with the North Calder Water further to the north-west. The East Shawhead Industrial Estate is located around 300 metres to the northwest of the site. The residential area of South Carnbroe is situated around 200 metres north-east of the site beyond the railway line and woodland corridor. Immediately to the east of the rail line, less than 100 metres from the proposed facility operations, is a site where planning permission in principle was granted in 2018 for 400 houses. The council has subsequently decided it is minded to grant an application to increase the capacity of that site to 500 houses.

1.3 Further afield, the M8 motorway runs approximately 250 metres to the south of the site, and the Eurocentral business park lies around 700 metres to the south-east (at its nearest point). The site is centrally located between the North Lanarkshire towns of Coatbridge (to the north), Airdrie (to the north-east) and Bellshill (to the south).

1.4 According to the planning application form the land is owned by Roscco Investments LLP.

### Description of Development

1.5 The proposed development was described in the planning application as a variation of the approved planning permission ref. 09/00675/FUL for an energy-from-waste building. The description of the proposal in the appeal form is for:

“Alterations to approved Plans for Energy from Waste (EfW) processing Building (planning permission ref. 09/00675/FUL) incorporating a reduction in the footprint of the building, changes to the design of the building, an increase in the height of the ventilation stack to 80m, an increase in the gross energy output to 27Mw, an increase in the throughput of waste fuel to 204,000 dry tonnes per annum (an increase of 24,000 tonnes) and associated access improvements to the junction with the A8.”

1.6 However it is clear from a comparison of the [approved](#) and proposed<sup>1</sup> plans that the footprint, profile, massing and height of the proposed building has changed significantly. The proposed footprint of the building has moved further to the north-east of the site. The building height would now rise to 38 metres as opposed to 30 metres in the 2009 application. Two 27 metre stacks would be replaced by a single 80 metre stack. The curved roof design would be replaced by flat roofs. Large condenser units would be introduced separated from the main buildings. The administration building would be in a

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<sup>1</sup> [Drawing set 1-4](#) and [Drawing set 5-8](#)

different location on the site. Overall, the current proposal can only be described as a different building to that approved on appeal in 2011.

1.7 In addition the process proposed to be carried out in the building has changed from one including 'front-end' waste sorting to the processing only of pre-treated residual waste. The maximum tonnage of waste fuel would increase by 24,000 tonnes per annum to 204,000 tonnes per annum. Power generation would change from combined cycle to steam. The power output from the plant would increase from 22.6MW (gross) to 27MW (gross). The amount of waste materials (ash and metals) to be disposed of to landfill would reduce from 31% to 5-8%.

1.8 It is therefore questionable whether this application can be described as a variation to the previously-approved development. It would be better characterised as a fresh application for a different form of energy-from-waste plant on a site previously approved for that use.

1.9 The development is based around several main buildings, comprising the turbine, boiler building, administration building, waste bunker and reception hall. The main buildings are steel structures with cladding, built on concrete foundations while the waste bunker buildings are concrete structures with upper steel structure. In addition to the main buildings, there will be a steel stack and various ancillary infrastructure elements, such as air cooled condensers, vehicle weighbridge, gatehouse, internal roads and car parking area, radiator fans, water tanks, ash storage and transfer area, silos and transformers.

1.10 The principal components of the proposed energy-from-waste process are described in the [Construction Environment Management Plan](#) as: waste reception and bunker; boiler; steam turbine and generator; condensing and cooling; flue gas treatment; and water treatment plant. The process would involve the gasification thermal treatment of offsite prepared pre-treated fuel derived from commercial and industrial sources. The plant would thermally treat pre-processed, non-hazardous residual waste. Waste received at the site would be directed to the fuel reception building where it would be shredded in order to form a homogeneous feedstock suitable for the gasification facility. The feedstock would then be conveyed to the process building which houses the gasification plant, turbine and flue gas clean-up equipment. Here the thermal treatment and energy recovery would take place. A detailed description of the gasification process proposed to be undertaken in the building, and of the reasoning behind this choice of technology, is given in [Appendix 2.0](#) of the EIA report.

1.11 The proposed gross floor area is 7,155 square metres and the appeal site extends to 3.6 hectares in area.

## **Planning History**

1.12 According to the council, the site has previously supported a mixed variety of industrial and waste management land uses, including landfill, waste transfer station and a waste tyre depot, all of which have now been removed from the site. The most recent relevant planning submissions at the site are summarised as follows:

- 07/00643/FUL Change of Use of General Industrial Area to Waste Transfer Station for Storage and Processing of Car Waste (Retrospective) (Granted August 2007)
- 09/00675/FUL Commercial, Industrial and Municipal Waste Material Recovery and Renewable Energy Facility comprising Main Processing Building and Office Block

(Appeal allowed 17th May 2011). This decision was the basis of unsuccessful legal challenges by the council. Works were started on site in 2014 and the planning permission remains in place without a time limit.

- 15/01820/AMD Alteration to approved energy from waste processing building, incorporating provision of external turbine chiller unit, repositioning of flue stack, deletion of front end material recovery facility and repositioning of internal waste reception hall to south elevation of EfW Building. (Section 42 variation to condition 2 of planning permission 09/00675/FUL). Granted 20th April 2016. Permission expired April 2019
- 17/00571/PAN Proposal of Application Notice: Proposed Class 4, 5, & 6 with Associated Access Works, Landscaping & SuDS Pond (includes land to west and north of this application site).
- 17/01578/AMD Alterations to approved plans for energy from waste processing building incorporating a reduction in the footprint of the building, changes to the design of the building, an increase in the height of the ventilation stack to 80m, an increase in the gross energy output to 27Mw, an increase in the throughput of waste fuel to 204,000 dry tonnes per annum (an increase of 24,000 tonnes) and associated access improvements to the junction with the A8. (Section 42 variation of conditions, 2, 3, 4 and 19 of planning permission 15/01820/AMD). Formally withdrawn on the 28th of February 2018 for procedural reasons.
- 18/00189/PASE - Confirmation from the council that the proposed development does not constitute a 'major' development in terms of the planning hierarchy and therefore statutory pre-application consultation with the local community was not required.

1.13 Also of relevance is planning permission 15/01792/PPP for mixed use development including 400 dwellinghouses on land on the east side of the Motherwell to Coatbridge railway line which in turn defines the eastern boundary of the appeal site. When developed the approved housing site will become the closest housing to the appeal site. Planning application 18/00279/AMD sought to vary this permission to increase the capacity of this site to 500 dwellings. The council has decided it is 'minded to grant' this application subject to the conclusion of a legal agreement. A subsequent application (18/01326/MSC) for the approval of matters specified in conditions has been submitted for the eastern part of this site (i.e. the part furthest from the appeal site) for the erection of 210 houses.

1.14 The planning application (18/00180/AMD) that is the subject of the present appeal was recommended for approval by North Lanarkshire Council planning officials, but was refused at committee on the basis that the proposed development was contrary to the development plan policies on the promotion of clean air, public health, zero waste and visual amenity. The following reasons were given for the decision:

1. The proposals will result in an increased level of air pollution which may have serious health implications for the residents of Carnbroe and other local communities. This is contrary to Policy DSP4C of the North Lanarkshire Local Plan 2012 which requires new development to address energy, resources and waste issues in order to create a sustainable development with a low ecological footprint including the promotion of health and wellbeing and measures which reduce CO2 emissions and encourage low and zero-carbon approaches. The development is also contrary to Policy DSP4D of the North Lanarkshire Local Plan 2012 which requires new development to mitigate any likely air quality, noise or pollution impacts particularly in or adjacent to Air Quality Management Areas (AQMA) given that this development will result in an increased level of air pollution and given its location in close proximity to the Shawhead and Chapelhall AQMA's.

2. The height of the stack at 80 metres will be visually intrusive from a wide area and consequently will be detrimental to the visual amenity of the area. This is contrary to Policy DSP4F of the North Lanarkshire Local Plan 2012 which requires new development to integrate successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through loss of amenity and overshadowing.

## Policy Context

1.15 The **development plan** for the appeal site consists of the [Glasgow and the Clyde Valley Strategic Development Plan](#) (Clydeplan) (2017) and the [North Lanarkshire Local Plan](#) (2012).

1.16 Schedule 14 of the **strategic development plan** defines waste management facilities with capacities of over 25,000 tonnes per annum, electricity generating developments with capacities of over 20 megawatts, and industrial developments of over two hectares as being strategic in scale, and thus likely to impact on the plan's vision and strategy. Such developments fall to be assessed against various provisions of the plan. The proposed development meets these criteria, and therefore the policies of the strategic development plan are relevant.

1.17 The 2036 Vision for Clydeplan set out in the strategic development plan includes reference to: "Low carbon heat and power, waste management and green networks, contributing to ecologically sustainable economy and lifestyles." Also within the Vision, the 'spatial land use model' incorporates "Low Carbon Infrastructure: Heat and power networks, network of waste management infrastructure ... which contribute to a low carbon economy and lifestyles."

1.18 Policy 11 of the strategic development plan reads as follows:

"In order to support the Vision and Spatial Development Strategy and to meet the targets set out in the Zero Waste Plan, development proposals for waste management facilities will generally be acceptable subject to local considerations, in the locations set out below:

- land designated for industrial, employment or storage and distribution uses;
- degraded, contaminated or derelict land;
- working and worked out quarries;
- sites that have the potential to maximise the re-use of waste heat through co-location with heat users;
- existing or redundant sites or buildings that can be easily adapted; and,
- existing waste management sites, or sites that were previously occupied by waste management facilities."

1.19 Policy 10 deals with delivering heat and electricity, and the relevant part reads:

"In support of the transition to a low carbon economy and realisation of the Vision and Spatial Development Strategy, support should be given, where appropriate, to alternative renewable technologies and associated infrastructure."

1.20 The appeal site is identified in the **North Lanarkshire Local Plan** as an ‘Industrial and Business Area – Existing Waste Management Facility’. The policy applying to this designation is Policy EDI 1A1 - Protecting Economic Development Areas and Infrastructure – Industrial and Business Areas, which states:

“The Council will support the continuing industrial and business character of existing industrial and business areas, where appropriate, including existing waste management facilities by considering ancillary development and changes of use in all existing industrial and business areas against the terms of Supplementary Planning Guidance EDI 1A criteria, including:

- extent to which there is a surplus in the land supply for industry and business
- potential undermining of the attractiveness as a location for industry and business
- specific locational requirement for the proposal
- whether the proposal would result in significant economic benefit to the Plan area
- existence of suitable alternative sites
- impact on travel patterns and accessibility by public transport
- whether the development would re-use vacant or under-utilised industrial land.”

1.21 Policy EDI3A provides in-principle support for all forms of renewable energy generation. Policy EDI3C deals specifically with waste development and states:

“Applications for waste management facilities will be supported where they:

- are located within:
  - i. an existing or previous waste management facility
  - ii. industrial, business or storage and distribution land (EDI 1A land) or a site allocated in the development plan
  - iii. contaminated or degraded land
- deliver additional capacity as required in Zero Waste Plan Annex B
- comply with EU Waste Framework Directive, the National Waste Plan (Scotland’s Zero Waste Plan), Regional Guidance and issues of need and impact
- show consideration of sustainable transportation of waste
- are located close to users of heat and power, in the case of Energy from Waste/ Advanced Thermal Treatment facilities”.

1.22 Policy DSP4 seeks high standards of site planning and sustainable design, and sets out a series of criteria aimed at delivering this. Of particular relevance are the following criteria:

- 3c: ‘addressing energy, resources and waste issues in order to create a sustainable development with a low ecological footprint including: reducing energy need; encouraging sustainable construction; promoting health and wellbeing; reducing waste and resources used through effective storage collecting and composting of waste and recyclable materials, and measures which reduce CO2 emissions and encourage low and zero-carbon approaches’.
- 3d: ‘mitigating any likely air quality, noise, or pollution impacts particularly in or adjacent to Air Quality Management Areas; and
- 3f: ‘integrating successfully into the local area and avoiding harm to the neighbouring amenity by relating well to the existing context and avoiding adverse impact on existing or proposed properties through overlooking, loss of privacy or amenity, overshadowing, or disturbance’.

- 1.23 A number of other more general local plan policies are also of relevance.:
- Policy NBE1 safeguards sites of importance for natural heritage and biodiversity from development.
  - Policy NBE2C promotes the re-use of vacant and derelict land.
  - Policy DSP3 requires developers to meet or contribute to the cost of providing or improving any community facilities or infrastructure necessitated by the development.

1.24 The **National Planning Framework 3** states that “a decentralised network of processing facilities will be needed to achieve our vision for a circular economy where waste is recognised as an opportunity, not a burden.”

1.25 [Scottish Planning Policy](#) sets out the following policy principles for planning for zero waste:

- “promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland’s zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland’s annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.”

1.26 Paragraph 188 clarifies that “planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.” Paragraph 191 suggests 250 metres as a guideline buffer zone between sensitive receptors (including housing) and thermal treatment plants.

1.27 Paragraph 154 states that “the planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:
  - 30% of overall energy demand from renewable sources by 2020;
  - 11% of heat demand from renewable sources by 2020; and
  - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to ... heat recovery; efficient energy supply and storage; [and] electricity and heat from renewable sources ...”.

1.28 Paragraph 169 states that considerations for proposals for energy infrastructure developments are likely to include (factors not relevant to this case omitted):

- “net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- cumulative impacts;
- impacts on communities and individual dwellings, including visual impact, residential amenity [and] noise;
- landscape and visual impacts;
- effects on the natural heritage, including birds;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;
- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.”

1.29 **Planning Advice Note 63 (Energy from Waste)** reiterates the Zero Waste Plan’s acknowledgement that energy-from-waste has an important role to play in meeting renewable energy targets, and that energy-from-waste could contribute 31% of Scotland’s 2020 renewable heat target and 4.3% of our 2020 renewable electricity target. Preferred locations for energy-from-waste operators are said to tend to relate to proximity to waste streams, major end users (e.g. buildings with high heat demand), rail links or road infrastructure. Typical planning considerations in determining planning applications for energy-from-waste are listed as:

- design and visual impact considerations, particularly of the chimney;
- amenity considerations, including odour, air quality, noise and traffic;
- defence considerations (e.g. tall chimneys); and
- pollution prevention (reference is made to consulting SEPA).

1.30 The council has published [supplementary planning guidance](#) for waste development. This summarises the contents of the Scottish Government’s Zero Waste Plan, including the principle of the waste hierarchy whereby waste is managed in a sustainable manner with the most favoured option being prevention, followed by minimisation, reuse, recycling and energy recovery, with disposal being the least favoured option. The guidance restates the Zero Waste Plan’s target for waste management facilities to recycle at least 70% of Scotland’s total annual waste arisings, treat unsorted waste materials prior to incineration or landfill, and landfill a maximum of 5% of Scotland’s annual waste arisings.

1.31 The guidance states that energy-from-waste has an important role to play but to be truly sustainable it should be only used for resource streams which cannot practicably offer

greater environmental and economic benefits through reuse or recycling. Regarding waste recovery the guidance states that the choice between materials recycling, composting and recovery of energy from waste should be based on the best practicable environmental option for a particular waste stream.

1.32 Regarding locational criteria, the guidance states that existing and proposed waste management facilities, for the treatment and disposal of municipal waste and existing non municipal waste ... as shown on the proposals map, shall be safeguarded for waste management use. In line with Planning Advice Note 63 and the Zero Waste Plan, potential locations for waste management activities are said to include:

- Industrial, employment, business, distribution or storage areas
- Degraded, contaminated or derelict land – particularly if there is an opportunity to remediate or enhance damaged sites, or to bring derelict or degraded land back into productive uses;
- Sites that have the potential for the re-use of waste heat through co-location with potential major heat users.
- Working and worked out quarries
- Existing landfill sites where, for example, Energy from Waste, material co-location or composting facilities may be conveniently located.
- Existing/ redundant sites or buildings that can be easily adapted
- Existing waste management sites, or sites that were previously occupied by waste management facilities
- Other suitable sites with good accessibility to railways, waterways or the trunk and principal road network junctions.

1.33 Pyrolysis/ gasification facilities are said to be potentially suitable for a range of sites and settings with preference given to areas allocated for business use or traditional industrial/ commercial areas. Large scale thermal treatment facilities are said to be generally not compatible with residential areas with existing waste sites and major industrial areas being preferred. Energy-from-waste plants should be located in close proximity to energy grids or major users of the heat and power.

1.34 The guidance lists the following main factors to consider in applications for waste developments:

- Contribution towards area Zero Waste Plan targets [note this refers to a superseded version of the Zero Waste Plan that contained area targets].
- Location in relation to the main sources of waste. A preference is noted to locate new waste facilities within existing or previous waste management facilities, on industrial or brownfield land or on contaminated or degraded land.
- The potential impact of the proposal on local communities and other sensitive land uses.
- Impact on the historical environment.
- Impact on natural heritage features.
- Local environmental effects including noise, dust, vibration, odour, attraction of vermin or birds, litter, potential for pollution of surface water or ground contamination.
- The design of the site.
- Hours of operation and length of proposed operation.
- Off-site impact of any odours, discharges of gas, effluent or leachate, and adequacy of any buffer zone.

- The balance between the potential benefits of co-location of facilities against a cumulative concentration of sites in a locality which could have a detrimental impact by virtue of their cumulative impact.
- Accessibility and mode of transport used.
- Where appropriate, the suitability of arrangements for the after use and restoration of the site.

1.35 The Proposed North Lanarkshire Local Development Plan, which will in due course replace the current local plan, is at a relatively early stage in its preparation and has not yet been submitted for examination. However an [extract](#) of the Proposals Map submitted for this appeal shows the appeal site as continuing to be identified for business use.

### **Main Issues**

1.36 The law requires this appeal to be determined in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, I consider the main issues in this appeal to be:

- The principle of the use of this land for an energy-from-waste plant;
- Air quality, emissions and public health;
- Landscape and visual impact; and
- The benefits of the development.

1.37 I consider these issues in chapters 3 to 6 of this report, and consider other issues in chapter 7.

## CHAPTER 2: THE ENVIRONMENTAL IMPACT ASSESSMENT

2.1 The proposed development is described in chapter 1 and section 2 of the [EIA report](#). It is EIA development. The determination of this appeal is therefore subject to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 EIA regulations”).

2.2 As the decision-maker in this case, the Scottish Ministers are required to examine the environmental information, reach a reasoned conclusion on the significant environmental effects of the proposed development and integrate that conclusion into their decision notice.

2.3 It is a requirement of the 2017 EIA regulations to include information in the decision notice in regard to opportunities for the public to participate in the decision-making procedure. In this case:

- Consultation at the application stage resulted in 252 letters of representation being received and a petition with 1,326 signatories
- The appeal was notified to 254 interested parties including all those who commented on the planning application. This resulted in 82 representations being made on the appeal.
- The EIA report was published on the council's website and the DPEA webpages associated with this case, and made available to view at the council's Cumbernauld offices and at Coatbridge Library.
- Letters were sent to the [consultation bodies](#) and all [groups and individuals](#) who had made representations on the appeal, advising how to view and comment on the report.
- A public notice explaining how to view and comment on the EIA report was placed in the Edinburgh Gazette, Airdrie and Coatbridge Advertiser and Bellshill Speaker on 5 April 2019.
- A total of 460 representations were received on the EIA report.

2.4 My conclusions on the significant environmental effects of the proposal are set out in the various chapters of this report. I am satisfied that my reasoned conclusions on the significant effects of the proposed development are up to date.

2.5 On 10 January 2019 I issued an EIA [scoping direction](#). Following further clarification from SEPA relating to carbon capture readiness, I issued an [amendment](#) to the scoping direction on 19 February 2019. The scoping direction (as amended) identified the matters to be covered in the EIA report. It also identified certain matters that did not need to be covered (i.e. that were ‘scoped out’) because the development was unlikely to have any significant effect on them. These matters were the effects on sites of special scientific interest designated only for their geological features, on the historic environment, on the water environment and flooding, and on wetlands and peatlands.

2.6 The [EIA report](#) was submitted on 8 March 2019. Consultation responses were received from [Historic Environment Scotland](#), [North Lanarkshire Council](#), [Network Rail](#), the [Scottish Environment Protection Agency](#), [Scottish Natural Heritage](#), and [Transport Scotland](#). 460 other representations were received on the report from the parties listed in Appendix 1 of this report. This chapter summarises the findings of the report and the technical comments received on it from North Lanarkshire Council, SEPA

and Scottish Natural Heritage. Other representations received in response to the report are summarised in Appendix 2 of this report.

2.7 Part 3 of the EIA report contains an overview of the environmental impact assessment itself. Section 3.2 deals with **sustainable waste management**, and the associated [Appendix 2.0](#) sets out to demonstrate that the technology to be used in the proposed plant represents the best available techniques. The development could handle 204,000 tonnes per annum of residual pre-treated commercial and household waste, thus removing a requirement for a materials recovery facility on-site, in contrast to the previously approved scheme. This material would undergo a process of gasification and combustion stated to involve a high level of overall thermal efficiency.

2.8 The report states that this technology (described as ‘Kobelco Gasification’) has been used in around 50 plants around the world and has a long track record of thermal efficiency, low emissions, and ability for the recovery of heat. Although more expensive than other technologies, gasification was chosen for reasons of emissions, efficiency and physical constraints. The primary environmental reason was for the inherent low NOx emissions before abatement equipment, which is achieved through the use of two stage combustion and the use of exhaust gas recirculation technology. It is stated that this should allow compliance with emission limits even before the addition of selective non-catalytic reduction which is also fitted to the plant as a surety for guaranteeing the emission limits.

2.9 The report states that the advanced design of the Kobelco technology, using a number of best available technology pollution control measures, controls, minimises and reduces emissions as low as possible. The level of emissions and overall performance of the plant is much tighter than that found for other uses for this material either in small biomass boilers which are not typically fitted with any emissions abatement or within reuse options such as chipboard factories. SEPA will not be allowed to issue a permit unless they are satisfied that the facility uses best available techniques and that it will not cause detrimental impacts in its operation.

2.10 The local air impacts from the plant are said to have been comprehensively assessed using advanced air quality models and the impacts from these have been assessed favourably against air quality standards. For these reasons the report concludes that the environmental performance of the plant represents best available technology and best practicable environmental option. The proposal is said to be a state of the art plant designed to meet the strict rigours of European directives. It is a facility treating locally available residual waste without large transportation distances while recovering such valuable products from this material as heat, a gross electrical output of 27 megawatts and clean metal recyclates.

2.11 In its [comments](#) on the EIA report, North Lanarkshire Council’s consultants point to some discrepancies in relation to figures for gross electrical output, electrical power and tonnage to be treated.

2.12 Section 3.3 of the EIA report deals with **designated sites** and concludes that the potential impact on local air quality is likely to be small and would be unlikely to result in a significant threat to nearby ecological habitats. The report states that detailed atmospheric dispersion modelling of process emissions has been undertaken, and that this, together with certain supplementary information (as listed in [Appendix 10](#) of the report) enable SEPA to conclude that the operation of the facility would not pose a

significant threat to the integrity of nearby designated ecological habitats. A Simple Calculation of Atmospheric Impact Limits from Combustion Sources (SCAIL) assessment has also been carried out (see [Appendix 3](#) of the EIA report) to screen the proposal for impacts on specific designated sites as highlighted by Scottish Natural Heritage. The results show that the impact of emissions from the North Lanarkshire Bio Power facility can be screened out as insignificant.

2.13 In its [response](#) to the EIA report, Scottish Natural Heritage confirmed its view that it is unlikely that the proposal will have a significant effect on any qualifying interests of any internationally designated sites either directly or indirectly, and that an appropriate assessment is therefore not required.

2.14 Section 3.4 of the EIA report deals with **ecological impact** more generally. An extended phase 1 habitat survey has been carried out of the appeal site ([Appendix 4](#) of the report). The majority of the proposed development footprint was found to be of low ecological value, with the exception of areas of scrub and semi-natural broadleaved woodland. The ecological value of the survey area is likely to increase if it is left undisturbed. Habitat adjacent to the survey area is likely to be of higher ecological value within the local context and should be protected during the proposed works.

2.15 The survey found that the proposed development would have a direct interaction on a small part of the North Calder Water site of importance for nature conservation and ancient woodland inventory site, which may have a short-term effect on the connectivity of the riparian corridor on the east bank of the river. This could be restored by replanting with fast-growing tree species.

2.16 In order to avoid delays in works, the survey recommends that clearance of vegetation should take place outwith the breeding bird season where possible. In order to determine any potential effect on breeding Kingfisher, further survey work would be required within the breeding season (March to September inclusive) for kingfisher.

2.17 Badger and otter have been shown to be present within the survey area. A badger sett and otter resting site are both present within 30 metres of proposed works. The survey states that it is possible that works could be microsituated to avoid disturbance to these features.

2.18 In its [response](#) to the EIA report, Scottish Natural Heritage advised that species protection plans should be prepared for otter and badger. In response to a [procedure notice](#) from myself, the appellant submitted a [badger species protection plan](#) and an [otter species protection plan](#). These set out the measures said to be necessary to ensure the protection of these species.

2.19 North Lanarkshire Council's consultants [describe](#) the ecology section of the EIA report as 'light', and not conforming to any standard professional format. Various omissions are identified, though the ecological survey itself is not heavily criticised. It is concluded that any permission will need to include a range of conditions to satisfactorily deal with omissions and obligations.

2.20 Section 3.5 of the EIA report deals with **landscape and visual impacts**. A landscape and visual impact assessment of the proposed development ([Appendix 5](#) of the report) found that:

- In terms of public views the viewpoint assessment identified three close proximity views of the development that would be 'significant' in terms of the EIA regulations, these being viewpoints 1 and 4 from the A8 corridor south of the site and viewpoint 12, south of Shawhead. These are located within 700 metres of the site.
- In terms of views from neighbouring residential properties, the stack, and to a lesser extent the energy-from-waste building, would be visible from residential properties in Carnbroe and Shawhead, although the changes would not be of sufficient magnitude to affect residential visual amenity.
- Shadow modelling indicates that no existing residential dwelling would experience noticeable levels of overshadowing on the 21 March.
- Potentially the most notable effects on residential visual amenity are likely to be experienced by the future residents of the proposed mixed use development on land immediately east of the site, which have planning permission in principle and could at its closest point, be as little as 90 metres from the plant, potentially allowing close proximity views of the plant from the nearest residents, although the potential effects on visual amenity would be entirely dependent on the location, orientation and design of the dwellings, along with the amount of screen planting, which would be controlled by the respective developer and the council through the planning process. It is noted that there is no finalised layout available for assessment of this proposed development at this stage.

2.21 [Appendix 3](#) of the EIA report contains at section 3.1 an assessment of the visible plume that could occur during adverse meteorological conditions. This predicted that a visible plume of up to 360 metres in length and up to 100 metres in height could occur up to 25% of the time. Very few existing residential properties are within range of the plume, and are likely to experience shading as a consequence (though it should be noted that more properties within the permitted but unbuilt housing development to the east of the appeal site would be within range).

2.22 Overall, within the context of a rapidly changing, extensively modified urban landscape, which already includes permission for an energy-from-waste plant, the EIA report concludes that the localised impacts of the facility would not be sufficient to refuse permission on landscape or visual grounds.

2.23 In its [response](#) to the EIA report, Scottish Natural Heritage stated that the development has the potential for adverse impacts on local visual amenity which could not be adequately mitigated by existing or even additional planting proposals.

2.24 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the landscape and visual impact assessment has been carried out broadly in accordance with current guidance. However they generally feel that the assessment underplays landscape and visual effects in the case of various viewpoints.

2.25 Section 3.6 of the EIA report deals with **waste minimisation and the construction phase**. [Appendix 6](#) of the report consists of the construction environment management plan. This sets out to detail the measures that will be undertaken to ensure waste will be minimised at construction phases. It outlines procedures in terms of: induction and environmental awareness; vehicles, equipment, tools, drums and vessels; dust and exhaust; noise; working hours; housekeeping; waste disposal; traffic and vehicles; signs and notices; working with environmental hazardous materials; emergency contacts and response; and ecology on site. It is stated that waste minimisation under operational

phases will also be regulated under the Environmental Permit under which appropriate controls will need to be demonstrated to SEPA.

2.26 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants note that the construction environment management plan addresses construction phase waste.

2.27 Section 3.7 of the EIA report deals with **climate change**. [Appendix 7](#) of the report comprises a heat and power plan, and outlines the potential of the plant to generate heat for export to neighbouring users.

2.28 [Appendix 7.1](#) of the EIA report comprises a 'Waste & Resources Assessment Tool for the Environment' (WRATE) analysis which sets out to identify the project's carbon impacts. The findings show a CO<sub>2</sub> equivalent saving of the North Lanarkshire gasification operation of between 80,004 – 101,813 tonnes of CO<sub>2</sub> equivalent impact per annum compared to land filling the waste. This saving is described as being equivalent to the annual CO<sub>2</sub> emissions from 41,084 to 52,284 cars. This benefit is primarily derived from energy recovery, recycling (of metals from the process residue) and avoided methane (that would be generated by the landfill alternative).

2.29 The carbon benefit of the electricity generated and exported is also sensitive to the modelling approach undertaken. If the marginal energy mix is defined as 100% combined cycle gas turbine generation, it is claimed the North Lanarkshire development would save 47 kilogrammes of CO<sub>2</sub> equivalent/ MWh (net) electricity generated. If applying the standard WRATE assumptions this would save 185 kilograms of CO<sub>2</sub> equivalent/ MWh (net) generated. These approaches are stated to take account of the embedded carbon in constructing the facility and managing/ transporting the outputs.

2.30 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the broad approach appears appropriate.

2.31 Section 3.8 of the EIA report deals with **emissions**. Reference is made to the assessment included as [Appendix 2](#) to the report that, it is argued, demonstrates that the installation will operate in accordance with best available techniques. It is claimed that the facility represents one of the first in a new generation of highly efficient advanced thermal conversion processes for residual waste. It is a state of the art plant designed to meet the strict rigors of European directives.

2.32 [Appendix 3](#) of the EIA report contains a 'Simple Calculation of Atmospheric Impact Levels' (SCAIL) assessment of the impact of emissions on designated ecological habitats. This screened out any significant effects on these sites in relation to NO<sub>x</sub>, SO<sub>2</sub>, nitrogen and acid.

2.33 In its [response](#) to the EIA report, Scottish Natural Heritage considered the outputs of the SCAIL assessment and agreed that it was unlikely that the proposed facility would result in an adverse effect to site integrity or damage to the notified features of any sites of special scientific interest.

2.34 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the broad approach appears appropriate.

2.35 The potential impact of emissions is discussed further in chapter 4 of this report.

2.36 Section 3.9 of the EIA report deals with **noise**. [Appendix 9](#) of the report comprises a noise impact assessment based on British Standard 4142:2014 with consideration of the layout of the site and includes assessment of technical data on the building construction, equipment and attenuation.

2.37 The report assesses the possible impact to existing and proposed residential property in the vicinity. The ambient noise levels at those properties have been measured, and the exercise has indicated that background noise levels fall to a minimum of 42 dB L<sub>A90</sub> at night at the existing properties to the north (Claremont View), and 45 dB L<sub>A90</sub> in the area of the prospective housing to the east. The rating noise level generated by the proposal is calculated to be 36dB(A) for the existing properties to the north, and 49dB(A) for the prospective housing to the east. Because the rating level would be below the background night time noise level at the existing properties to the north, the assessment concludes this indicates a low impact, depending on context. If the prospective housing to the east were to include properties within 50 metres of the plant, the calculation indicates a 4dB exceedance over night time background levels here. The British Standard states that a difference of +5dB is likely to indicate an adverse impact, while +10dB would indicate a significant adverse impact, depending on the context.

2.38 The plant designers have also provided a justification that Best Available Technique (BAT) has been applied to reduce noise to the lowest level practicable.

2.39 [Appendix 9.2](#) of the EIA report consists of a separate assessment of the acoustic impact from site traffic, and concludes there would be no adverse impact on the adjacent residential areas.

2.40 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the use of a BS 4142 (2014) assessment is appropriate. However various criticisms are made of the approach followed, including:

- Background noise measurement survey does not include weekend periods where the background noise level may be lower.
- The northern background noise measurement location may be influenced by wind in foliage.
- The noise impact at the southern end of the site does not consider receiver locations shielded from road traffic noise.
- Inadequate information for the assessment of tonality has been provided.
- It is not clear if noise from the delivery of materials has been factored into the assessment.

2.41 Section 3.10 of the EIA report deals with **air quality**. An [air quality report](#) was submitted in support of the planning application, and as Appendix 10 to the EIA report. This only covered emissions from the flues, and not vehicular emissions on the basis that these would not increase over those permitted by the existing planning permission. The model used predicted that contributions for all pollutants prescribed for control by the Industrial Emissions Directive would be well below objective limits defined within the Air Quality Regulations, or relevant environmental assessment levels recommended by SEPA. [Appendix 10.1](#) to the report adds further information in response to comments made by SEPA and in the EIA scoping direction.

2.42 Modelling predicted that under normal operating conditions the maximum annual average process contribution for nitrogen dioxide would be about 0.8 µg m<sup>-3</sup>, approximately

2% of the 40 µg m<sup>-3</sup> annual objective value. The location of the maximum process contribution is predicted to be around 700 metres to the north-east of the facility chimneys, with values considerably lower farther afield. The process contributions for the other pollutants indicated that there would be no exceedance of their respective objective values and relevant environmental assessment levels.

2.43 Estimates were developed of nitrogen, sulphur and acidity deposition at ecologically sensitive receptors in the vicinity of the ATT facility development site. The results show that although current levels of nitrogen deposition associated with existing emission sources may exceed critical load values, the incremental increase due to emissions from the ATT facility is likely to be very small and unlikely to have a significant impact on the integrity of the ecological habitats. Similar conclusions were drawn for acid deposition.

2.44 The overall conclusion from detailed modelling of emissions from the facility is that the potential impact on local air quality is likely to be small and unlikely to result in a significant threat to the health of people living and working nearby.

2.45 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the methodology adopted is generally robust.

2.46 The issue of air quality is discussed further at chapter 4 below.

2.47 Section 3.11 of the EIA report deals with **odour impact**. [Appendix 11](#) of the EIA report includes details of odour modelling, impact on sensitive receptors, abatement techniques and air changes within the facility. An Odour Management Plan ([Appendix 11.1](#)) has been provided. These documents have previously been provided to SEPA who have [confirmed](#) "that the proposed energy-from-waste plant is potentially consentable, as per the requirements of the Pollution Prevention and Control regulatory regime".

2.48 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the Odour Management Plan needs to incorporate the measures that would be in place to minimise odour emissions on a daily basis, as set out in the Odour Related Technical Description.

2.49 Section 3.12 of the EIA report deals with **population and human health**. [Appendix 12](#) of the report comprises an assessment of the expected effects on population and human health. This report includes:

- Consideration of the impact on humans living or working in any nearby tall buildings;
- The cumulative impact on local air quality in the area taking into account other significant emissions nearby;
- Emissions from traffic in the area both during the construction and operational phases of the project

2.50 According to the assessment, increases in background NO<sub>2</sub>, SO<sub>2</sub> and PM<sub>10</sub> concentrations at nearby residential properties were low and would not have a significant impact on the health of people living and working nearby. Similar conclusions were drawn for other pollutants with short term, acute effects. Process contributions for pollutants such as volatile organic compounds and heavy metals were very low and their potential health effects screened out as insignificant in relation to health-based air quality standards and SEPA recommendations.

2.51 The assessment considered the potential health risks associated with the intake of dioxins as a result of the consumption of potentially contaminated foodstuffs due to emissions to atmosphere from the chimneys of the facility. The assumptions used within the assessment are said to be conservative and therefore the study was undertaken on a conservative worst case basis. The assessment indicates that the risk to health of the local population due to exposure to dioxins in emissions from the facility is likely to be low, typically around 2% or less of the tolerable daily intake of 2 pg/ kilogram. The inclusion of dioxin-like polychlorinated biphenyls into the assessment resulted in a small increase in the resulting process contributions, which remained a very small proportion of the 2 pg/ kilogram tolerable daily intake.

2.52 The assessment for health risks associated with exposure to emissions of polynuclear hydrocarbons demonstrated that process contributions would be less than 0.2% of the health-based air quality standard of 0.25 ng m<sup>-3</sup>, and can probably be screened out as insignificant.

2.53 In conclusion, the results from the health impact assessment are said to confirm that there is no significant health risk associated with emissions of pollutants from the proposed development.

2.54 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the broad approach appears appropriate. They do however point out some areas where improvements or a more comprehensive assessment could have been made. These include the use of an out-of-date assessment methodology, the lack of inclusion of emissions from road traffic, and a lack of justification for screening out increases in acid deposition at various sites of special scientific interest.

2.55 Section 3.13 of the EIA report deals with **pollution prevention and environmental management**. The proposals in relation to the pollution prevention and environmental control are outlined in the Construction and Environmental Management Plan ([Appendix 6](#) of the EIA report). This plan sets out to provide information and guidance on how environmental requirements will be met. It is claimed that implementing the plan will ensure that appropriate environmental protection measures are implemented on works conducted within the work site, and that environmental impacts identified during the assessment stage are properly managed on site and necessary control measures are implemented.

2.56 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the Construction Environmental Management Plan appears to cover the main areas of potential environmental risk during the construction phase. However, they point to a lack of information on surface water management during construction of the buildings and sustainable drainage elements, and a need for a pre-construction ecological walkover.

2.57 Section 3.14 of the EIA report deals with **traffic and transportation**. [Appendix 14](#) of the report consists of a roads and transportation statement. The assessment notes that the Mossend Railfreight development sits to the south of the appeal site, and this has permission (in principle) for a new roundabout access to be formed on the A8 adjoining the appeal site. If implemented then it is likely that the two developments would share the new roundabout. The internal road layout of the plant allows for the stacking of delivery vehicles so that they will not impact on the access road from the A8. While the annual tonnage of fuel being delivered to the site has been increased, the number of vehicle trips to and from the plant will remain the same as the fuel will be delivered in larger articulated lorries. The

specialist fuel would be from a limited number of suppliers from across Scotland and would arrive at the plant via the trunk road network as opposed to the local road network.

2.58 The statement details the access route and number of vehicles during construction and operation phases. Further consideration has been given to the impact of the site-related traffic on the local road network. This has concluded that there would be a fractional change in the overall volume flows, and that there would be an insignificant change in traffic noise levels arising from the development. It is therefore concluded that the transport associated with the development will have no adverse impact on the adjacent residential areas (see [Appendix 9.2](#) of the EIA report).

2.59 As regards emissions from traffic (see [Appendix 10.3](#) of the EIA report), when combining the operational traffic movements with the process emissions proposed from the development, contributions from the site are screened as insignificant when assessed against the air quality standards for the protection of human health. The statement therefore concludes that the impact of transport emissions from the development and operation of the proposed facility will be insignificant in their effect on air quality in the local area.

2.60 In [commenting](#) on the EIA report, North Lanarkshire Council's consultants state that the broad approach appears appropriate, apart from a number of deficiencies in the modelling of the air quality impacts of additional traffic, which means that model results provided are not sufficient to determine the likely air quality impacts of the development. These include a lack of clarity over which locations have been used for taking measurements, a failure to model existing traffic, a lack of clarity over how traffic related NO<sub>2</sub> concentrations have been calculated. Combined traffic and plant contributions are presented for PM<sub>10</sub> but not NO<sub>2</sub>. The council's consultants conclude that there is insufficient information to determine whether the combined traffic and plant impacts would be significant.

2.61 Section 3.15 of the EIA report deals with **alternatives and site selection**. The report claims that the decision to locate the facility within the A8 Shanks site was informed by an extensive site selection process, which considered a large number of possible locations throughout Central Scotland. The main reason for the selection of this site is given as the fact that an already approved and enacted planning permission exists for this form of development at this site.

2.62 In its [response](#) to the EIA report as a whole, SEPA confirmed that it had no objection to the proposal. SEPA gave its opinion that the applicant has submitted sufficient information to allow it to advise that the proposed facility is potentially consentable, as per the requirements of the Pollution Prevention and Control (Scotland) Regulations 2012.

2.63 In its [response](#) to the EIA report as a whole, Historic Environment Scotland noted that the historic environment interests for which it is responsible had been scoped out of the EIA report and that it was content with this approach. It did not consider that significant impacts were likely for heritage assets within its remit and therefore did not wish to object to the development.

## CHAPTER 3: PRINCIPLE OF THE USE OF THE LAND FOR AN ENERGY-FROM-WASTE PLANT

### The Cases for the Parties

3.1 The **appellant** argues that the appeal site has a long history of industrial and waste management use. The principle of an energy-from-waste plant has been established on this site by the extant planning permission (Reference 09/00675/FUL) which exists for this use, and which was materially commenced in May 2014. This permission will now remain in place without time limit, so an energy-from-waste facility could be constructed and operated in accordance with the approved plans and without the need for any further planning permission. The current proposal seeks only to amend the existing permission to reflect current best practice. The Scottish Ministers granted the previous permission on appeal, and their reasons for doing so remain valid. The appeal site is designated for continued use as an industrial/ business area under North Lanarkshire Local Plan Policies EDI1 and EDI3C.

3.2 The **council** argues that it is unlikely that the extant planning permission would meet SEPA's current Pollution Prevention and Control requirements and as such it is unlikely that it could be built in the form approved should the current appeal be dismissed.

3.3 **Representations** to the appeal also highlight the fact that additional housing development has been permitted closer to the appeal site since the previous approval. There are also claims that existing incineration capacity in Scotland is not being fully utilised.

### Reporter's Conclusions

3.4 The strategic development plan defines waste management facilities and energy generating developments of this size as being strategic in scale, and therefore subject to the provisions of the strategic development plan. The Clydeplan vision seeks to deliver low carbon infrastructure including heat and power networks and a network of waste management infrastructure. The appeal proposal complies with the relevant locational criteria set out in Policy 11, which deals specifically with planning for zero waste, because the site:

- is designated for industrial use;
- can be described as degraded/ derelict;
- has the potential to reuse waste heat through co-location with heat users (most notably on undeveloped land immediately north of the site);
- is an existing or redundant site that can be easily adapted; and
- was previously occupied by waste management facilities.

However Policy 11 does caveat its support by saying this will be subject to local considerations.

3.5 The proposal also draws general support from Policy 10 of the strategic development plan, which supports the delivery of heat and electricity through alternative renewable technologies.

3.6 In the North Lanarkshire Local Plan, the appeal site is specifically identified as an existing waste management facility. Here Policy EDI1A supports the continuing industrial

and business character. Policy EDI3A provides in-principle support for all forms of renewable energy generation.

3.7 Of most direct applicability to the proposal is Policy EDI3C, which supports applications for waste management facilities, subject to five criteria.

- The first criterion supports locations in existing or previous waste management facilities, 'EDI1A land' (including land allocated in the plan), or contaminated or degraded land. All these descriptions apply to the appeal site.
- The second criterion supports proposals that will deliver additional capacity as required in Zero Waste Plan Annex B. While the Zero Waste Plan no longer contains regional targets, the proposal will clearly deliver additional capacity.
- The third criterion refers to compliance with the EU Waste Framework Directive, the Zero Waste Plan, Regional Guidance and issues of need and impact. None of these considerations conflict with the principle of an energy-from-waste facility in this location, subject to its having acceptable impacts, as discussed in later chapters of this report.
- The fourth criterion relates to consideration of the sustainable transport of waste. The appeal proposal will rely on the delivery of fuel, and export of ash, by lorry, and there is no indication that consideration has been given to any other mode. However the site's location within the West of Scotland conurbation does mean that it would be relatively close to sources of waste.
- The fifth criterion relates to proximity to users of heat and power. The appellant has submitted a Heat and Power Plan ([Appendix 7](#) to the EIA report) which highlights various local opportunities for the consumption of heat, including, perhaps most realistically, the commercial development site north of the appeal site, and future development at the Mossend International Railfreight Park and at Eurocentral to the south of the site. While the presence of the A8, M8 and North Calder Water might constrain opportunities to export heat to customers to the south and west, it does nevertheless appear that the site is relatively well located in terms of potential to export heat and power.

3.8 Further support for the proposal comes from Policy NBE2C of the local plan which promotes the re-use of vacant and derelict land such as the appeal site.

3.9 It is clear from the above considerations, in particular the allocation of the site in the local plan for a waste management facility, that the principle of developing an energy-from-waste facility at this location gains significant support from the provisions of the development plan.

3.10 In terms of other material considerations, the site has a history of being used for waste management purposes and is adjacent to a former landfill site. I understand the most recent active occupier of the site to have been Shanks and McEwan, a waste management company.

3.11 An important factor is the existence of a live planning permission for an energy-from-waste plant on this site. There is general agreement among the parties that this permission has been materially commenced and will therefore remain in place without time limit. Given the passage of time since this planning application was made in 2009, and the regulatory and technological changes that will have occurred over this time, I agree with some representations that there is a strong element of doubt as to the likelihood that the existing permission would in fact be built, should the current appeal be dismissed. I also noted at

paragraph 1.8 above that the current proposal cannot be regarded as merely an amendment to the existing permission, but should be treated as a fresh proposal for a different scheme. However the existence of this permission must nevertheless be accepted as a powerful precedent indicative of the general acceptability of the use of this land for some form of energy-from-waste facility.

3.12 It is therefore important to consider any significant changes of circumstance that have occurred since the granting of the existing permission. One important such change has been the granting by the council of planning permission in principle for a large mixed use development (including 400 houses) on land immediately to the east of the appeal site (the two sites being separated by the Motherwell to Coatbridge rail line). (The council has also indicated it is minded to grant a recent application to amend this permission to increase the number of houses to 500.) Although the final housing layout for this land is currently unknown, it will (if built) bring residential development significantly closer to the appeal site than was the case at the time of the earlier permission.

3.13 The council will have granted this planning permission on the neighbouring land in full knowledge of the existing consent for an energy-from-waste plant on the appeal site, and was presumably content at the time that no unacceptable issues arose from the proximity of the two developments. However this does not absolve the decision-maker in the current appeal from considering potential impacts of the energy-from-waste plant on these prospective homes.

3.14 Paragraph 191 of Scottish Planning Policy suggests 250 metres as a guideline buffer zone between sensitive receptors (including housing) and thermal treatment plants. The layout of the neighbouring development site is as yet unknown, but the [design statement](#) accompanying the planning permission in principle implies that housing is envisaged within around 90 metres of the proposed energy-from-waste building (70 metres of the site boundary).

3.15 In terms of national policy, the most specific locational guidance is contained in PAN 63, which states that preferred locations for energy-from-waste operators tend to relate to proximity to waste streams, major end users (e.g. buildings with high heat demand), rail links or road infrastructure. The appeal site's location in the West of Scotland conurbation should give it good access to waste streams, and there do appear to be potential users for heat in the vicinity. Access to the trunk road network via the A8 would be excellent.

3.16 As regards the claims that existing incineration capacity in Scotland is not being fully utilised, there is no requirement on the appellant to demonstrate a quantitative need for the development, and paragraph 181 of Scottish Planning Policy confirms that planning authorities should generally facilitate growth in sustainable resource management.

3.17 Many representations have referred to the precautionary principle, and suggested that this development should not be approved if there is any doubt whatsoever about its impact. The precautionary principle forms no part of Scottish Planning Policy for this type of development (except in the cases of flood risk or sound evidence of possible significant irreversible damage to nationally or internationally significant landscape or natural heritage resources).

3.18 Overall I conclude that the principle of an energy-from-waste development at this location is likely to be acceptable, most notably due to the site's allocation for waste

management use in the local plan, the support given for waste management facilities on sites of this type by Policy 11 of the strategic development plan, the history of waste management use for this land, and the existence of a live planning permission for an energy-from-waste development. This is not to say that the impacts of this particular proposal are necessarily acceptable, and I go on to discuss those impacts in the following chapters of this report.

3.19 The significant change of circumstance since the granting of the existing permission in the form of the adjacent mixed use consent must also be acknowledged and considered when examining the particular impacts of the development. It must also be acknowledged that, due to this adjacent consent, the proposal is now located well within the guideline 250 metre buffer zone identified in Scottish Planning Policy.

## CHAPTER 4: AIR QUALITY, EMISSIONS AND PUBLIC HEALTH

### The Cases for the Parties

4.1 The **appellant** [argues](#) that the Scottish Ministers' finding in the 2011 appeal that the impacts on air quality and human health are within acceptable limits remain valid for the current proposal. The changes proposed from the consented development represent current best practice and will not result in any significant environmental effects.

4.2 The appellant goes on to state that the council's claims of increased and harmful levels of air pollution are unsubstantiated by any evidence in the form of any report or assessment. On the contrary, the appellant has submitted an emissions modelling report that concluded that all controlled pollutants would be well below objective limits, and other pollutants would not exceed their respective objective values and relevant environmental assessment levels. The report concludes that the potential impact on local air quality is likely to be small and unlikely to result in a significant threat to the health of people living and working nearby. The appellant had also submitted a health impact assessment based on conservative worst case assumptions. This concluded that many of the potential health impacts could be screened out as 'insignificant' and that, overall, there was no significant health risk associated with emission of pollutants from the proposed development. There is no evidence of an adverse impact on any of the council's designated air quality management areas.

4.3 SEPA has confirmed that the applicant has submitted sufficient information to allow them to confirm that the proposed plant is potentially consentable, as per the requirements of the Pollution Prevention and Control regulatory regime. North Lanarkshire Council Protective Services had raised no concerns in relation to the application.

4.4 Finally the appellant argues that the proposed stack height in the current application would further assist in the dispersion of emissions and reduce the impact on receptors which potentially provides betterment over the existing consented and implemented scheme.

4.5 The **council** [argues](#) that the increase in scale of development and operation could have a significantly detrimental air quality impact on the amenity of the surrounding area, in particular on the recently approved development of 500 houses directly adjacent to the eastern boundary of the site.

4.6 The council acknowledges that its own Protective Services department and SEPA have advised that they were satisfied with the findings of the appellant's air quality assessment and health impact assessment and had no objections. In addition, it acknowledges that SEPA would regulate emissions from the plant as part of the necessary Pollution Prevention and Control Licencing permit. However the council considers that a major omission from the air quality assessment is the lack of reference to potential impact on air quality or the health impact of the revised proposals on the future residents of the adjacent housing site which now benefits from 'minded to grant' approval for 500 units.

4.7 The council has also commissioned specialist opinion on the robustness of the air quality assessment. This acknowledges that the methodology adopted by the assessment is robust and uses an appropriate dispersion model tool, and that the use of an 80 metre stack (rather than 65 metres as identified to be required by the calculations) will further

reduce air quality impacts. The council characterises the assessment of sensitive receptors as a little sparse, in particular the lack of specific receptors within the consented Carnbroe Estate development adjacent to the proposed plant. However they acknowledge that there is some detail in the assessment that allows conclusions to be drawn on the likely impacts at the Carnbroe Estate, and these are not likely to be significant based on the information presented.

4.8 The council criticises the use of 2014 meteorological data when 2015 was identified as the worst-case model year, and the use of 2010 guidance from the Institute of Air Quality Management which is now out-of-date. They also raise the possibility that the influence of emissions from roads have not been taken account of in defining baseline conditions. More generally, the assessment does not include emissions from road traffic, when the combined contribution of emissions from road traffic and the main stacks should have been provided, at least for any relevant receptors adjacent to roads used to access the facility.

4.9 Finally, the assessment appears to predict increases in acid deposition that are more the 1% of the relevant critical loads at two sites of special scientific interest where the existing acid deposition already exceeds the critical load. Little justification is provided of why this is not significant.

4.10 Overall the council consider that there are areas where the air quality assessment is lacking and therefore the full impact of the proposed development, in air quality terms, is uncertain. As such the Council have taken a precautionary stance in refusing the application on air quality grounds.

4.11 In its response to the EIA report, the council makes further comments. While finding that the broad approach to population and human health and to emissions appears appropriate, it finds various deficiencies in the modelling of the air quality impacts of additional traffic, namely:

- It is not clear where the sites used for the measurements of baseline concentrations are located;
- Only the additional traffic has been modelled, not the existing;
- The model results have not been verified against monitoring data.
- It is not clear how traffic related NO<sub>2</sub> concentrations have been calculated.
- The modelling and interpretation of maximum hourly concentrations in relation to peak hour traffic is not strictly necessary and incorrect; and
- Due to the deficiencies in the road traffic modelling, there is insufficient information to determine whether the combined traffic and plant impacts would be significant. Combined traffic and plant contributions are presented for PM<sub>10</sub> but not NO<sub>2</sub>.

4.12 In **representations** to the appeal and on the EIA report, the greatest concerns were expressed on the topics of emissions, air quality and human health. The main points raised included:

- Various international studies were cited that have shown negative health impacts around incinerators.
- This is an area with already poor health statistics and high pollution. The EIA report acknowledges that existing nitrogen levels 'exceed critical load values'. Even a slight further deterioration in air quality may therefore have a significant effect. It is contrary to the principle of environmental justice to subject this community to further polluting development. Even low emissions can affect vulnerable groups e.g. asthma sufferers.

- Particular health concerns were raised about: fine particulates, toxic metals and organic chemicals bio-accumulating and cause chronic illness; toxic metals from emissions and fly ash being linked to behavioural problems; some chemical pollutants causing genetic changes.
- Contribution of SO<sub>2</sub> and NO<sub>2</sub> to acid rain and smog.
- Impact on proposed low emission zone in Coatbridge.
- It is unethical for people to be subjected to emissions when safe alternatives exist.
- There is uncertainty about the type of waste to be incinerated, and concern about radioactive material being burnt.
- There are risks connected with the export of the residual toxic ash, particularly the fly ash which is light and easily windborne, to landfill.
- The EIA report covers 'normal operating conditions' that will not always occur/ measures are based on plant operating at 100% efficiency. Modern abatement techniques may not be effective under non-standard conditions e.g. start-up and shut-down.
- Fine particulates and heavy metals are resistant to removal.
- Better to err on side of caution in such cases/ take a precautionary approach. This is a new and developing technology with inadequate data about its effects.
- Lack of trust in SEPA as a regulator.

### Reporter's Conclusions

4.13 Emissions from the proposed energy-from-waste plant will be regulated by SEPA, which has [indicated](#) that the proposal is potentially consentable under the Pollution Prevention and Control regime. However, Planning Advice Note 63 identifies air quality and pollution prevention among the matters to be considered in determining planning applications for energy-from-waste plants. One of the council's reasons for refusal related to air quality and health concerns, and the vast majority of representations on the appeal express concern about the health impacts of the proposed plant. I therefore find it necessary to consider the potential impact of emissions in this planning appeal.

4.14 The principal technical evidence on this topic is contained in the following documents:

- [Air Quality Assessment](#)
- [Traffic Air Quality Assessment](#), as amended
- [Health Impact Assessment](#)

### Air Quality

4.15 The air quality assessment covers the expected emissions from the 80 metre chimney stack of the energy-from-waste plant itself. The atmospheric dispersion model that has been used is accepted as being appropriate by the council's consultants. The model shows that the maximum annual impact (for NO<sub>2</sub> at least) would occur around 700 metres north-east of the chimney at a location within the existing residential area of Carnbroe. It would therefore appear that the recently permitted mixed use development immediately to the east of the appeal site would be less affected by emissions from the proposed plant than established housing areas (see Figure 4.1 of the [appellant's response](#) to the council's comments, which illustrates the site of the proposed mixed use development in relation to maximum NO<sub>2</sub> contributions).

4.16 The assessment discusses the range of potential emissions from the plant, and compares these against the objective limits set out in the Air Quality Regulations (where applicable) or against specific pollutant environmental assessment limits detailed in UK Government or relevant SEPA guidance. In terms of the significance of air quality impacts other than of NO<sub>2</sub> and particulates, the assessment adopts the following thresholds based on Government guidance:

- A contribution of less than 1% of the annual average objective limit should be considered insignificant.
- A contribution of less than 10% of the short-term (hourly) average objective limit should be considered insignificant.

4.17 In terms of nitrogen dioxide, the maximum annual average contribution from the plant would add around 0.8 µg m<sup>-3</sup> to the background concentration of around 16 µg m<sup>-3</sup>. This compares to an annual objective limit of 40 µg m<sup>-3</sup>. In terms of significance, this magnitude of change is considered small, and the impact is considered negligible. The peak hourly average NO<sub>2</sub> contribution is estimated at around 9 µg m<sup>-3</sup>, or 4% of the 200 µg m<sup>-3</sup> objective limit set for this measure, which is considered insignificant.

4.18 It is worth noting that for the impact on air quality to have been considered 'slight adverse' instead of 'negligible', either the background levels would need to be 35 µg m<sup>-3</sup> (i.e. more than twice the level estimated in the assessment) or the annual average process contribution would need to be 4 µg m<sup>-3</sup> (i.e. five times the level predicted in the assessment).

4.19 In terms of sulphur dioxide, it is predicted that the annual average contribution would be around 0.3 µg m<sup>-3</sup>. This compares to the long term emission limit of 50 mg m<sup>-3</sup>, and so is insignificant. The highest of the various short term statistics given in the assessment is for the maximum 15 minute contribution, which is estimated as around 7 µg m<sup>-3</sup>, or 3% of the 266 µg m<sup>-3</sup> objective limit. This is considered insignificant.

4.20 In terms of carbon monoxide, the maximum 8 hour rolling average contribution would be around 8 µg m<sup>-3</sup>, or 0.1% of the objective limit of 10,000 µg m<sup>-3</sup>. This is considered insignificant.

4.21 In terms of particulates (PM<sub>10</sub>), the maximum annual average contribution from the plant would add around 0.05 µg m<sup>-3</sup> to the background concentration of around 13 µg m<sup>-3</sup>. In terms of significance, this magnitude of change is considered imperceptible, and the impact negligible. The daily average contribution is predicted to be around 0.2 µg m<sup>-3</sup>, or 0.4% of the relevant objective value. This is considered insignificant.

4.22 In terms of the smaller particulates (PM<sub>2.5</sub>), the modelling for this element assumed all particulates were PM<sub>2.5</sub> and so represented a worst case scenario. The maximum annual average contribution was predicted to be around 0.05 µg m<sup>-3</sup>, or 0.3% of the 20 µg m<sup>-3</sup> limit set for 2020. This is considered insignificant.

4.23 In terms of volatile organic compounds, these comprise a mixture of compounds so the 5 µg m<sup>-3</sup> objective value for benzene was used. This is described as a worst-case assessment. The maximum annual average contribution for all volatile organic compounds was predicted to be around 0.06 µg m<sup>-3</sup>, or around 1.2% of the objective value for benzene. This is slightly above the 'significance threshold' of 1%, but I agree that because benzene will actually only form a part of the volatile organic compounds emitted (described as a 'very

small percentage' in the assessment), any impact of emissions of volatile organic compounds can be considered insignificant.

4.24 In terms of hydrogen chloride, it is predicted that the average annual contribution would be around  $0.06 \mu\text{g m}^{-3}$ , or 0.3% of the  $20 \mu\text{g m}^{-3}$  environmental assessment limit, and so can be considered insignificant. The maximum hourly (short term) average contribution would be around  $2.7 \mu\text{g m}^{-3}$ , or 0.4% of the  $750 \mu\text{g m}^{-3}$  environmental assessment limit, and so can be considered insignificant.

4.25 In terms of hydrogen fluoride, it is predicted that the average annual contribution would be around  $0.006 \mu\text{g m}^{-3}$ , or 0.04% of the  $16 \mu\text{g m}^{-3}$  environmental assessment limit, and so can be considered insignificant. The maximum hourly (short term) average contribution would be around  $0.3 \mu\text{g m}^{-3}$ , or 0.2% of the  $160 \mu\text{g m}^{-3}$  environmental assessment limit, and so can be considered insignificant.

4.26 In terms of cadmium and thallium, the assessment adopts what it describes as a worst-case approach in assuming that all these emissions are in fact of cadmium and that all cadmium emissions were associated with the  $\text{PM}_{10}$  release. On this basis an average annual contribution of  $0.0003 \mu\text{g m}^{-3}$  is predicted, or 6% of the air quality standard of  $0.005 \mu\text{g m}^{-3}$  for levels of cadmium within the  $\text{PM}_{10}$  fraction. This is well in excess of SEPA's 1% significance threshold, but the assessment argues that it overestimates the cadmium release significantly because not all of these emissions will in fact be of cadmium, and because it is highly unlikely that there will be significant quantities of cadmium in the fuel being utilised at the plant. I have no reason to doubt these assertions, which have not been challenged in the expert evidence from SEPA or the council's consultants. Even if the  $0.0003 \mu\text{g m}^{-3}$  figure were accurate, this would still be a small contribution to the headline overall standard for cadmium of  $0.005 \mu\text{g m}^{-3}$ . However it must be recognised that a small element of uncertainty remains about the significance of the cadmium emissions.

4.27 In terms of mercury and its compounds, it is predicted that the average annual contribution would be around  $0.0003 \mu\text{g m}^{-3}$ , or 0.1% of the environmental assessment limit, and so can be considered insignificant. The maximum daily (short term) average contribution would be around  $0.003 \mu\text{g m}^{-3}$ , or 0.04% of the environmental assessment limit, and so can be considered insignificant.

4.28 In terms of Group 3 metals (including antimony, arsenic, lead, chromium, cobalt, copper, manganese, nickel and vanadium), the assessment found that emissions of arsenic (5.4% of the exceedance threshold) and nickel (7.1% of the exceedance threshold) could potentially be significant in a worst case scenario. The assessment then went on to consider these levels in combination with the background levels measured in a rural location 25 kilometres west of the appeal site. Following an initial objection from SEPA, this assessment was [reworked](#) to calculate the combined levels in combination with an urban location (Motherwell South). The reworked calculation estimated that the total combined predicted environmental concentration of arsenic would be  $0.000452 \mu\text{g m}^{-3}$ , or 15% of the environmental assessment limit, and that the total combined predicted environmental concentration of nickel would be  $0.00198 \mu\text{g m}^{-3}$ , or 10% of the environmental assessment limit. On the basis of this calculation SEPA withdrew its objection. I conclude that levels of these metals should therefore remain well below safe limits.

4.29 In terms of dioxins and furans, there are no air quality standards or environmental assessment levels for these compounds. However, using pessimistic assumptions it is

predicted that the maximum annual average contribution for dioxins would be 0.7 femtograms per cubic metre ( $0.7 \times 10^{-15} \text{ g m}^{-3}$ ). The maximum daily average contribution was predicted to be 6 femtograms per cubic metre ( $6 \times 10^{-15} \text{ g m}^{-3}$ ). These levels are so low that I am satisfied that the emissions from the facility would not significantly increase the airborne concentrations or deposition rate of dioxins over what may be currently experienced in the locality. I consider the potential health impact of dioxin emissions further below.

4.30 One of the criticisms made of the appellant's approach is that it assumes 'normal operating conditions', and does not allow for sub-optimal operation, for instance at start-up or shut-down. However this matter is addressed in section 4.15 of the assessment, which concludes that even the maximum permissible transient short term contributions of pollutants are lower than the relevant short term air quality standard or environmental assessment limit.

4.31 Concerns have also been raised about potential impacts on the Air Quality Management Areas in Shawhead and Chapelhall, and on a proposed low emission zone in Coatbridge. Section 5 of the assessment considers the proposed plant's contribution to  $\text{NO}_2$  and  $\text{PM}_{10}$  levels at Shawhead Roundabout and other locations in Coatbridge. The highest maximum average annual  $\text{NO}_2$  contribution was found to be  $0.16 \mu\text{g m}^{-3}$  at Shawhead Roundabout. This would add 0.5% to existing  $\text{NO}_2$  levels at this location, and levels at all tested locations would remain below an annual objective limit of  $40 \mu\text{g m}^{-3}$ . Average annual  $\text{PM}_{10}$  process contributions were found to be similarly low with values equivalent to  $0.01 \mu\text{g m}^{-3}$  or lower. Chapelhall is considerably further away from the appeal site (over three kilometres), and a significant contribution to pollutant levels here seems very unlikely.

4.32 I agree with the appellant that in some respects the assessment represents a worst case scenario, and so actual emissions may be lower than as described. This includes the assumption that the facility will operate 100% of the time, whereas the actual expectation is for it to operate through 91% of the year. I also note the modelling of chimney height indicated that a 65 metre chimney would be sufficient to provide effective dispersion of emissions, but that an 80 metre chimney is proposed to provide additional confidence. This increase in height is said to reduce the maximum hourly average  $\text{NO}_2$  process contribution by 33%.

4.33 In terms of the other queries raised by the council's consultants in respect of the assessment, I note from the appellant's [response](#) that the 2014 meteorological data produced the highest hourly average values at more receptors than the 2015 data, and that the difference between the two sets of results are insignificant. In addition, the updated 2015 Environmental Protection UK guidance would still indicate a negligible impact in terms of maximum annual average  $\text{NO}_2$  process contribution.

#### Impacts on Ecological Receptors

4.34 Section 6 of the assessment deals with the potential impact of airborne pollutants on ecological receptors. In response to comments from SEPA, this section has been supplemented by [further analysis](#) of impacts on sites up to 15 kilometres away. The analysis showed that the critical nitrogen load was currently exceeded at all of these sites, but that the added contribution from the proposed development would only add up to around 0.4% to nitrogen deposition, which is considered insignificant. However, in terms of

acid deposition attributable to emissions of SO<sub>2</sub>, hydrogen chloride and hydrogen fluoride, the analysis showed that this would exceed the 1% insignificance threshold at Lady Bells' Moss Site of Special Scientific Interest (SSSI), Woodend Loch SSSI, Hamilton High Parks SSSI and North Shots Moss Special Area of Conservation.

4.35 The appellant carried out further analysis using the Simple Calculation of Atmospheric Impact Levels (SCAIL) Combustion tool. It should be noted that this tool only covers NO<sub>x</sub> and SO<sub>2</sub> impacts. The results show that the annual average process contribution from NO<sub>x</sub>, SO<sub>2</sub>, nitrogen and acid at the habitats within the internationally important special areas of conservation within 15 kilometres of the facility would be less than 1% of the critical level (specified for the protection of ecosystems), and can therefore be considered insignificant. For this reason, Scottish Natural Heritage [concluded](#) it is unlikely that the proposal will have a significant effect on the qualifying interests of these special areas of conservation, and I find no reason to disagree with that conclusion.

4.36 In terms of SSSIs, the results show that the majority could be screened out for all assessed pollutants. The two exceptions related to Longriggend Moss SSSI and Lady Bell's Moss SSSI. In the case of Longriggend Moss, the acid deposition process contribution was estimated to be 3.8% of the critical load, and the critical load is already exceeded by the background. However, given that Longriggend Moss is over nine kilometres from the facility, the small (0.7%) exceedance of the threshold for process contribution, and the conservative nature of the SCAIL screening tool, Scottish Natural Heritage [concluded](#) that it was unlikely that there would be an adverse effect to site integrity or damage to the notified feature of bog at Longriggend Moss. In the case of Lady Bell's Moss, given that this site is over six kilometres from the proposed plant, with woodland and urban areas in between, that SCAIL is a precautionary tool and has been run in conservative mode, and the very small exceedance of the critical load threshold (0.2%), Scottish Natural Heritage [concluded](#) that it was unlikely that there would be an adverse effect to site integrity or damage to the notified feature of bog at Lady Bell's Moss. I find no reason to disagree with those conclusions, and therefore further conclude that air quality impacts on ecological receptors would fall within acceptable limits. The development therefore complies with Policy NBE1 of the North Lanarkshire Local Plan as regards the effects of emissions on natural heritage and biodiversity.

#### Vehicle Emissions

4.37 The air quality assessment does not include vehicle emissions on the basis that these will not differ from the permitted scheme. However in my view, cumulative emissions from all sources should be considered in the round to ensure that adequate levels of air quality are achieved.

4.38 The 'big picture' as regards vehicle emissions is that all traffic will enter or leave the site directly from or onto the eastbound A8 trunk road adjoining the appeal site. This section of the A8 is currently handling much lower volumes of traffic than previously since the opening of the new M8 Shawhead/ Newhouse section in 2017. Site-related traffic will not utilise local roads or pass through local residential areas (other than staff travel) to any significant extent. There should therefore be a minimal impact on most local Air Quality Management Areas. There would be no increase in traffic movements over and above what would have been associated with the established planning permission.

4.39 The appellant has produced a separate [traffic emissions assessment](#), which has been [updated](#) in response to comments made by the council's consultants. The assessment assumes 100.5 two way operational vehicle movements per day, plus 74 staff/light vehicle movements. It concludes that the impact of emissions from vehicle movements associated with the proposed development will have an insignificant effect on local air quality, both during construction and operation.

4.40 At Table 12 the assessment considers the combined effect of vehicle emissions and emissions from the plant processes (i.e. from the chimney). This estimates that combined contributions of particulates remain within 1% of the long-term (annual average), and that combined contributions of particulates and NO<sub>2</sub> remain within 10% of the short-term assessment level. However, long term contributions of NO<sub>2</sub> and volatile organic compounds are shown as being slightly more than 1% of the air quality standard, and therefore potentially significant.

4.41 As regards volatile organic compounds, the total predicted concentration would remain very low (1.75% of the standard), and the assessment comments that even this level was based on the conservative assumption that all the volatile organic compounds emitted by the plant itself would be benzene. In terms of NO<sub>2</sub>, the assessment notes that the relevant guidance indicates that percentage contributions of less than 2% may be considered negligible if the total concentration remains below 75% of the standard (as is the case here).

4.42 The council's consultant's make various [criticisms](#) of the traffic emissions assessment, most of which have been addressed in the updated assessment. Given the change in the role of the A8 at this point since the opening of the M8 Shawhead/ Newhouse section in 2017, I appreciate why historic traffic count data from before this date was not used, and why other background air quality data was used instead. According to Table 1 of the revised assessment, this background data was taken from a location close to the A725 south of its junction with the A8, and would therefore appear to be relatively representative of major roads in the locality.

4.43 I find that while the air quality impacts from the energy-from-waste operation itself (i.e. the chimney emissions) are predicted to be highest in areas to the north-east of the plant, emissions from vehicles would be concentrated along the A8 corridor to the south of the site. There is therefore less likelihood of impacts from the two sources 'overlapping' in a way that should be of concern. Overall I am satisfied that the appellant has, in its revised assessment, addressed the concerns raised by the council's consultants on the initial version. I therefore find that emissions from road traffic arising from the development would fall within acceptable limits when considered in combination with background air quality and emissions from the facility itself.

#### Health Impact

4.44 The health impact assessment considers the potential risk to people of the various emissions from the proposed facility, as estimated in the air quality assessment. The health impact assessment considers the various pollutants, and, for some, estimates the increase in hospital admissions that could arise as a consequence of the development in the worst affected area (730 metres north-east of the chimney). These range from a 0.04% increase in readmissions in relation to NO<sub>2</sub>, which is considered to be low, to a 0.02% increase in the case of SO<sub>2</sub> and particulates, which is considered to be insignificant. No significant effects

are predicted due to emissions of hydrogen chloride, hydrogen fluoride, volatile organic compounds or metals.

4.45 Much of the assessment is given over to an assessment of the risk from dioxins, and assumes a maximum annual average emission from the facility of around 0.7 femtograms per cubic metre ( $0.7 \times 10^{-15} \text{ g m}^{-3}$ ), and a maximum daily average of around 6 femtograms per cubic metre ( $6 \times 10^{-15} \text{ g m}^{-3}$ ), set against an average urban background level for dioxins and furans of 43.7 femtograms per cubic metre ( $43.7 \times 10^{-15} \text{ g m}^{-3}$ ). The assessment considers the potential exposure pathways of inhalation, ingestion of soil, and the consumption of fruit and vegetables, local dairy produce, poultry and eggs, beef and pork, breast milk and drinking water. At Table 16, the assessment estimates the intake of dioxins at the location of maximum process contribution (730 metres north-east of the chimney) to be around 1.7% for adults, and around 3.4% for infants of the tolerable level (which is given as 2 picograms per kilogram of body weight per year). Note these figures incorporate both background dioxin levels and contributions from the proposed development. By far the largest contributors to these totals were inhalation and consumption of whole milk.

4.46 According to Table 18, at the most affected of the specific assessed receptor points (which was slightly removed from the worst affected point), predicted dioxin intake may be translated into an increased cancer risk of 1 in 490,000 for adults and 1 in 250,000 for infants. According to the assessment, these results can be screened out as insignificant.

4.47 It should be noted from the figures given in paragraph 4.45 above that a large component of the dioxin intake will come from the assumed background levels already present in the air. The assessment also argues that its results are based on the following worst-case conservative assumptions:

- Emissions of dioxins are assumed to be at the emissions limit value set in the Industrial Emissions Directive. Actual emissions are expected to be significantly lower than this.
- Conservative assumptions were made for the wet deposition of dioxins in the absence of measured data on rainfall.
- It is assumed that all of the food consumed by individuals is grown at that location, which is highly unlikely given the likelihood that most food is purchased from supermarkets and is grown outside of the area; and,
- It is assumed that all of the milk consumed is produced by cows grazing at the specific receptor location for the entire year, which is highly unlikely. This factor is particularly significant because the consumption of milk accounts for 60% to 70% of the estimated dietary intake of dioxins.

4.48 I am satisfied that the modelled impact of dioxins is very conservative and that the actual levels of consumption would in fact be likely to be significantly lower than stated. In particular it does seem extremely unlikely that local people would be drinking only milk produced by cows grazing in the specific area of highest concentration. Given the large contribution milk consumption makes to the overall totals, this factor alone can give confidence that the impact of dioxins on human health would be lower than the model implies. In any event, it appears that even the conservative outputs produced by the model are less than 4% of what is considered to be a tolerable level.

4.49 The council has commented that the broad approach appears appropriate, and overall I find no reason to doubt the assessment's conclusion that no significant health risks will arise.

## Conclusion

4.50 In terms of expert opinion on the contents of the assessment, together with certain supplementary environmental information supplied by the appellant, SEPA has given its opinion that the applicant has submitted sufficient information to allow it to confirm that the proposed energy-from-waste plant is potentially consentable, as per the requirements of the Pollution Prevention and Control regulatory regime. No objection to the proposal was received from the council's internal Protective Services Department. The council's consultants for this appeal have made various criticisms of the approach followed, which I have addressed above, but overall consider the methodology adopted by the assessment to be robust. My overall conclusion is therefore that the air quality and health impacts of the proposed development would fall within acceptable limits. The proposal therefore complies with Policy DSP4(3)d of the North Lanarkshire Local Plan because it adequately mitigates its air quality impacts.

4.51 Significant concerns about the feared health effects of emissions from this proposed plant have been raised by most of the large number of representations received on this appeal. These concerns are clearly genuinely held, and it is wholly legitimate for local people to have questions that they would expect to be fully and properly addressed before the development is allowed to proceed. Representations have referenced many international studies into the health effects of emissions from various types of incineration facility (see for instance the [representation](#) from the Dovedale Action Group). However, it is beyond the scope of this individual appeal to carry out a review of the wide range of specialist literature that appears to exist on this topic. The general acceptability of forms of incineration as a means of disposing of waste is a matter for wider Government waste policy rather than this individual appeal. For the purposes of this planning appeal, the decision must be guided foremost by the policies of the development plan, but also by national planning policy. PAN 63 acknowledges that energy-from-waste has an important role to play in meeting renewable energy targets.

4.52 The principle role in regulating emissions from plants of this nature does not fall to the planning system, but falls to SEPA to licence under the Pollution Prevention and Control Regulations. SEPA has indicated the development is potentially consentable, as per the requirements of that separate regulatory regime. However, my analysis above of the Air Quality Assessment and the Health Impact Assessment indicates that there is a sufficient level of certainty that emissions from the proposed plant would fall within acceptable limits (as defined in national guidance) to enable planning permission to be granted.

## CHAPTER 5: LANDSCAPE AND VISUAL IMPACT

### The Cases for the Parties

5.1 The [appellant](#) argues that whilst the impact of the 80 metre chimney stack would be noticeable over the surrounding area, this impact would not be so significant or adverse to merit the refusal of the application. The stack height and positioning to the south elevation of the processing building is clearly visible from a wide area, however, it is considered acceptable as it is located furthest way from both existing and proposed residential properties. The height and visual prominence of the stack is in context in this development corridor as industrial buildings of significant height (in excess of 40 metres) are located less than a mile away at Eurocentral thereby establishing a precedent for this type of structure along the A8 corridor in this area. There is no evidence of overshadowing.

5.2 The [landscape and visual assessment](#) included as Appendix 5 of the EIA report concludes that overall, within the context of a rapidly changing, extensively modified urban landscape, which already includes permission for an energy-from-waste plant, the increased prominence and localised impacts of the larger facility would not be sufficient to refuse permission on landscape or visual grounds. Potential effects on the residential dwellings immediately east of the site could be avoided with a sympathetic housing layout incorporating appropriate screening, which would be controlled by the council through the 'discharge of conditions' process.

5.3 In its [response](#) to the appeal the **council** argues that the increase in the height of the building (compared to the approved development) from 30 metres to 38 metres, and the tripling of the height of the chimney stack from 27 metres to 80 metres could have a significantly detrimental visual impact on the amenity of the surrounding area in particular the recently approved development of 500 houses directly adjacent to the eastern boundary of the site. Given this impact, the proposed development does not align with the Clydeplan vision of "improving the quality of life for people and reducing inequalities". Furthermore, in view of the likely visual impacts of the proposed development it does not accord with policies 1, 10 and 11 which seek to create a high quality place and protect communities from detrimental visual impacts/ impacts injurious to residential amenity.

5.4 Of particular relevance are the views from recently approved ("minded to grant") residential development of 500 units on the adjacent site. The [indicative layout](#) submitted for this proposal indicates that there would be views from the adjacent residential site towards the proposed facility. Photomontages submitted with the application do not reference this development, a sensitive receptor located less than 100 metres to the east of the site.

5.5 The council consider that the lack of comparison of the visual impact of the original 27 metre twin flue stacks with the proposed 80 metre flue stack and the original building of 22-30 metres in height with the proposed building of 17-38 metres in height is a major omission. The revised position of the flue stack would bring it into close proximity to the south-western part of the adjacent newly approved housing development.

5.6 The high quality buildings of the Eurocentral site do not create a precedent for an 80 metre flue stack along the A8 corridor. The proposed development, given the proposed scale of the building and the stack does not meet local plan Policy DSP4 3(f) requirements as it does not integrate successfully into the local area, does not relate well to the existing

context and adversely impacts upon existing and proposed properties in landscape and visual impact terms.

5.7 The council was critical of the absence of a comprehensive landscape and visual assessment to accompany the planning application. Following the submission of a new landscape and visual assessment as part of the EIA report, the council's consultants [acknowledged](#) that the assessment had been carried out broadly in accordance with current guidance. However some effects that had been stated as moderate were in fact significant. In particular:

- the landscape of the site is susceptible to change because it is fairly level, low lying, screened and currently has no tall elements or features;
- the effects on viewpoints 2, 5, 8, 11 and 12 are underplayed;
- visibility, particularly of the stack would be more widespread than stated especially if upper floors are considered;
- there is the potential for dominant effects on the closest parts of the adjacent consented housing area;
- there is no mention of the effect on the M8;
- mitigation will not be able to screen the upper parts of the building and stack; and
- while increased development across the wider area will reduce the 'standalone' effects of the proposals, there will be significant combined cumulative effects, and future residential receptors will experience a more urban landscape.

5.8 The plant would be a prominent feature where seen clearly against the skyline, even at some distance. Existing tall structures are either not nearly as tall as the proposals (e.g. lighting columns and gantries on the M8/ A8; buildings at Eurocentral) or are located at some distance away (multistorey buildings; wind turbines).

5.9 The council's consultant's assessment is that there would be localised significant effects on the site, due to the scale and height of buildings. While the effects would be adverse the site is of low value and is in any case zoned for industrial use and has an existing consent. Due to the prominence of the building and stack, there would be more widespread significant visual effects (generally of a moderate level of significance) to distances of one kilometre. The significant visual effects of the proposed amended design would be more widespread than the effects of the consented design. The stack and building would be prominent on the skyline although they would not occupy a wide area and would usually be seen in an urban context.

5.10 Although the main focus of the **representations** to the appeal and on the EIA report was on emissions and potential health effects, concerns were also expressed about visual impact, particularly of the chimney stack.

## Reporter's Conclusions

### Landscape Impact

5.11 The appeal site is currently an unsightly area of previously developed brownfield land. The boundary treatment, together with the hardstanding and piles of rubble remaining from the previous use, have something of a negative impact on the immediate area. However, because of the absence of any upstanding development and the limited visibility into the land, the site currently makes very little contribution to the wider landscape in either a positive or negative sense.

5.12 According to the landscape and visual assessment, the site is located within the 'Southern Plateau Farmlands' local landscape unit as defined in the North Lanarkshire Local Landscape Assessment. This unit is described as flat, slightly undulating and large scale, where the lack of elevation prevents large scale views and vistas. The Local Landscape Assessment states that prominent telecommunication and transport infrastructure, existing and previous industrial development, and the influence from adjacent urban areas results in a low to medium sensitivity to development.

5.13 The incised valley of the North Calder Water immediately to the north-west of the site forms a separate local landscape unit, which is described as small scale and intimate with a medium to high sensitivity to development. However it is noted that views into adjacent areas from within the valley are severely restricted by topography.

5.14 In my view the existing landscape character in the wider vicinity of the appeal site is one of urban fringe, already heavily influenced by built development including the settlement of Coatbridge to the north and the A8 to the south. Over time, the landscape context will become more urbanised with the approval of mixed use development on the open land to the east of the site, and of the Mossend Railfreight Park to the south. That said, the immediate landscape context does currently retain some rural character due to the wooded valley of the North Calder Water to the north-west, a small area of woodland to the north-east and regenerating scrub on the former landfill site to the north (although this latter area is also proposed for development in the emerging local development plan).

5.15 It is the case that the local landscape is not generally characterised by long distance open views, and for this reason it may often be possible to accommodate new development relatively successfully. However, as the zone of theoretical visibility maps<sup>2</sup> demonstrate the bulk and height of the proposed building and chimney stack would make this particular development widely visible beyond its immediate environs particularly into areas of open countryside four to six kilometres to the north and west. That said, views from these areas would very much be in the context of the wider urban agglomeration of Airdrie, Coatbridge and the M8 corridor, and for this reason I do not consider the landscape impact from these locations to be significantly detrimental.

5.16 More locally the extensive planned developments to the east, south and potentially north of the site, will greatly reduce the remaining rural features of this area, to the extent that it will take on a largely urban character. The openness of the appeal site has some role in separating the communities of Carnbroe to the east and Shawhead to the west, but much of this physical separation would be maintained by the linear features of the railway line and the wooded valley of the North Calder Water. Overall, I do not consider that further built development on the appeal site can be said to have a significant detrimental impact on the local landscape.

### Visual Impact

5.17 Of more concern is the potential visual impact. The height and bulk of the building would make it a prominent feature from several viewpoints. In my opinion, the most significant visual effects would be experienced from existing residential areas of Carnbroe and Shawhead, from the proposed new housing development to the east of the site, and

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<sup>2</sup> Landscape and Visual Assessment, [Appendix C](#), Drawings 3 and 4

from travellers on the A8 and M8 (and to a lesser extent the Motherwell to Coatbridge rail line).

5.18 Figure 17 of the landscape and visual assessment usefully, and in my view accurately, identifies the relatively limited groupings of houses that would have the greatest potential for views of the proposed plant. Existing housing in Carnbroe would be relatively well screened from views of the plant by intervening woodland, though I expect that the stack would be more widely visible from south- and west-facing upper windows than suggested in the [zone of theoretical visibility map](#), as this presents the situation at ground level. The development would be most visible from properties along the southern edge of Carnbroe from where it is likely that the stack, and occasionally the roof of the main buildings, would be visible above the treetops. Where seen, the 80 metre stack would be a prominent, if slender, feature. As a clearly industrial structure it would have something of an urbanising effect out-of-character with the residential nature of this part of Carnbroe. However at this distance (400 to 800 metres) the stack, and buildings (where visible at all), would form a small component of the overall view, which I do not consider would be likely to feel dominant or overbearing.

5.19 Views from different sections of Dunottar Avenue in Shawhead are illustrated at [Viewpoint 12](#) of the landscape and visual assessment and at [Drawing AL\(0\)010](#) of the planning application. I agree these viewpoints are reasonably representative of the 'worst case' experience from ground level in Shawhead, though the development would be more prominent from upper floors. At these distances (500 to 800 metres to the stack), the development would appear as a prominent pale clearly industrial building and chimney. Views would be softened by intervening woodland, and the building would be seen in the context of other industrial buildings of the intervening Hagmill industrial estate. While there would be some further urbanising effect and something of an increase in the industrial character of the view, the proposed building would not be a dominant or (except in the case of the stack) eye-catching component of the view.

5.20 The council has granted planning permission in principle for a mixed use development (including at least 400 houses) on land immediately to the east of the appeal site (the two sites being separated by the Motherwell to Coatbridge railway line). While the final layout of housing in this area is unknown at the present time, the [design statement](#) accompanying the planning application indicates that houses could potentially be built within around 90 metres of the boundary of the appeal site allowing for intervening gardens and a proposed area of bunding/ planting. This would translate into being around 110 metres from the proposed facility building (up to 38 metres tall), and 140 metres from the chimney stack (80 metres tall).

5.21 Some indication of the visual effect of the proposed plant on this residential development site can be gained from viewpoint 5 of the landscape and visual assessment, although this photomontage is from a position over 500 metres from the proposed buildings and stack. The assessment acknowledges that "it is likely that the proposed plant would cause some visual obstruction and could have a notable effect on the character and composition of views to the west from the proposed properties closest the site".

5.22 It is the case that buildings and stack would appear as very large prominent features from any houses and associated gardens or public space with open west-facing views built in the western part of the residential site. As clearly industrial structures, the buildings and stack would be out-of-keeping with the otherwise residential and domestic character of the

new estate. I doubt that the existing or any bolstered peripheral planting would be sufficient to fully screen the plant buildings, and the stack would dominate the visual experience from any west-facing windows and gardens closest to the boundary.

5.23 It is worth reiterating that this residential development was not proposed at the time of the previous permission for an energy-from-waste facility on the appeal site. The council decided it was minded to grant the residential permission in the full knowledge of the extant consent for an energy-from-waste facility on adjoining land. However that consent was for a lower building (up to 30 metres tall) with two much lower chimney stacks (27 metres tall). It should also be noted that no houses have as yet been built on this land, and there is no certainty that a housing development will in fact go ahead. Detailed proposals for the part of the land closest to the appeal site have not yet been forthcoming, and so could take account of any permission for the energy-from-waste plant (for instance by increasing separation distances and screen planting, and aligning houses to avoid views from principal rooms). In the event that the appeal were allowed and the energy-from-waste plant built, potential residents would be aware of the visual effect before deciding whether to move to the affected houses.

5.24 That said, I nevertheless conclude that the visual effect of the proposed plant on the residential development site to the east would potentially be highly detrimental.

5.25 The A8 trunk road runs along the southern boundary of the site. A close proximity view is illustrated at viewpoint 4 of the landscape and visual assessment. The new M8 motorway runs parallel to the A8 approximately 200 to 300 metres further south. Nearby and more distant photomontages are presented as viewpoints 2 and 7 in the landscape and visual assessment. Existing low roadside planting would serve to screen most ground level operations from these roads, but the upper parts of the buildings and the chimney stack would appear as large prominent features from various points within three kilometres of the site.

5.26 The appellant points to other 'visual detractors' in this corridor, such as road related paraphernalia (gantries, lighting columns etc) and the Eurocentral business park. However the proposed plant would be a much bulkier feature than most of the features mentioned, and would have a more utilitarian appearance than the office developments at Eurocentral. The visual impact on these roads is important due to the high volumes of traffic using them and thus the large number of people who will experience this view. The stack in particular would become a notable landmark on one of central Scotland's most important transport corridors.

5.27 That said, this section of the M8/ A8 is becoming increasingly urbanised and travellers already experience views of a wide variety of different types of urban development including various industrial, commercial and residential uses. In this context I do not consider that the construction of an energy-from-waste plant at this location would appear out of place. However the utilitarian appearance of the development does mean it would detract from the visual experience of road users.

5.28 The Motherwell to Coatbridge railway line forms the eastern boundary of the appeal site. The railway at this point runs in a shallow cutting, and trackside vegetation screens views into the appeal site to a good extent. I therefore consider that views of the development by rail passengers would be partial and fleeting and so not of particular concern.

5.29 The nearest listed building with visibility of the proposed development is High Palacecraig House (Category B) at around 1.5 kilometres distance. The view from this building is illustrated at photomontage 9 of the landscape and visual assessment. The proposed stack would be a minor but noticeable feature on the skyline, but would be seen in the context of the intervening urban development of Carnbroe. I do not consider that there would be any significant adverse effect on the features of special architectural or historic interest, or the setting, of this or any other listed building. Nor do views of the site play any important role in the setting of any scheduled monument.

5.30 The development might be sporadically visible from parts of the Coatbridge: Blairhill and Dunbeth conservation area, but given the urban context and distance from the site (around 2.4 kilometres), the character and appearance would be unaffected. Therefore I do not consider that there would be a significant visual impact on any historic or cultural assets.

5.31 As well as views of the stack itself, an additional factor is the visibility of any plume emerging from the chimney top. The EIA scoping direction required this matter to be addressed, and in response the appellant has produced a visible plume assessment<sup>3</sup>. This predicts that visible plumes may occur on up to about 25% of the hours throughout the year, with the highest value for visible plume length predicted to be about 360 metres (using 2013 meteorological data). The corresponding plume height for this condition was predicted to be about 100 metres.

5.32 A 360 metre plume could potentially extend as far as the edge of the existing housing development at Carnbroe and over the potential residential development land east of the appeal site. The assessment predicts that existing properties and the M8 motorway are unlikely to experience shading as a consequence of the plume. However it appears to me that the potential housing east of the appeal site would be more likely fall under the shade of the plume, albeit only in certain occasional weather conditions.

5.33 The plume (when visible at all) will also have a wider visual impact than the stack (and than illustrated in the zone of theoretical visibility maps), being more elevated. In locations where the plume may be visible but not the stack, I do not consider any adverse effect will arise. However where both stack and plume are visible, the plume may serve to draw greater attention to the stack, and to its industrial function which may be out-of-character from certain residential viewpoints.

5.34 I have identified above various locations from where the proposed building and stack would be a prominent feature in the view. How individual people would respond over time to experiencing this view is harder to know. The proposed building would be a bulky, utilitarian and clearly industrial building that could be considered to jar with the otherwise residential character of some viewpoints set in residential areas. The chimney stack would be the most prominent feature, but has a simple slim form that is not intrinsically unattractive. However I expect that people's psychological response to views of the stack would be likely to be affected by their knowledge that this was an energy-from-waste plant, and their level of concern about emissions from such plants. While I have concluded above that emissions and health impacts are likely to fall well within acceptable levels, this will not necessarily remove people's concerns, and hence their increased sensitivity to views of the

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<sup>3</sup> Section 3.1 of [Appendix 10.2](#) of the EIA Report

proposed plant. However it does not appear to me that these considerations can be given any significant weight in planning decision-making, as they are not based on any objective assessment of actual impacts.

5.35 I conclude that the proposal would not have a significant detrimental impact on the local landscape, but would have some important adverse visual effects, most notably on the proposed residential development to the east of the site and on travellers on the A8 trunk road and M8 motorway. For this reason the proposal would be contrary to criterion 3f of local development plan Policy DSP4 due to the failure to fully relate well to the existing context, and to avoid any adverse impact on existing or proposed properties through loss of amenity.

## CHAPTER 6: THE BENEFITS OF THE DEVELOPMENT

### The Cases for the Parties

6.1 The **appellant** argues that the proposed development would create an efficient and aesthetically suitable solution for the processing of waste and further enable Scottish councils and businesses meet their zero waste obligations. The plant would treat 204,000 dry tonnes per annum of residual waste, and produce a gross electrical energy output of 27MW to be exported to the local distribution grid network.

6.2 According to the appellant's [analysis](#), the development would result in a saving of between 80,004 to 101,813 tonnes of CO<sub>2</sub> equivalent per annum compared to landfilling the waste (equivalent to the annual CO<sub>2</sub> emissions from 41,084 to 52,284 cars). This benefit would be primarily derived from the energy recovery, recycling (of metals from the process residue) and avoided methane (that would be generated by the landfill alternative).

6.3 The development also has potential to export up to 18 MW (thermal) of heat. A [heat and power plan](#) has been prepared, which explores the potential for exporting heat to various neighbouring developments.

6.4 The **council's** consultant's [response](#) to the EIA report accepts that the report's broad approach to climate change (including carbon emissions, and heat and power) appears appropriate.

6.5 **Representations** to the appeal and on the EIA report, expressed scepticism about some of the benefits claimed. The main points raised included:

- Options for reducing, reusing, recycling and composting waste should be explored before allowing incineration.
- Local authorities will be tied in to contracts to supply waste for this plant, undermining their incentive to reduce/ reuse/ recycle
- Increased greenhouse gas emissions in comparison to recycling/ reuse/ composting
- Fewer jobs created than in recycling alternatives
- No discussions have been held with neighbouring developers about district heating
- There would be no benefit to the local community
- District heating claims unsubstantiated and include flats scheduled for demolition

### Reporter's Conclusions

6.6 The proposed plant would contribute towards the achievement of Scotland's zero waste target of sending no more than 5% of Scotland's annual waste arisings to landfill by 2025. In terms of the waste hierarchy, an energy recovery facility such as this is more beneficial than waste disposal, but less desirable than waste prevention, reuse or recycling. However it should be noted that the facility will only treat residual waste from which recyclates have been removed, and will itself produce some reusable metals as a residue. Scottish Planning Policy promotes the emergence of a diverse range of new technology, and in this context it would appear that a plant of this nature would make a contribution to the range of waste treatment options available in central Scotland. I have no information as to how the waste supply contracts between the operator and local authorities and private firms would operate.

6.7 The proposed plant would also contribute towards the national targets of deriving 30% of overall energy demand and the equivalent of 100% of electricity demand from renewable sources by 2020. It would also avoid the release of significant amounts of CO<sub>2</sub> that would otherwise have been released had the waste been landfilled or the electricity generated from a fossil fuel.

6.8 While a number of jobs would be created in the construction and operation of the plant, it is equally the case that alternative ways of dealing with waste would also generate employment. Overall I doubt whether job creation could be considered to be a significant benefit of the development.

6.9 The proposed plant could also potentially contribute towards the national target of deriving 11% of heat demand from renewable sources by 2020. There do appear to be good opportunities to export heat to adjacent users, though no customers have as yet been confirmed. However the heat and power plan acknowledges that it is unlikely that the full 18MW (thermal) heat supply potential would be realised. The most realistic options may be the potential new-build commercial development to the north and the proposed residential development to the east. There would however be severe routing challenges to exporting heat across the A8 and M8 to developments to the south such as the Eurocentral Business Park and the Mossend International Railfreight Park.

6.10 The appellant's work on exporting heat is clearly at an early stage, and there can be no guarantees that any such benefits would in fact arise. The best that can be said at this stage is that there is good potential for such systems to be installed and the site is relatively well located to benefit several users of heat in the locality.

6.11 Overall I am satisfied that the proposed development would produce a number of benefits including the treatment of waste that might otherwise have gone to landfill, the generation of renewable power, the avoidance of carbon emissions and the potential for the use of waste heat. However most of these benefits mainly arise at the national and global scale, rather than being direct benefits for local communities.

## CHAPTER 7: OTHER MATTERS

7.1 A number of other matters have been raised in representations on the appeal or EIA report, including concerns about noise, impact on trees and wildlife, pollution of the Calder Water, traffic, odour/ vermin/ flies, a detrimental effect on tourism, and ground stability.

### Noise

7.2 The appellant has produced an [Assessment of Acoustic Impact](#). This indicates that the rating noise level in existing housing areas would be less than the current background noise level. However the noise level would exceed the current night time background level by 4 dB within the proposed housing development area to the east of the appeal site, at a point approximately 50 metres east of the proposed plant. It is stated that the main sound source (the air-cooled condensers) would be continuous and steady with no noticeable tone, and therefore no corrections need to be made to account for particular acoustic features. According to British Standard 4142:2014, a difference of around +5 dB is likely to be an indication of an adverse impact, and of around +10 dB or more is likely to be an indication of a significant adverse impact, depending on the context.

7.3 The council's reasons for refusal did not relate to noise, but their consultants do make various criticisms of the acoustic impact assessment. As regards potential intermittent noise from loading and unloading activities, I note that the delivery of bio-fuel will take place within the fuel store building and so should be inaudible at any residential property.

7.4 It is the case that background noise measurements were taken on weekdays rather than weekends, and it therefore appears possible that background levels could sometimes be lower than stated if, for instance, there was less activity at nearby commercial buildings at weekends. This could mean that noise from the proposed energy-from-waste plant could be more noticeable than stated at some times. The council's consultants also note that the noise impact at the southern end of the site does not consider receiver locations shielded from road traffic noise.

7.5 The wind speed of 3 to 5 metres per second at the time of the measurement were relatively light (a 'light breeze' in the terms of the Beaufort scale). While noise from moving foliage could therefore have had some influence on the results it seems likely the impact of this would have been small.

7.6 It appears that the dominant noise source would be the air-cooled condensers. The council's consultants question the appellant's statement that the character of this noise would be steady and free of any noticeable tone. (Intermittent or tonal noise is considered to be more disruptive.) In response the appellant states that they do not expect there to be a noticeable tone, but in any event any audible tonality can be engineered out during the commissioning process. It may be that a planning condition could be imposed to ensure there would be a satisfactory noise environment in this regard.

7.7 I am largely satisfied that noise levels in the proposed new housing development would be below what is considered to be an adverse impact. While a small element of uncertainty remains about some aspects of the appellant's assessment, there remains a considerable 'margin for error' before noise levels that could be considered to have a significant adverse impact would arise. I also expect noise levels would be lower than

predicted in the new housing area to the east due to houses being built significantly more than 50 metres from the plant (the distance modelled in the noise assessment) to accommodate the bunding/ planting strip proposed in the design statement for the western boundary of that site. It is also suggested that acoustic barriers would be included in the design of the housing site in any event, to mitigate existing road and railway noise.

7.8 SEPA also has a role in regulating noise from the plant through its Pollution Prevention and Control regime. It has reviewed the noise information and has stated that the development is potentially consentable. SEPA can also attach conditions to ensure no adverse noise impact arises from the operational process.

7.9 In terms of noise, I therefore conclude that the proposal complies with local plan Policy DSP4 3d of because it mitigates any likely noise impacts.

#### Impact on trees and wildlife

7.10 The appellant has produced a [habitats survey](#) and [badger](#) and [otter](#) species protection plans. The appeal site itself largely consists of previously developed land (hardstanding), though some regenerating scrub is establishing itself in places and there are some trees on the site periphery. I agree with the finding of the habitats survey that the majority of the site is of low ecological value. I consider the matters of possible concern to be potential impacts on adjacent ancient woodland, and on badgers, otters and kingfisher.

7.11 The western boundary of the site is adjacent to, and slightly overlaps, the semi-natural woodland of the North Calder Water Site of Importance for Nature Conservation. It is proposed to install a drainage pipe in this area, which may disrupt the connectivity of the riverside corridor in the short term. However, replanting or the facilitation of natural regeneration could be secured by condition, and this would serve to restore the site relatively quickly. Another woodland listed on the ancient woodlands inventory exists to the east of the appeal site on the opposite side of the railway and will not be directly affected by the development.

7.12 An active badger sett exists outwith but close to the appeal site, and it is possible that foraging badgers will use existing grassland within the appeal site. It may be possible to microsite the works to avoid any disturbance of the sett, but should any defined works affect it these would require a licence from Scottish Natural Heritage. The badger protection plan sets out the mitigation measures that would be followed in the event that such a licence was required. The appellant argues this should avoid any significant negative impact on badger, and would allow the works to proceed. I consider it probable that these measures would be adequate, but it should be acknowledged that some small risk remains that any planning permission would not be capable of implementation in the event of any requisite licence not being forthcoming.

7.13 A single otter resting site has been found close to the appeal site. Again, the micrositeing of works could avoid disturbance to this feature. The otter protection plan sets out measures that would be required to ameliorate any effect on otters should a licence be required from Scottish Natural Heritage, and I consider it is very unlikely that the presence of otter in the locality would prove to be a constraint to the implementation of any consent.

7.14 Kingfisher, a schedule 1 protected species, has been noted on the North Calder Water. The habitats survey recommends further survey work be carried out for this species during the breeding season, and this can be secured by condition.

7.15 Potential impacts on sites designated for their ecological importance from emissions are considered in Chapter 4 above.

7.16 The council's consultants criticise the overall standard of the ecology section of the EIA report, but do not point to any actual anticipated adverse ecological impacts. I agree that this and some other parts of the EIA report may not reflect best practice, but I find that sufficient information does nevertheless exist to enable an informed judgement to be made regarding the likely ecological impact.

7.17 Overall I conclude that the proposed development would comply with local plan Policy NBE1 because it safeguards sites of importance for natural heritage and biodiversity, and I am satisfied that protected species would either not be compromised or any adverse effects can be mitigated.

### Pollution of the Calder Water

7.18 The proposal includes a sustainable drainage system including a pond in the north-western corner of the site that would discharge via a pipe to the North Calder Water. Discharges would be controlled by SEPA through the Pollution Prevention and Control licence, and the appellant proposes in the Habitats Survey that a pollution prevention plan would be created. This latter proposal could be secured by condition. The preparation and approval of a surface water drainage scheme could also be secured by condition. On this basis I conclude that the proposal would mitigate any likely pollution impacts on this watercourse in accordance with local plan Policy DSP4 3d.

### Traffic

7.19 All traffic would enter and leave the site directly via the existing access onto the eastbound A8 trunk road. This road currently handles significantly less traffic than it did before the construction of the parallel Shawhead/ Newhouse section of the M8 in 2017. In the future it is possible that access will be taken from a proposed new roundabout on the A8 slightly to the west of the site, which is to be built to access the separate Mossend Railfreight development to the south.

7.20 The appellant has prepared a [roads and transportation statement](#), which anticipates up to 50 vehicles per day during the construction phase and 100 two-way operational vehicle movements and 74 two-way staff vehicle movements per day in the operational phase. The council's consultants state that the broad approach taken in the statement appears appropriate, and the council's roads team and Transport Scotland made no objection to the original application. The preparation and approval of a travel plan could be secured by condition.

7.21 The precise origins and destinations of the lorries delivering fuel and removing waste ash are not known at this stage but are anticipated to be located across Scotland and accessed via the trunk road network. Staff vehicles are likely to find their way onto the local road network after leaving the A8, but the impact will be diffuse.

7.22 For these reasons I am satisfied that the development would not give rise to any problematic issues in relation to traffic.

### Odour/ vermin/ flies

7.23 The appellant has submitted a [technical description](#) relating to odour, and an [odour management plan](#). This highlights that all waste will be delivered in closed trucks, that unloading and storage will take place indoors, and that stored waste would be used within a maximum of about four days. Air would be drawn from the reception and storage building through the gasification process which is stated to ensure the destruction of all odorous substances. Eventually this air would be discharged through the 80 metre flue stack for effective dispersal.

7.24 A back-up ventilation and odour treatment facility would operate during any shut down of the gasification process. A modelled dispersal study indicated that at these times the odour impact at ground level would still fall below human perception level.

7.25 The council's consultants comment that the odour management plan needs to incorporate the measures that would be in place to minimise odour emissions on a daily basis, as set out in the technical description. This can be achieved through a condition requiring planning authority approval of the odour management plan.

7.26 As regards flies and vermin, the proposed plant would handle pre-treated residual waste, and so would be expected to be less susceptible to these issues than the existing consented scheme, which was to sort waste on-site. The relatively rapid throughput of material would also appear to greatly reduce the potential for flies and other vermin to become established. While fears have been expressed on these matters, there does not appear to be any basis to anticipate any damage to nearby amenity.

7.27 Overall I conclude that these aspects of the proposal would comply with local plan Policy DSP4 3f by avoiding harm to neighbouring amenity. A restriction on the outdoor storage of material could be secured by condition.

### Tourism

7.28 No specific assessment of the potential impact of the proposal on tourism has been carried out. I concluded at paragraph 5.27 above that the construction of an energy-from-waste plant at this location would not appear out of place to users of the M8 and A8, but that the utilitarian appearance of the development would detract from the visual experience of road users. The M8 will be used by large numbers of visitors to this area and to Scotland more widely. That said, views of the plant would form a very small part of most visitors' overall experiences of North Lanarkshire or Scotland as a whole. I conclude that while some negative impact on the visitor experience is possible, this would be small and diffuse.

### Ground Conditions and Stability

7.29 This is more properly a matter for assessment under building regulations rather than through this planning appeal. That said, the council has proposed a condition requiring the preparation of a site investigation report and a remediation strategy prior to the start of any construction works on site. On this basis I conclude that there is no basis for refusing planning permission for reasons of ground conditions or stability.

## CHAPTER 8 – CONCLUSIONS AND RECOMMENDATION

### Compliance with the Development Plan

8.1 Section 25 of the Planning Act requires that this appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. In terms of overall compliance with the development plan, the fact that the appeal site is allocated in the local plan as an existing waste management facility where this continuing character is supported is a powerful factor in the proposal's favour. The development would also meet all the relevant locational criteria for waste management facilities set out in Policy 11 of the strategic development plan and Policy EDI3C of the local plan. I concluded in chapter 3 that the principle of developing an energy-from-waste facility at this location gains significant support from the provisions of the development plan.

8.2 Regarding the impacts of this particular proposal, the matter that is of most concern to local residents is the health and air quality effects of emissions from the proposed plant. Paragraph 188 of Scottish Planning Policy is clear that the planning assessment of a proposal of this nature should focus on whether the proposed development would constitute an appropriate use of the land, leaving the regulation of installations to SEPA. However, Planning Advice Note 63 does identify air quality and pollution prevention among the matters to be considered in determining planning applications for energy-from-waste plants. I therefore consider it is appropriate to have some regard to emissions and potential health impacts in this planning assessment, not least because it would be unhelpful to grant planning permission to a development that might ultimately prove incapable of being developed due to an inability to demonstrate to the relevant regulator that emissions standards could be met.

8.3 In chapter 4 above, I concluded that the air quality and health impacts of the proposed development would fall within acceptable limits, and that the proposal therefore complies with Policy DSP4(3)d of the North Lanarkshire Local Plan because it adequately mitigates its air quality impacts. The only caveat to this conclusion relates to a small amount of remaining uncertainty about the significance of cadmium emissions, but I am confident that it would be safe to grant planning permission on the basis that emissions would ultimately be regulated by SEPA to ensure they fell within allowable limits. The fact that SEPA have commented that the proposal is potentially consentable under the Pollution Prevention and Control regime is also suggestive that it would not be sound to refuse planning permission on the grounds of air or water pollution.

8.4 There can be no doubt that the prospect of this development distresses many members of the local community who are fearful of the perceived harmful health impacts of emissions from the plant. Although I have concluded above that the most authoritative evidence available to me indicates that any health impacts fall well within acceptable limits, this is not to belittle the genuinely held concerns that have been raised. In part these concerns relate to the principle of the thermal treatment of waste, and would apply to any proposal for such a process in any location in proximity to populated areas. Such concerns are essentially a matter for Government waste policy, rather than for this individual appeal. However the fact that such concerns exist is likely to mean that this development, if built, would be viewed negatively by local people, and would be likely to result in people having a lower perception of their area as a good place to live. This perception could persist to a degree, regardless of the actual level of emissions, in part because of the visibility of the plant, and in particular its chimney stack and associated visible plume.

8.5 In chapter 5 above, I concluded that the proposal would not have a significant detrimental impact on the local landscape, but would have some important adverse visual effects, most notably on the proposed residential development to the east of the site and on travellers on the A8 trunk road and M8 motorway. For this reason the proposal would be contrary to criterion 3f of local plan Policy DSP4 due to the failure to fully relate well to the existing context, and to avoid any adverse impact on existing or proposed properties through loss of amenity.

8.6 In terms of other matters, including noise, trees and wildlife, and odour, I concluded in chapter 7 that the proposal was likely to comply with the development plan policies relevant to these topics.

8.7 A conclusion on overall compliance with the development plan therefore needs to balance the plan's support for the principle of this form of development at this location, together with the proposal's compliance with policy provisions relating to emissions, noise and other matters, against the proposed plant's non-compliance with the policy provisions relating to visual impact.

8.8 I consider that the in-principle support given by the plan is the more powerful factor in this case. In my mind, this in-principle support brings with it an acceptance that some form of large visually prominent utilitarian building would be constructed on this site. In terms of the weight to be given to the potential visual impact, it is also relevant that the proposed neighbouring housing site remains unbuilt and its detailed design remains to be agreed. Its design may therefore take account of any planning permission on the appeal site. I therefore conclude that on balance the proposed development accords overall with the development plan.

### Other Material Considerations

8.9 Turning to other material considerations, a significant matter is the existence of a live planning permission for an energy-from-waste plant on the appeal site. The principle of this use is therefore established. Because a start has been made on this development, this permission will now remain in place in perpetuity. There are, however, doubts as to the likelihood that this earlier permission would in reality ever be implemented given the passage of time and technological changes that have occurred in the intervening years.

8.10 A major change in circumstances since the approval of the existing planning permission is the approval in principle by the council of a mixed use development (including up to 500 houses) on land immediately to the east of the appeal site (separated by the Motherwell to Coatbridge railway line). If implemented, this approval would bring residential property much closer to the proposed energy-from-waste plant than was the case at the time of the earlier permission. For instance the proposed chimney stack could be around 100 metres from the nearest proposed houses as opposed to around 350 metres from existing houses. As stated above, I have concluded that most impacts (including impacts related to emissions and noise) would fall within acceptable limits in this proposed housing area. Indeed the impact of emissions on this proposed housing area would appear to be less than the impact on existing houses. However there would be a significant visual impact. In terms of material considerations, I recognise that the separation distance would be significantly less than the 250 metre guideline appropriate buffer distance between sensitive receptors and thermal treatment plants suggested at paragraph 191 of Scottish Planning Policy.

8.11 Also of relevance are the claimed benefits of the scheme, as described in chapter 6 above. The most notable of these are the treatment of 204,000 dry tonnes per annum of residual waste that might otherwise have gone to landfill, the generation of 27MW gross of renewable electricity, the avoidance of over 80,000 tonnes of CO<sub>2</sub> equivalent emissions per annum compared to landfilling the waste, and the potential for the use of waste heat. However most of these benefits mainly arise at the national and global scale, rather than being direct benefits for local communities.

8.12 It can be seen that while some material considerations militate against the development, others add to the case for granting planning permission. On balance I consider that the council's approval of residential development on neighbouring land, and the fact that this would bring houses closer within the 250 metre buffer mentioned in Scottish Planning Policy, are not such powerful factors as to justify putting aside the support for the proposed energy-from-waste plant given by the development plan.

### Environmental Information

8.13 The environmental information presented in the EIA report and associated documents is summarised in chapter 2. The EIA report itself is brief, and most information is contained in appendices. These are mainly independent reports that have been stitched together for the purposes of the EIA report. The information is not always presented in a way that reflects best practice in the field of environmental assessment, and as a result the report does not read as a fully coherent piece of work. However I am satisfied that the report contains sufficient information to enable a reasoned conclusion on the environmental effects of the scheme to be drawn. Unless otherwise stated I agree with the conclusions of the EIA report.

### Overall Conclusion

8.14 I conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

### Conditions

8.15 The council has suggested a list of conditions for use in the event that the appeal is allowed, and these appear to be acceptable to the appellant. Because the council would be responsible for their enforcement, I have based the suggested conditions set out in Appendix 3 on those put forward by the council, adjusted where necessary to meet the tests set out in Circular 4/1998: The Use of Planning Conditions in Planning Permissions.

8.16 Conditions 6 and 7 require the agreement of a site waste management plan and a construction method statement. I would note that the construction environmental management plan included at appendix 6 of the EIA report is a rather high level and generalised document, which may not meet the requirements of these conditions without some amendment.

8.17 I have proposed adjustments to condition 13 to require the inclusion in the biodiversity scheme of woodland recreation adjacent to the North Calder Water, kingfisher surveys and a pollution prevention plan. I have also added conditions relating to an odour

management plan and to noise from the air-cooled condensers. These additions are to reflect the conclusions of the relevant sections of this report

### **Recommendation**

8.18 I recommend that the appeal be allowed and that planning permission be granted subject to the conditions listed in Appendix 3.

*Stephen Hall*

Reporter

## APPENDIX 1: PARTIES TO THE APPEAL

### The appellant

North Lanarkshire Bio Power Limited

### The planning authority

North Lanarkshire Council

### Parties making representations on the appeal

<b>Surname/ Organisation Name</b>	<b>First Name</b>
Brown	Mr and Mrs Colin and Julie
Cairns	Frank
Cairns	Gillian
Cairns	James
Clark	Marilyn
Clark	Martin
Clark	Lauren
Connolly	Brian, Patricia and Caitlin
Cornfield	Mr Scott
Corns	Mary
Davidson	Diane
Dempsie	Archie
Dempsie	Maureen
Dempsie	Yvonne
Docherty	Katrina
Docherty	Paul
Dovedale Action Group	
Ferguson	David
Fraser	Geraldine
Gibson	Abigail
Gibson	Alan
Gibson	Dale
Gibson	Kelbay
Gibson	Tanya
Glen	Dr I
Hansen	Veroniva
Hansen Jnr	Peter
Hansen Jnr	Victoria
Hansen Snr	Peter
Haveron	Mrs C
Howie	Simon
Jeppesen-Thomson	Lynn
Kierns	William
Lesson	Martin
Lierns	Anne
Lynn	Alex
Lynn	Angus

MacGregor MSP	Fulton
Mann	Martin
McAllister	Julia
McArthur	Andriana
McCabe	Paul
McDowell	Robert
McEwan	Mrs E
McKendry	Chris
McMullen	Tracy
McParland	Nichola
Mercer	Cherlene
Mercer	Scott
Millar	D M
Mitchell MSP	Margaret
Monkland Residents Against Pyrolysis Plant	
Morris	John
Mullen	Chiara
Mullen	Elise
Mullen	Patricia
Mullen	Paul
Mullen	Tracy
Murrau	Donald
Neil MSP	Alex
Nelson	Pamela
Nelson	Jennifer
Nisbet	John
Noon	Elizabeth
O'Rourke	D
Occupier 1	
Peter	John
Proctor	Maggie
Scott	Lynn
Shaw	Marie
Shaw	Mark
Smith MSP	Elaine
Thomson	Andrew
Thomson	Alan
Tunnock	L
Waugh	J
Waugh	Mrs Margaret
Waugh	S
Weetman	Kathleen
Wilson-Dunnnett	Karen
Woodhall, Faskine and Palacecraig Conservation Group	
Wright	Wilhelina

A petition was also submitted electronically with the names of 1,952 people

Parties making representations on the environmental report

<b>Surname/Organisation Name</b>	<b>First Name</b>
Adamson	Lesley
Aitchinson	Robert
Akkaya	Louise
Allan	Chris
Allan	Eileen
Allan	Emma
Angus	Craig & Dunsmuir Janet
Angus	Fraser
Armour	Alan
Ashrif	Tariq
Ashwood	Joe & Margaret
Barlow	Nicola
Barnes	David
Barrett	Catherine
Beale	Louise
Beaton	Margaret
Bell	Gillian
Bickerton	Alison
Bingham	Blair
Bissland	Carole
Black	Aileen
Blair	Annabelle
Blair	Christopher
Blair	Fiona
Blair	Gerard
Blair	Gillian
Blair	Karen
Bodie	Vicky
Bonner	Marie
Boyle	Paul
Brady	Jennifer
Brady	Sean
Braidwood	Daniel
Braidwood	Danny
Brennan	John
Brennan	John
Broadhurst,	Eilsa
Brown	Julie & Colin
Brown	Sandra & Jim & Jessica
Bryce	Josphine
Burke	Frances
Burke	Patrick
Burt	Gillian
Byrne	Arlene
Byrne	Brian
Cahill	Nicola

Cairns	Chris
Cairns	Frank
Cairns	Gillian
Cairns	James
Callen	Thomas
Cameron	Alan
Cameron	Jill
Cameron	Margaret
Cameron	Robert
Cameron	Stuart
Campbell	Angela
Campbell	Diane
Campbell	James and Anne Rose
Campbell	Paul
Carmichael	Mr and Mrs
Carr	William
Cavanagh	Grace
Charnley	Gordon & Linda and Culley Thomas & Jessie
Christie	Janet
Clarke	Allan
Cochrane	Edel
Cochrane	M
Coffield	Laura
Coley	E
Collin	Fiona
Corns	John
Cowell	Gillian
Cowell	Lynda
Cox	Frank
Craig,	Heather
Croly	Donna
Cullen	Alison
Cunningham	David & Anita
Cunningham	Pauline
Curran	Anne
Curran	Ellen
Curran	John
Curran	Richard
Currie	Bruce
Currie	Margaret-Mary
Davidson	Anne
Davidson,	Diane
Dawson	Stephen
Dawson	Tracy
Dempsie	Archie
Dempsie	Fiona
Dempsie	Maureen
Dempsie	Yvonne

Devine	Emma
Devine	Matthew
Devine	Robert
DiMascio	Helen
Diniz	Lisa
Docherty	Gail
Docherty	Joe
Docherty	Joe
Docherty	Mark
Docherty	Moirra
Dolan	Emma
Dolan	Graham
Donnelly	Amanda
Donnelly	Elaine
Dornan	Claire
Dornan	Kevin
Dovesdale Action Group	
Draper	Jeffrey
Duff	Philip
Dunn	Chris
Dunsmuir	Anne
Easto	Fiona
Easton	Fiona
Energy Repair Team	
Fagan	Colin
Fairservice	Jeanette
Fennell	Mary-Frances
Flanigan	Heather
Foley	Johanne
Fordyce	Fred
Forsyth	Natalie
Forsyth	William
Frame	Fiona
Frame	Lesley
Fraser	Geraldine
Fraser	Scott
Friel	Lynsey
Fulton	Gordon
Fulton	Jennifer
Fulton	Myra
Fulton	Sam
Gaffney MP	Hugh
Gallacher	Patricia
Gallagher	Louise
Gallagher	Sarah
Geddes	Amanda
Geddes	Gordon
Gibbons	Mhairi
Gibson	Abigail

Gibson	Alan
Gibson	Dale
Gibson	Kelbay
Gibson	Tanya
Gilchrist	Gordon
Gilchrist	Ian
Gilchrist	Karen
Gilchrist	Wendy
Glen	Ann
Graham	Marie
Grant	Antoinette
Grant	Margaret
Gray MP	Neil
Greenhorn	Kirsty
Greer	Ian
Griffin	Sharon
Hailstones	Sharon
Haldane	Michelle
Hamilton	
Hamilton	Douglas
Hamilton	Gerard
Hamilton	Ken
Hamilton	Leigh
Hamilton	Nicole
Hanney	June
Hannigan	Elliot
Harper	Peter
Harper	V.J.
Hart-Thomson	Lorna
Harvey	Brian
Henderson	Donald W
Henderson	Michelle
Henderson	Miriam
Higgins	Adrian & Li Chuan
Higgins	John & Margaret
Historic Environment Scotland	
Hoey	Anne Marie
Hogarth	Alan
Hogarth	Anne
Hogg	Fiona
Hogg	Reece
Hogg	Robert
Holmes	Fraser
Houston	Gerard
Hughes	Gerald
Hughes	Noreen
Humes	Margaret
Hynes	Natalie
Ironside Farrar,	

on behalf of North Lanarkshire Council	
Irvine	Elaine
Jenkins	Tracie
Johnston	Iain
Johnston	Lindsey
Kelly	John
Kelly	Margaret
Kennedy	Michael
Kennedy	Teresa
Kerr	Elaine
Kerr	Paul
Kierns	Anne
Kierns	William
King	Alison
Lagan	Liz
Lawlor	Karen
Leith	Gillian
Leith	Jodie
Leith	Laurie
Lloyd	Elaine
Love	Jason
Love	Jennifer
Love	William
Lowe	Edwin
Lucas	Ailsa
Lucas	Thomas
Lynn	Agnes
Lyttel	Andrew
Lyttel	Jacqueline
Macaulay	Lynne
MacDonald	Louise
MacDonald	Marie
MAcGregor MSP	Fulton
MacKay	Jane
Mackenzie	Angus
Mackrell	Audrey
Mackrell	Phil
Mackrell	Thomas
MacLean	Vicki
Main	John
Main	Linda
Mair	Tracy
Malone	Michele
Mann	Martin
Manson	Lisa
Marshall	Claire & Christopher
Martin	Fiona
Matheieson	Jacqueline
Maxwell	Aileen

McAdam	J
McAdam	Nicola
McAlinden	Catherine
McArthur	Stuart
McAteer	Jon
McAteer	Paul
McCabe	Paul
McCafferty	Craig
McCarthy	Claire
McCarthy	Kerry
McCartney	Mae
McCluskey	Christina
McCluskey	Stephen
McColl	Elizabeth
McCulla	Alexander
McDermid	Liz
McDonald	Fiona
McDonald	William
McDowall	Catrina
McFarlane	Audrey
McFie	Ellen
McFie	Ewan
McGeough	Gerard
McGeough	Stephen
McGhee	John
McGinness	Frances
McGinness	James
McGinness	Lisa
McGlone	William
McGuinness	Claire
McGuire	Alex
McHugh	Bill
McIlduff	Laura
McIlroy	David
McInnes	Andrew
McInnes	Caroline
McInnes	Joe
McInnes	Rosemary
McKay	Janice
McKinstry	Jacqueline
McLauchlan	Lindsay and Eileen
McManus	Rose
McMillan	Fraser
McMillan	Victoria
McMullen	Martin
McMullen	Tracy
McMurray	Martyn
McNee	Jane
McPake	Dawn

McPake	James
McParland	James
McParland	Nicola
McShane	Elizabeth
McSorley	Christopher and Christine
McSorley	Rosemary
Messenger	Elaine
Millar	Gordon
Miller	Charlene
Mitchell	Aimee
Mitchell	Lisa
Mitchell	Margaret
Mitchell MSP	Margaret
Molloy	Emma
Moonan	Jacqui
Moonan	Jacqui
Moore	Mary
Moran	James
Moran	Vicky
Moran,	Martin
Morris	John
Mortimer	Jillian
Morton	Laura
MRAPP	
Muir	Ruth
Mullen	Chiara
Mullen	Elaine
Mullen	Patricia
Mullen	Paul
Murphy	Gail
Murphy	Peter
Murray	Sandra
Muslek	Adele
Muslek	Sam
Nelson	Jeniffer
Nelson	Pamela
Network Rail	
Niezynski	Alec
Nisbet	Iain
Noon	Elizabeth A
Noon	Maureen
O'Brien	Ceila
O'Brien	John
O'Neil	Bryan
Oni-Orisan	J
Oni-Orisan	JM
O'Reilly	Dylan
O'Rourke	Angela
O'Rourke	David

Ospedale	T
Parker	Claire
Parry	Neil
Paton	Heather
Pearson	Nicola
Petrie	Gillian
Pettigrew	Nicola
Pettigrew	Steven
Phee	Andrea
Philip	Andrew M
Philp	Andrew G
Philp	William
Price	Anne
Proctor	Frank
Proctor	Thomas
Proctor	Vincent
Radke da Silva	Juliana
Rafferty	Jackie
Raitt	Brian
Regan	John
Reid	Alanna
Reid	Doug
Reid	Elizabeth
Reilly	Elaine
Reilly	Karen
Reilly	Lynda
Reilly	Nicola
Reith	Alison
Riley	Yolanda
Ritchie	Claire Louise
Ritchie	Martin
Robertson	Ada
Robertson	David
Robertson	William
Robson	William
Rooney	Nadine
Rooney	Tracy
Russell	Joshua
Russell	Margaret
Russell	William
Sanderson	Graeme
Sanderson	Jacqueline
Sanderson	Laura
Sanderson	Mark
Sanderson	Nichola
Sansome	Derek & Shron
Scott	Gordon
Scott	Jane
Scullion	Pamela

SEPA	
Sexton	Margaret
Sexton	Robert P
Shanks	Keith
Shaw	Marie
Shaw	Mark
Sinnett	Brian
Sinnett	Fiona
Skelton	Belinda
Slavin	Donna
Small	Stuart
Smith	Emma
Smith	Jason
Smith	John
Smith	Lisa
Smith	Melanie
Smith	Nikki
Smith	Shannon
Smith MSP,	Elaine
SNH	
Stevenson	Jack
Stevenson	Nicola
Stewart	Emma
Stewart	Gary
Stobie	Margaret
Stoney	Owen
Sutherland	Kirsty
Sutter	Arthur
Sweeney	Moira
Tagg	Mairead
Tagg	Michael
Taggart	Catherine
Taggart	John
Taggart	Wilma
Taylor	A
Temmaria	Kamel
Tennent	Elizabeth
Thomson	Ann Marie
Thomson	Helen
Thomson	John
Thomson	Margaret
Timmons	Fiona
Timoney	Gillian
Transport Scotland	
Tripney	Robert
Varghese	Claire
Vass	Anne
Vass	John
Waddell	Carolanne

Waddell	James
Waddell	Morag
Waddell	Morag S
Walker	Ainsleigh
Walker	Carol
Walker	Karen
Walker	Rory
Walker	William J
Walters	Jane
Walters	Kirsty
Walters	Reg
Waugh	Margaret
Weetman	Kathleen
Weir	John-Ross
Welsh	Karen
White	Jean
White	Leslie
White	Margaret
White	Tom
Whyte	Susan
Wilkinson	Lorraine
Wilson	Louise
Wilson-Dunnett	Karen
Woods	Eddie
Woods	Kirsty
Young	Claire
Young	Jane Marie
Young	Kirsty
Yuill	Dianne
Yuill	Mr and Mrs

## APPENDIX 2 - MAIN POINTS MADE IN REPRESENTATIONS

The following main points were raised in representations on the appeal:

- Options for reducing, reusing, recycling and composting waste should be explored before allowing incineration.
- Local authorities will be tied in to contracts to supply waste for this plant, undermining their incentive to reduce/ reuse/ recycle
- Increased greenhouse gas emissions in comparison to recycling/ reuse/ composting
- Waste will be shipped in from outside North Lanarkshire contrary to the proximity principle
- Additional housing approved close to appeal site since previous permission
- Visual impact of chimney stack
- Harmful and poisonous emissions close to houses and schools, in an area with already poor health statistics. Even low emissions can affect vulnerable groups e.g. asthma sufferers. Studies have shown negative health impacts around incinerators.
- The fine particulates, toxic metals and organic chemicals emitted can bio-accumulate and cause chronic illness
- Toxic metals from emissions and fly ash are linked to behavioural problems
- Some chemical pollutants can cause genetic changes
- Contribution of SO<sub>2</sub> and NO<sub>2</sub> to acid rain and smog
- Impact on proposed low emission zone in Coatbridge
- Incinerators contravene human rights e.g. the right to life. Unethical for people to be subjected to emissions when safe alternatives exist
- Concerns about incinerators burning radioactive material
- Uncertainty about type of waste to be incinerated
- This is a new and developing technology with inadequate data about its effects.
- Area suffers from high pollution already
- 24 hour noise
- Damage to woodland and the Woodhall & Faskine green belt
- Impact on wildlife
- Pollution to the Calder Water and associated impact on rare wildlife
- Traffic disruption of 24 hour lorry movements
- Odour, vermin and flies
- Detrimental effect on tourism
- Negative effects on house prices
- Risks connected with the export of the residual toxic ash, particularly the fly ash which is light and easily windborne, to landfill
- Modern abatement techniques may not be effective under non-standard conditions e.g. start-up and shut-down. Fine particulates and heavy metals are resistant to removal
- Fewer jobs created than in recycling alternatives
- Existing incineration capacity in Scotland is not being fully utilised
- No discussions have been held with neighbouring developers about district heating
- Geological fault line traverses the site
- Unstable ground – possible mineshafts
- Site is contaminated from earlier industrial activity
- Better to err on side of caution in such cases/ take a precautionary approach

- Decision should be made locally in line with local democracy. Local people overwhelmingly opposed, and worry regarding development is affecting mental health
- There would be no benefit to the local community
- Lack of trust in SEPA as a regulator

Further representations were received in response to the EIA report, which largely reiterated the above points. However the following additional points were made.

- EIA report lacks depth, clarity and substance
- Lack of analysis of alternative locations
- Lack of community engagement
- Proposal likely to deter development of adjacent housing site
- Report covers 'normal operating conditions' that will not always occur/ measures are based on plant operating at 100% efficiency
- Lack of acknowledgement of poor local health profile, and of possible impact of even slight deterioration in air quality
- Worrying that report accepts odour issues and refers to workers becoming desensitised
- Lack of analysis of impact on local roads
- Lack of evidence of local knowledge
- Report acknowledges that existing nitrogen levels 'exceed critical load values'
- If approved, condition needed requiring Health Impact Statement
- District heating claims unsubstantiated and include flats scheduled for demolition

## **APPENDIX 3 – SUGGESTED CONDITIONS IN THE EVENT THAT THE APPEAL IS ALLOWED**

### **Conditions**

1. Unless otherwise agreed in writing with the planning authority, following consultation with the Scottish Environment Protection Agency, only residual waste (i.e. waste remaining after all practicable and reasonable efforts have been made to extract recyclable material, and compostable material if appropriate) shall be treated in the energy from waste part of the development hereby approved.

Reason: In order to ensure that only residual waste is treated in the energy from waste plant in accordance with Scottish Government waste policy and the Scottish Environment Protection Agency's guidelines.

2. No waste materials shall be accepted onto the site until the facility is operational. This facility shall be completed in accordance with the approved amended plans. No waste shall be accepted at the facility unless it has been pre-treated and sorted so as to only include material suitable for treatment in the facility.

Reason: To ensure the operation of the development accords with the principles of sustainable waste management and accords also with Scottish Government waste policy.

3. Prior to the acceptance of waste materials at the site, the development hereby permitted shall be designed and constructed to enable the export of electricity and/ or heat in accordance with the approved plans.

Reason: To ensure that the plant is capable of exporting electricity and/or heat in accordance with Scottish Government policy and the Scottish Environment Protection Agency's thermal treatment guidelines on maximising energy recovery from such facilities.

4. No development shall commence on site until a schedule of materials and finishes and associated samples for all components of the development, including ground surfaces and boundary enclosure has been submitted to, and approved in writing by, the planning authority. The development shall be carried out in accordance with the approved schedule and associated samples.

Reason: To ensure the quality of the appearance of the development in the interests of visual amenity.

5. No development shall commence on site until a site traffic management plan, which shall include timescales for completion of all proposed measures, and measures to ensure that all traffic noise on site is minimised, has been submitted to, and approved in writing by, the planning authority. The approved plan shall be implemented in full.

Reason: To minimise noise impacts from the operation of the waste management facility in the interests of amenity.

6. No development shall commence on site until a site waste management plan has been submitted to, and approved in writing by, the planning authority following consultation with

the Scottish Environment Protection Agency. The approved plan shall be implemented in full during the construction of the development.

Reason: To ensure best practice is adopted in dealing with waste during the construction phase of the development in accordance with Scottish Government policy.

7. No development shall commence on site until a full site specific construction method statement has been submitted to, and approved in writing by, the planning authority following consultation with the Scottish Environment Protection Agency. The construction method statement shall incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution including matters relating to the construction of the building, impacts on hydrogeology and disposal of contaminated land. Specifically the statement shall include the following:

- how contaminated land will be dealt with; treated and disposed of as necessary;
  - details of how disturbance to groundwater will be minimised, including any dewatering proposals;
  - details of the storage of construction fuels, materials, raw materials and by production;
  - temporary SuDS measures; and
  - dust mitigation methods.
- for the avoidance of doubt, the statement shall include the sections of proposed new access road which are shown outwith the red line boundary.

The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment from any damage arising from the construction and operation of the development hereby approved.

8. No development shall commence on site until the full details of a surface water drainage scheme, which is compliant with the principles of SuDS, and includes the timescale for its implementation, has been submitted to, and approved in writing by, the planning authority. The drainage scheme must comply with the most recent relevant advice issued by the Scottish Environment Protection Agency. The post-development surface water discharges shall ensure that the rate and quantity of run-off to any watercourse are no greater than the pre-development run-off for any storm return period unless it can be demonstrated that a higher discharge is necessary to protect or improve any aquatic habitat at or near the site. The approved scheme shall be implemented in accordance with the approved timescale.

Reason: To ensure that the SuDS drainage scheme complies with best practice.

9. The surface water drainage scheme approved in terms of condition 8 shall be implemented contemporaneously with the development in so far as is reasonably practical. Within three months of the construction of the scheme, a certificate (signed by a chartered civil engineer experienced in drainage works) shall be submitted to the planning authority confirming that it has been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To ensure that the surface water drainage scheme complies with best practice.

10. No development shall commence on site until a travel plan has been submitted to, and approved in writing by, the planning authority following consultation with Transport Scotland - Trunk Road Network Management Directorate. The approved travel plan shall be

implemented in full, and shall generally be in accordance with the travel plan framework prepared for the consented development by Arup (dated June 2009) as submitted with the earlier planning application. Specifically it shall identify: measures to be implemented; the timescales for implementation; the system of management, monitoring, review and reporting; and the duration of the plan.

Reason: To ensure the operation of the development accords with the requirements of Scottish Planning Policy and Planning Advice Note 75 (Planning for Transport).

12. No development shall commence on site until a scheme of lighting within the site has been submitted to, and approved in writing by, the planning authority following consultation with the roads authority. The design of the lights shall incorporate downward reflectors.

Reason: In the interests of road safety at the locus, to minimise light pollution in the vicinity, and to accord with the biodiversity enhancement measures required under the terms of condition 13.

13. No development shall commence on site until a biodiversity scheme which, unless otherwise agreed with the planning authority, incorporates the recommendations of the habitats survey (Appendix 4 of the EIA report) has been submitted to, and approved in writing by, the planning authority. The elements of the scheme shall be completed within timescales set out in the scheme. The elements shall include, but are not limited to, the following:

- a programme to install bat boxes on the edge of the adjacent North Calder Water woodland;
- landscaping using exclusively native plant species;
- creation and maintenance of species rich grassland areas;
- downward reflectors to be installed on any artificial lighting to minimise impacts on bats and other wildlife;
- the rapid recreation of woodland on any land within the North Calder Water Site of Importance for Nature Conservation that is disturbed during the construction of the drainage pipe;
- further surveys for kingfisher during the breeding season; and
- the creation and implementation of a pollution prevention plan.

For the avoidance of doubt, all additional surveys shall include the sections of proposed new access road which are shown outwith the red line boundary.

Reason: In the interests of nature conservation within the site and surrounding area.

14. No development shall commence on site until a scheme of hard and soft landscaping within the site boundary incorporating biodiversity enhancement measures and native tree planting has been submitted to, and approved in writing by, the planning authority. The scheme shall include:

- details of any earth moulding and hard landscaping, boundary treatment, wild grass seeding and turfing;
- a scheme of native tree and shrub planting which shall include a majority of heavy standard tree sizes;
- the scheme of native tree and shrub planting shall incorporate details of the location, number, variety and size of trees and shrubs to be planted;

- an indication of all existing trees and hedgerows, together with details of those to be retained, and measures for their protection in the course of development;
- a detailed timetable for all landscaping works which shall provide for these works to be carried out before any waste materials are accepted on site; and
- a management and maintenance scheme for these works.

For the avoidance of doubt, the scheme shall include the sections of proposed development which are shown outwith the red line boundary.

Reason: In the interests of nature conservation, biodiversity, and visual amenity and to meet the commitment of the council to the provision of high quality landscaping in developments within North Lanarkshire.

15. All works included in the scheme of landscaping and native tree planting, approved under the terms of condition 14 above, shall be completed in full, in accordance with the approved timetable, and any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within 2 years of the full occupation of the development hereby permitted, shall be replaced within the following year with others of a similar size and species.

Reason: In the interests of nature conservation, biodiversity, and visual amenity.

16. No development shall commence on site until a comprehensive site investigation report has been submitted to, and approved in writing by, the planning authority. The report shall deal with contamination and ground stability. For the avoidance of doubt, this report shall include those areas of development shown outwith the red line as shown on approved plans. The investigation shall be carried out in accordance with current best practice advice, including that found in BS 10175: The Investigation of Potentially Contaminated Sites and CLR 11. The report shall include a site specific risk assessment of all relevant pollution linkages, a conceptual site model, and details of any remediation works required along with timescales for their completion. All remediation works shall be completed to the complete satisfaction of the planning authority within the approved timescales. A certificate (signed by a chartered environmental engineer) shall be submitted to the planning authority confirming that any remediation works have been carried out in accordance with the terms of the works approved in the site investigation report.

Reason: To establish whether or not site decontamination is required and, if it is, to ensure that the site is free of contamination, in the interests of the amenity and wellbeing of future employees and visitors to the waste management facility.

17. No waste shall be received on site until the approved access road and parking works have been completed and are operational. For the avoidance of doubt, this includes those sections of road outwith the red line as shown on approved plans. All the parking and manoeuvring areas thereby approved shall be levelled, properly drained, surfaced in an approved material, clearly marked out and hereafter, maintained as parking and manoeuvring areas.

Reason: To ensure the provision of adequate parking within the site and in the interests of pedestrian and vehicular safety.

18. The maximum quantity of waste that can be imported into the waste facility in any one year shall not exceed 204,000 tonnes unless otherwise agreed in writing with the planning authority following consultation with the Scottish Environment Protection Agency. For the avoidance of doubt, this overall limit includes an allowance for the importation of pre-processed refined bio-fuel.

Reason: To ensure the operation of the development accords with Scottish Government waste policy in respect of the identified waste streams.

19. Unless otherwise agreed in writing with the planning authority, no import to or export of waste or other material from the site shall take place outwith the hours of 07.00 to 19.00 weekdays and 07.00 to 13.00 on Saturdays. For the avoidance of doubt, no import to or export of waste or other materials from the site shall take place on Sundays.

Reason: To enable the planning authority to retain effective control of noise, and in the interests of residential amenity in the vicinity.

20. Unless otherwise agreed in writing with the planning authority, import to and export of materials from the site during the construction phase of the development shall be limited to 07.00 to 19.00 weekdays and 07.00 to 13.00 on Saturdays. For the avoidance of doubt, no import to or export of materials from the site shall take place on Sundays.

Reason: To enable the planning authority to retain effective control of noise, and in the interests of residential amenity in the vicinity.

21. During the operational phase of the development no waste material, unless enclosed in secure containers, shall be stored outside the waste processing buildings hereby approved by the planning authority.

Reason: In the interests of the amenity of the site and surrounding area.

22. No development shall commence on site until the developer has taken all reasonable steps to establish a community liaison committee of 5 persons. To that end, the developer shall invite the local community to nominate up to 2 representatives to sit on the committee together with a representative from the Scottish Environment Protection Agency and a representative from the planning authority. The representative of the developer may be accompanied by such other persons as may be of assistance to the committee in carrying out its work. Meetings of the committee shall be held on site every quarter or at longer intervals as the committee members may determine appropriate.

Reason: In the interests of best practice in community engagement; and to ensure that the local community is kept informed about the development and that any concerns of the local community regarding potential environmental and amenity impacts are taken into account in the construction and operation of the development.

23. Within 3 months of the signing of a contract for the construction of the proposed development and prior to the commencement of development, the developer shall produce a co-ordinated nontechnical summary environmental report for the site which will include the matters covered by conditions 7-9, 13-17 and 24, which will be made available to the planning authority and the community liaison committee, to be established in compliance

with condition 22. The report will then be updated on each anniversary after its first issue to report on the progress of the measures contained therein.

Reason: To enable the local community to be fully informed and for the planning authority to consider these aspects in the interests of the amenity of the site and surrounding area.

24. No development shall commence on site until an odour management plan has been agreed in writing by the planning authority. The development shall be carried out and operated in accordance with the provisions of the odour management plan. Odour management plan.

Reason: To ensure the preservation of local amenity.

25. The air-cooled condensers will be designed, installed and operated to avoid a tonal component to the noise emitted from the condensers being audible at any residential property, without the written consent of the planning authority.

Reason: To ensure a satisfactory noise environment for local residents.