

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING
APPLICATIONS COMMITTEE
18 AUGUST 2009

Agenda Item	
Report No	

**WASTE TO ENERGY COMBINED HEAT AND POWER PLANT,
CROMARTY FIRTH INDUSTRIAL ESTATE, INVERGORDON.
(08/00455/FULRC)**

Report by Head of Planning and Building Standards

SUMMARY

The proposal is for a waste to energy combined heat and power plant (5.1MW) to be developed within the Cromarty Firth Industrial Park at Invergordon. The applicant is Combined Power and Heat (Highlands) Ltd.

Seven timeous representations have been made against the application including one from Ardross Community Council. One timeous letter of support was made. There are also five late letters of representation against the development. Objections have focused upon traffic and environmental concerns.

Invergordon and Saltburn Community Councils as statutory consultees have objected to the application. There are no objections from other statutory consultees.

The application site is on a brownfield site, allocated as part of a much wider area for business uses. Although there is no specific proposal or land allocation for a development project of this type within the adopted Ross and Cromarty East Ross Local Plan the application is consistent with the Development Plan overall.

It is recommended that development be **granted** planning permission subject to conditions.

Ward 07 Cromarty Firth

This item is subject to the Council's **HEARING PROCEDURE**.

1.0 PROPOSAL

- 1.1 The proposal is to develop a waste to energy combined heat and power plant on a 2.1 hectare site within the Cromarty Firth Industrial Park, Invergordon. The development comprises one main building with walls of profiled steel cladding, 84m long and 64m wide at it's widest. The building will be 25m to ridge height with a powder-coated steel chimney stack 65m high x 3.5m wide. The site will contain an internal road system suitable for HGV's, staff parking and landscaping. A proposed set down area / future development space would remain available. The application is supported by an Environmental Statement.
- 1.2 The plant is designed to handle approximately 100,000 tonnes per annum of residential municipal and commercial non- hazardous waste. It is to operate 24 hours a day, 7 days a week except for maintenance shut downs. Deliveries of

waste are largely dictated by waste collection regimes, normally ensuring the busy access needs are during the late morning. The transport assessment advises of increased HGV traffic of approximately 4 per hour with deliveries between 0800 – 1800 hours. 23 full time equivalent jobs would be created.

1.3 The waste plant comprises six main internal components including : -

- Waste reception and storage
- Waste combustion
- Heat recovery and generation
- Flue Gas Cleaning
- Ash and Effluent Management
- Stack emissions.

1.4 The combustion process, at temperatures in excess of 850°C, results in bulk waste being reduced by over 90 per cent by volume. The remaining solid waste clinker is disposed / re-used, having had ferrous and non-ferrous metals removed for recycling. The heat generated through the combustion process is taken off via boiler to generate electricity / hot water. 5.1MW of electricity could be generated from the site. Gases from the furnaces are drawn off and cleaned before release via the chimney stack.

1.5 The L shaped site lies on the north side of the industrial estate access road and once served as the car park of the former Aluminium Smelter which closed in 1981. The site currently comprises a flat area of hardstanding with limited vegetation / grass. To the north and west lies agricultural land, set 2m below the site extending gently up and back to the A9 Trunk Road some 1km away. To the south and east a mixture of uses forming the Industrial Park, with the land to the south set higher, beyond which lies the settlement of Invergordon.

1.6 The area lies within the catchment of the Rosskeen Burn, with drainage to the Cromarty Firth being managed through a network of man-made ditches. The site is set above the estimated height of the 200 year flood risk contour. It has no nature conservation designation although the site lies 2km from the Cromarty Firth Site of Special Scientific Interest (SSSI) also designated a Special Area of Conservation (SAC).

2.0 PLANNING HISTORY

2.1 The site itself has no planning history since its former use as a car park serving the former Aluminium Smelter.

2.2 **27 September 2007** - a Scoping Opinion was provided to the applicant on the requirements of an Environmental Impact Assessment to support a planning application for a development of this nature.

2.3 The Cromarty Firth industrial site continues to be redeveloped by a number of smaller industrial enterprises / uses which more recently has including the following applications:-

17 March 2006 Coal Yard – granted planning permission Ref. 06/00147/FULRC.

24 April 2007 Combined heat and power wood pelleting plant – granted planning

permission Ref. 06/00944/FULRC.

08 April 2008 Storage of household and recyclable waste – granted planning permission Ref 08/00122/FULRC.

19 May 2009 vary the existing permission to include handling, storage and bulking up of residual municipal waste – not yet determined Ref. 09/00094/FULRC.

3.0 PUBLIC PARTICIPATION

3.1 The application was advertised in the Ross-shire Journal on Friday 13 June 2008 under Section 34 of the Planning Act, as a departure from the Local Plan and a development requiring an Environmental Assessment allowing 28 days for public representations to be made.

3.2 Eight parties have submitted representations objecting to the application. This includes Ardross Community Council. Five late representations have also been received including one from Kilmuir and Logie Easter Community Council. One letter of support has been received. Annex A lists the details of those who have submitted representations.

3.3 Objections have focused on the following matters: -

- Sustainability – Waste is not a renewable resource and its production should not be encouraged on the basis of downstream electricity / heat generation.
- Traffic Impact – Volumes of additional traffic are uncertain.
- Traffic Safety – Delivery vehicles increases concern over the A9 Tomich Junction.
- Public Health – The process will release toxic fumes and a wide range of chemical elements which are hazardous to the environment and the local population. Four concerns are highlighted including acidic gases, dioxins, heavy metals and mercury.
- Economic Benefits – job gains are small when compared with the negative impact that this plant will bring on Invergordon.
- Environmental – concerns over air pollution impacting on local agricultural land and the local community and uncertainties on where the solid waste output be disposed?
- Public Consultation – failure to consult the local community.
- Uncertainty (1) – over the proposed use of the energy created. If approved the development should support a local community led, district heating scheme.
- Uncertainty (2) – over the scientific evidence associated with incineration. The Council's precautionary principle must apply.
- Control – uncertainty that there can be controls on what may be incinerated and how restrictions on Highland only waste can be enforced?
- Need / Justification – There is no certainty that the Council will award its waste disposal contract to this process / local processor.
- Property Values – the development will have significant negative impact on neighbouring property values.

3.4 All letters of representation are available for inspection in the Planning and Development Service at Headquarters, Glenurquhart Road, Inverness and will be available at the committee meeting.

4.0 CONSULTATIONS

- 4.1 Invergordon Community Council object to the application on the following grounds:-
- This is not the best practical option. Reduce, Re-Use and Recycle is more beneficial.
 - Emissions will have significant impact on human health.
 - The re use / disposal of the bottom ash has not been significantly addressed.
 - The increase in traffic will impact on the already dangerous A9 Tomich Junction.
 - Lack of control / monitoring on materials for incineration
 - Lack of consultation with the local community
 - Already a lack of social housing in the area.
 - Not compliant with SEPA regulations
 - Development should be closer to areas generating the waste.
- 4.2 Saltburn and Westwood Community Council is divided over the proposal. Main concerns are that the road infrastructure is not in place for the projected volume of traffic at the Tomich junction or Tore roundabout. The A9 should be brought up to dual carriage way standard.
- 4.3 Council's Archaeology Unit has no objections.
- 4.4 TEC Services – Waste Management has raised no objections. Waste disposal contracts are frequently secured by the Council through its procurement processes. The Council needs required to comply with the Scottish Government's new diversion targets which have accompanied the Cabinet Secretary's announcement on a Zero Waste policy. The targets run to 2025 and culminate in a 70% recycling target, with limited use (25%) of high efficiency energy from waste and 5% to landfill which effectively means that landfill will be banned from 2025.
- 4.5 TEC Services – Environmental Health has no objections, noting that air quality emissions and operational nuisance will be addressed by SEPA. Suggest however that conditions addressing issues of operational and construction nuisance, particularly air quality (dust) and noise to be attached with any grant of planning permission.
- 4.6 TEC Services – Contaminated Land do not object to the proposal and support measures to undertake investigations prior to development commencing to determine the nature and extent of any contamination from former uses of this site. Conditions requiring the above investigations need to be applied to any approval.
- 4.7 TEC Services – Roads do not object the development but request conditions with regard to the traffic accessing the site addressing the following provisions: -
- Waste deliveries from the A9 to the plant should only use the Tomich junction.
 - no LGV traffic associated with the construction and use of the site can be allowed into Invergordon town centre.
 - The Shore "ring road" and the Industrial Estate "distributor road" should be used for any traffic accessing the site from other areas.

- 4.8 Trunk Roads Network Management Division has no objections to the application but request that any approval be conditional upon a comprehensive travel plan that reduces dependency upon the private car.
- 4.9 Scottish Water does not object to the application but there may be local issues with the water pressure and waste water network infrastructure. A totally separate system will be required for surface water to discharge to a suitable outlet.
- 4.10 Scottish Environment Protection Agency initially objected to this application requiring additional information to be prepared and submitted for further detailed assessment. SEPA response covered the following issues: - National Waste Strategy; Technology and Techniques; Air Quality; Noise; Odour; Foul Drainage; Surface Water Drainage; Water Use; Contaminated Land and Pollution Prevention during Construction. The agency has since confirmed that it has **no objections** to the development which is seen as being consistent with the Highland Area Waste Plan 2003. Several planning conditions, pertinent to local environmental concerns, have been recommended should the application be approved. The proposal will require a permit under the Pollution Prevention and Control (Scotland) Regulations 2000 (PPC). The PPC permit will control discharges and emissions to land, air and water from the installation.
- 4.11 Highlands and Islands Airports Ltd has no objection to the proposal which will not infringe the safeguarded surfaces around Inverness airport.
- 4.12 Health and Safety Executive has no comments to make on this application and its supporting impact assessment.
- 4.13 Scottish Natural Heritage has no objection to the proposed development. The development is unlikely to affect the qualify interest of the Cromarty Firth Special Protection Area (SPA) and Ramsar site. SNH welcome the intentions of the developer to undertake a breeding bird survey prior to the commencement of development. On landscape matters the 65m chimney whilst visible, the visual impact is likely to be small when set against adjoining industrial areas and existing harbour facilities.
- 4.14 Historic Scotland has no comments to make on the proposal.

5.0 POLICY

- 5.1 The following policies are relevant to the assessment of the proposal.

Highland Structure Plan (March 2001)

- 5.2
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| Policy G1 | Conformity with strategy. |
| Policy G2 | Designed for Sustainability. (brownfield sites – re-use) |
| Policy G3 | Impact assessments. |
| Policy G4 | Community Benefit. |
| Policy G8 | Precautionary principle. |
| Policy E7 | Small community renewable energy projects. |
| Policy E8 | Centralised Renewable energy developments. |
| Policy W1 | Waste Management. |
| Policy W4 | Waste Disposal. |

Policy W5 Facilities for the waste management network.
Policy W7 Waste Combustion with Energy Recovery

Ross and Cromarty East Local Plan (Feb 2007)

- 5.3 Para 3.18 Renewable Energy
Para 3.28 -29 Waste Management
Background Policy BP2
General Supporting Policies (GSP)
GSP 1 Design and Sustainable Construction
GSP 5 Waste Management
Policy 22/12 Cromarty Firth Industrial Park – mixed industrial uses.
Policy 22/18 Waste Management Site within Industrial Park

National Planning Policy

- 5.4 SPP1 The Planning System
SPP2 Economic Development
SPP 6 Renewable Energy
SPP 7 Planning and Flooding
SPP 10 Planning for Waste Management
SPP 17 Planning and Transport
PAN 33 Development of Contaminated Land.
PAN 45 Renewable Energy Technologies
PAN 51 Planning and Environmental Protection and Regulation
PAN 58 Environmental Impact Assessment
PAN 63 Waste Management Planning

6.0 PLANNING APPRAISAL

Determining Issues

- 6.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The determining issues are whether:
- The proposal accords with the development plan?
 - If they do accord, are there compelling material considerations for not approving them?
 - If they do not accord, are there any compelling material considerations for approving them?

Assessment

- 6.3 To address the determining issues, the Committee must consider the following issues: -
- a) Policy –
 - o Development Plan
 - o National Waste Plan & Highland Area Waste Plan
 - o Renewable Energy
 - b) Pollution Prevention and Control
 - c) Roads
 - d) Layout and Design
 - e) Amenity
 - f) material matters raised by objectors

Policy

- 6.4 The application in addition to policies of the Development Plan requires to be considered across a number of substantive policy positions adopted by the Council and or set within policies of the Scottish Government. These are considered in turn.

Development Plan

- 6.5.1 The Council's Structure Plan highlights the Council's statutory responsibilities under the Environmental Protection Act, 1990 to make arrangements for the disposal or transfer of municipal solid waste (MSW). The Structure Plan addresses this matter in some detail and acknowledges SEPA's responsibility for developing a National Waste Strategy.
- 6.5.2 Four key principles set out in the National Waste Strategy were carried forward within the Structure Plan: -
- best practicable environmental option (BPEO), which is the option for waste disposal that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long term as well as the short term;
 - the proximity principle and regional self-sufficiency, which require wastes to be managed as close as possible to their point of arising, preferably in the region within which it is produced;
 - the polluter pays, for the full costs of their actions, including those costs which waste management imposes on society and the environment; and
 - the precautionary principle, which embodies the concept of avoiding taking action which may result in uncertain and potentially severe environmental consequences.

The adopted Ross and Cromarty East Local Plan adopts the approach set out in the Structure Plan noting the need for improved waste treatment facilities to be accommodated locally (BPEO).

- 6.5.3 Within the Council's Structure Plan support is given within three key policies to projects of the type presented through this application. Importantly these policies

set out criteria against which any application should be assessed.

Policy W5: - Sites for the facilities necessary for the sorting, processing and transfer of household, commercial and industrial wastes, as part of the overall waste disposal network will be identified in Local Plans. Proposals must meet the following criteria:

- be suitably located, preferably within an existing, former or proposed industrial area of a character appropriate to the development; or
- be in a quarry or associated site, where it does not prejudice its restoration and after use; or
- be appropriately located on former or existing landfill sites;
- the operations are carried out in a building or alternative form of enclosure;
- the transport network and site access can accommodate the transport generated.

Policy W7: - Proposals for the combustion (with energy recovery) of household, commercial and non-hazardous industrial waste will be supported where they conform to the General Strategic Policies and the following additional criteria:

- compatibility with the character of the area, with preference being given to sites within or adjoining general industrial areas;
- the relationship to the strategic transport network, including the potential role of rail and waterborne transport and the ability of the local transport network and site access to accommodate the traffic generated;
- the extent to which the proposal makes provision for the recycling of material prior to incineration and the re-use of residues; and
- the links to residue processing and disposal sites.

Policy E7: - The Council will support the development of centralised renewable energy facilities, including energy from waste, landfill gas, anaerobic digestion, biomass and agricultural and forestry wastes combustion provided that proposals conform with Strategic Policy G2 and that:-

- schemes are compatible with existing land uses;
- traffic movements can be satisfactorily accommodated;
- methods of disposal of any by-products are acceptable; and
- satisfactory connections to the grid or other users are provided.

6.5.4 The need for an “energy from waste” plant, post 2010, within the Inner Moray Firth area is highlighted in the Local Plan although no site assessment / identification was undertaken. A Waste Management site was however highlighted within the Cromarty Firth Industrial Park and this facility managed by the Council is currently in operation.

6.5.5 The site is allocated within the adopted Local Plan for mixed industrial uses including Class 4 (Business), Class 5 (General Industry) and Class 6 (Storage / Distribution) of the Uses Classes (Scotland) Order 1997. The proposed waste to energy plant would not fall within these general uses classes but requires to be considered under Special Uses. It was for this reason that the application was advertised as being contrary to the provisions of the Council’s development plan.

- 6.5.6 The use of a redundant brownfield site allocated for industrial purposes is entirely consistent with Structure Plan G2 design for sustainability also repeated within the Local Plan GSP1. Not only does this approach help reduce the amount of new “green-field” land being taken up for development purposes, the development of such sites can help with addressing any residual contamination from previous uses.

National Waste Plan & Highland Area Waste Plan

- 6.6.1 As stated earlier SEPA has key responsibilities in assisting with the Government’s National Waste Management Plan with the Council enabling the development of a more local Highland Waste Plan. The Highland Area Waste Plan was based on the National Waste Strategy and presented a strategic plan for the waste arising in the area, it also identified that the Best Practicable Environmental Option for municipal solid waste was to provide an energy from waste plant by 2020 in the Inner Moray Firth area.
- 6.6.2 On 24 January 2008 the Scottish Government announced a new “Zero Waste” strategy outlining its commitment to reducing waste production and treating any waste that is produced as a resource. This Zero Waste Plan will be released shortly and will review of the National Waste Plan. This new plan will provide new strategies and targets for sustainable waste management. The following strategies and key targets for the plan were announced in 2008, they included:
- a strong emphasis on waste prevention and stopping waste growth,
 - a targets of 5% of MSW to landfill,
 - 70% of MSW to be recycled and/or composted, and
 - 25% of MSW to be treated by energy from waste by 2025.

In his statement the Cabinet Secretary for Rural Affairs and the Environment made reference to a report by the Sustainable Development Commission which supported the use of smaller, more efficient plants, such as combined heat and power plants or district heating schemes. The Thermal Treatment Guidelines identifies that small scale facilities will have a capacity of less than 100,000 tonnes per annum.

- 6.6.3 Scottish Planning Policy (SPP) 10 Planning for Waste Management (August 2007) advises that SEPA's *Guidelines for Thermal Treatment of Municipal Waste* are to be used by planning authorities in developing policies, allocating sites, or assessing development proposals. The guidelines note: -
- thermal treatment of appropriate segregated waste, with efficient energy recovery (for example, combined heat recovery and power generation), may be an appropriate method for management of waste.
 - where thermal treatment with energy recovery is appropriate, it must play an integrated role with other waste management methods. These methods could include waste prevention, reuse, biological treatment, recycling and landfill.
 - where the development of a thermal treatment plant is consistent with the National Waste Plan, local authorities and / or others should work in partnership.

- 6.6.4 The Council currently manages its responsibilities for waste through the policies set out in the Highland Waste Strategy. Contracts for the collection and disposal of municipal waste are frequently let by the Council, in addition to efforts to reduce waste production, recycle products, etc. Should the Council approve this development it is without commitment or prejudice upon subsequent decisions by the Council on the management of its waste. The Council works in partnership with adjacent Councils primarily Moray and with waste facility providers across Scotland. The Highland Council are currently recycling over 32% of municipal waste through the provision of recycling points, recycling centres and kerbside collection. However, in 2007/8 113,083 tonnes of municipal waste went to landfill (Highland Council Waste Data Digest), a figure lower than in 2006/7, of 121,052 tonnes.
- 6.6.5 The amount of waste to landfill is decreasing progressively as more waste is diverted by the Highland Council to achieve Government targets. Ultimately some waste will always require to be disposed of, but landfill can be further reduced by waste to energy processing plant. The Council's Annual Waste Data Report 2007/08 noted that 1,159 tonnes of mixed municipal waste was sent to the Energy from Waste (EfW) plant in Dundee, confirming the Council's support for the use of such facilities. In March 2009 the Council was supportive of plans for locally based waste solutions including the possibility of three EfW plants in Highland and one plant in Moray and in-vessel composting. By providing an 'Energy from Waste' facility in the Inner Moray Firth area waste can be treated near to its source thereby supporting the 'proximity principle'. The need and support for plant of the type as presented through this application is therefore fully recognised by the Council.
- 6.6.6 The developer has advised that the proposed waste plant is 'designed to accommodate up to 27% municipal solid waste, should the company be successful in securing the Council's contract for waste disposal. With the Government's cap set at 25% of residual waste to be treated by Energy from Waste facilities, together with the possibility of 3, future, Council owned / run facilities, this target of 27% will not be reached. Any shortfall in municipal waste will need to be made up from the commercial and industrial waste sector otherwise the plant will not be running at its full capacity i.e. 100,000 tonnes per annum. The Strategic Waste Management Review indicates that around 432,451 tonnes of business waste arose in the Highlands in 2006. Additionally, around 7,038 tonnes of waste were imported into the Highlands in 2006. Furthermore, 222,075 tonnes were exported from the Highlands, indicating that waste generated locally cannot currently be managed within the Highlands. SEPA is content that the 'need' case for the facility has been demonstrated.
- 6.6.7 In addition to determining the need for this facility it is worth considering under the "proximity" principle that if established this plant could face demand for use from parties' outwith the Highlands. The primary purpose of this plant is to service local needs. As a current exporter of waste out of the Highlands, the Council has to recognise the needs of many authorities in Scotland and beyond to comply with government targets and the limited range of waste treatment facilities that are currently in operation. However, it is important that a local facility of the type proposed here does not emerge as a development that serves a wider cause, contrary to the National Waste Strategy and reflected in the Structure Plan. Controls through planning conditions can be applied that limit the use of the plant to only waste sourced within Highland.

Renewable Energy

- 6.7.1 The Scottish Government issued in March 2007 its updated policy Scottish Planning Policy (SPP) 6 Renewable Energy. The provisions of this national policy recognise the benefits of waste being used for energy, to minimise landfill, but only after prevention, reuse, recycling and composting options have been realised. The location of new facilities will be dependent on the source of waste and are likely to be more appropriately located within industrial / brownfield sites close to the electricity grid or other potential users. The applicant has demonstrated that the plant is capable of producing heat for local businesses / residents or for power generation with connection to the grid nearby.
- 6.7.2 In addition to the provision of the Development Plan the Council has its own Highland Renewable Energy Strategy and Planning Guidelines (HRES), adopted in May 2006 as supplementary planning guidance. Policy E4 in particular is supportive of energy from waste using combustion so long as local air quality can be maintained and issues such as unpleasant odours can be avoided for any nearby residents. Proposals must also demonstrate conformity with the National and Highland Area Waste Plans.
- 6.7.3 The nature of the development as a local energy project fits with the Council's wider goals of supporting increased local generation for local / community use and reducing landfill disposal of waste. The Council however need to be satisfied that the detail of the scheme addresses the various criteria as set out in the Structure Plan policies G2 and E7. Specifically, with regard to the scale of the development proposed it is essential that issues such as traffic; noise; air quality; surface water disposal; landscape impact; ecology; etc. are robustly assessed.
- 6.7.4 Representations have highlighted that there are uncertainties over the use of the proposed power generation. The applicant is currently open to ideas to utilise the generated power locally in association with the local business or residential communities. Should such proposals not be forthcoming the energy from the plant can be directed to the nearby grid network. It would be reasonable to expect the applicant to confirm the final solution prior to the commencement of any development. This could be secured as a condition of any consent.

Policy Assessment

- 6.8.1 The specific characteristics of the proposal are seen to be compatible with both the general and specific provisions of the Council's Structure Plan and the adopted Ross and Cromarty East Local Plan. The site is located on a brown field site and on land allocated for business / industrial uses. It is seen therefore to comply with Structure Plan Policy G2 and is not seen as wholly inconsistent with or contrary to Local Plan Policy 22/12 – mixed industrial uses, which could potentially include special industrial uses.
- 6.8.2 In addition Development Plan promotes the approach to be taken in the assessment of applications of this type with regard to the national and area waste strategies. This highlights the case for a waste to energy plant facility within the Highlands and specifically the Inner Moray Firth Area to assist in the task of reducing the amount of landfill waste disposal and the demanding targets being set

by the Scottish Government. The proposal would accord with considerations under best practical environmental option, the proximity principle and regional self sufficiency. These are important policy considerations that should be given weight in the determination of this application.

- 6.8.3 The proposal would be consistent with the Council's Highland Renewable Energy Strategy (HRES) which recognises global energy resource pressures, rising energy prices and the increasing challenges faced in tackling climate change. The wider benefits of this facility using waste to produce both power and a reduction the amount of waste being land-filled and / or transported outside the Highlands also need to be recognised. Conformity with the policies of HRES should be given weight in the determination of this application.
- 6.8.4 Applications which are consistent with these policies and the criteria which they set out would accord with the Council's Development Plan. In this regard, the Environmental Statement has been prepared after a scoping exercise involving the principal consultees. It addresses all the main issues and this has been supplemented by additional information and clarification during the period since submission of the application. There are no outstanding technical objections to the application subject to appropriate conditions being attached. Providing that the impacts of the development are judged as not being "seriously adverse" or "significantly detrimental," the development would comply with the Development Plan and can be supported.

Pollution, Prevention and Control

- 6.9 Public perception of waste incinerators and Energy from Waste (EfW) plants is far from positive and gives rise to opposition to proposals for their construction. This stems from fears over the health and environmental impacts of the pollutants emitted. The primary pollutants of concern are dioxins, heavy metals, acid gases, nitrogen oxides and particulates. In recent years legislation from the EU and national governments has dramatically improved the standards required for the operation of EfW facilities. In terms of their emissions to the atmosphere for example operators are required to monitor the levels of any substances produced during the process. Government commissioned research on environmental and health effects of waste management which has concluded that health risks posed by incineration of waste are small in comparison with other known risks faced by most people in their daily lives. It is important not to be complacent on such risks but recognise the important ongoing role undertaken by SEPA.
- 6.10 The applicant has provided information on the local environment, including climatic conditions and on the proposed plant, techniques and technology to be deployed. This has allowed the Council and SEPA in particular to assess the likely impact of the development on air quality, odour, noise, water use, waste water, surface water, existing land contamination and flood risk. The applicant has designed elements of the proposed plant that take into account local factors. For example the proposed chimney stack at a height of 65m is needed to assist with the emissions of Nitrogen Dioxide (NO₂). They have offered as part of the development to install a meteorological observation station at the site to allow for effective local monitoring of the plant when in operation. Furthermore the waste collection process itself set out in the application will involve waste sorting to remove ferrous and non ferrous metals prior to arrival of waste at the site, with any further ferrous

material being recovered from the bottom ash, prior to its subsequent disposal.

- 6.11 The proposed plant will be connected to the public water supply but will also deploy some grey water provisions including the collecting water from the roof. Surface water from the roof, not used by the plant, and other areas of hardstanding shall be collected and treated within a local sustainable urban drainage system (SUDs) / Scottish Water Storm drain. Waste water was to be discharged to on-site private sewer. SEPA have requested clarification regarding whether the site was to discharge to the public sewer or the un-adopted waste water treatment plant serving the site, however the applicant has identified that all foul drainage will be to the public sewer. It is possible that this land is contaminated following the previous use of the site as part of a major industrial site – Aluminium Smelter. The Council's TECS – Contaminated land Unit is content that this site be developed but only after potential past contamination has been investigated and appropriate clean up / de-contamination measures have been undertaken.
- 6.12 It is noted that SEPA's will regulate the installation through the PPC regulations, these regulations ensure a high level of technical compliance ie Best Available Techniques. Additionally, energy from waste plants have to comply with the Waste Incineration (Scotland) Regulations 2003, which implement the Waste Incineration Directive. SEPA have the powers to monitor, enforce and if necessary suspend and revoke any Pollution Prevention and Control permit issued under the regulations.

Road Access

- 6.13 Delivery of waste is predominantly expected to be during normal working hours in line with normal waste collection activities. Approximately four HGV vehicles per hour are anticipated, although in reality there may be higher volumes of traffic at certain times. Trip generation is weighted to journeys from Inverness, the principal source of local municipal solid waste, with lorries expected to use the A9(T) road to the Tomich Junction before using the local road network to the Cromarty Firth Industrial site. Some traffic may also access the site from Shore Road in Invergordon using the Industrial Estate distributor road.
- 6.14 The Trunk Roads Authority advises that the application has relatively low levels of traffic impact in relation to the volumes of traffic already using this route. The Council recognises that there are local concerns with regard to the current design of the A9(T) Tomich junction. This is because of the limited distance between two long established T junctions onto the A9 at Tomich, one serving Newmore to the north the other Invergordon to the south. TEC Services has raised no objections to the application. Indeed they have requested that all waste delivery vehicles on the Trunk Road approach the plant via the Tomich Junction over other local roads serving Invergordon.
- 6.15 In considering this application some regard needs to be taken of the identified capacity of land allocated for development at Invergordon within the current Local Plan. This development potential has been identified without reference to the need for localised road improvements including the existing Tomich Junction. The volumes of traffic generated by this development are not seen as being excessive. Trunk Roads have suggested that after taking account of the estimated traffic impact it would not be reasonable or proportionate to ask the developer of this

proposal undertake road improvements at Tomich junction as highlighted within in the public representations. Travel plans, including controls over the use of local roads, would be appropriate as a condition attached to any approval, as requested by consultees. This would ensure traffic to the site is managed, including avoidance of both construction and operational traffic through Invergordon High Street.

Layout and Design

- 6.16 The combined heat and power plant will form a large industrial building, consistent with past and current developments in this locality. The layout of the development is relatively simple, comprising a main building set in an L shaped site. There is a single access into and out of the site from the Cromarty Firth Industrial Park, with a looped road network around the building for all traffic using a one way system.
- 6.17 The design whilst compatible with its surroundings is not architecturally inspiring, a feature of many larger scale EfW plants being promoted in more populated communities further south. The building will be formed using steel beams with profile steel cladding, coloured light blue. The roof is to be silver grey in colour and chimney stack cream / off white. The office block, storage tanks and principal entry doors will be light brown, dark blue and red respectively to articulate their use and or separation from the principal operations. These colours together with landscaping plans, yet to be finalised, to screen and soften the impact of the waste to energy plant, should ensure that this largescale development is accommodated into the area without significant adverse effects on the existing landscape. In this context the chimney stack will not be screened and will represent a significant feature set at 65m in height. (See further discussion below.)

Amenity

- 6.18 With the proposal set within an existing large industrial estate, on an existing brown field site, set apart from the main residential neighbourhoods of Invergordon, there are many local factors which assist this development to be absorbed into the general amenity of the area.
- 6.19 The application includes a chimney stack / flue 65m in height. This is larger than the nearby Balcas plant, which has a chimney stack of 36m. However the site is set in a dip behind the community of Invergordon, with other parts of the industrial development in this locality being set on higher ground to the south. Tall structures in this location are not uncommon as seen from past times when the smelter was in operation, current developments and on an intermittent basis when oil related vessels are docked within the Cromarty Firth. The chimney stack is not deemed to present a feature that would be significantly detrimental to the amenity or general landscape of this area.
- 6.20 Other issues are noise, odours, lighting and the impact of construction including vibration. This plant is expected to operate on a 24hours a day seven days a week. The Environmental Statement as set out by the applicant has been helpful in quantifying Likely impact. Consultees, particularly by SEPA, have raised no objections to the proposal. That said there are issues as highlighted by SEPA (operational matters) and TEC Services (traffic management) that need to be addressed by conditions, should the application be approved. Such conditions can

adequately address development impact on neighbouring properties which are largely industrial, but also include some residential properties and other uses nearby.

Other Material Considerations

- 6.21 Within the representations received a number of issues were raised which have not been addressed within the preceding paragraphs. These further matters are now considered in turn. Not all of these matters raised particularly within public representations are material considerations that can be taken into account in the determination of this application.
- 6.22 The development will provide a number of local jobs some temporary through construction and then an estimated 23 permanent jobs at the operational stage. Invergordon has a wide employment base ranging from business and industry, port related activities, distilling and importantly service and administration functions. The provision of additional jobs from this development to this community is seen as beneficial. The location of the development within the areas principal industrial site is seen as appropriate and consistent with many of the economic ambitions of the area as highlighted with the Council's Development Plan.
- 6.23 Representations have raised concerns over the effect that this development would have on property values in the area both if approved and particularly when any such plant was in operation. This matter is not a material planning consideration which the Planning Authority can take into account. It is through the consideration of the other principal factors in the determination of the proposal that the Planning Authority determine the acceptability of the proposal including for example its expected impact on the local amenity.
- 6.24 Representations have also raised concerns over the lack of public consultation undertaken with the local community. There is no requirement for the applicant to undertake any prior community consultation in advance of the submission of this application, although this is a new requirement of applications submitted after 3 august 2009. The application was advertised for public comment at the outset allowing 28 days for public representations to be made. That said the applicant went beyond statutory requirement and undertook public exhibitions on the proposals within Invergordon on 18/19 March 2008.

7.0 CONCLUSION

- 7.1 This application presents the first significant 'waste to energy' plants in Highland using a technology that is already in use throughout other UK and European communities. The need for this type of facility is set out in the Council's Waste Plan. The proposal as presented has considerable merits. That said it is a proposal that is not without controversy.
- 7.2 Objections have focused upon a number of concerns that are material in the consideration of a planning application of this type. Principally there is concern over the health and safety of the operations which would see the incineration of waste products. In association with these concerns are issues surrounding odours and pollution which might arise from these operations and their effect on the amenity of the area / quality of the environment. The applicant's Environmental

Impact Assessment has presented considerable data on these matters, the findings of which have been taken into account by SEPA and the Council's own TEC (Environmental Health) Service. Neither party has objected to this application but have advised on appropriate planning conditions. Other amenity / environmental concerns are not seen to merit substantive weight to recommend against this application.

- 7.3 The further main issue raised in the processing of this application by objectors relates to traffic safety, given concern over the increased HGV traffic to be generated by waste deliveries to the plant, particularly from the south. Concerns focus upon the current design / usage of the Tomich junction on the A9 Trunk Road. The Trunk Roads Authority and the Council's own TEC Services do not raise any objections to this application on road safety grounds. Improvements to the design would require a substantive capital investment which would be unreasonable to require from the developer in this instance.
- 7.4 The criteria as set out in Development Plan and national policy for assessing this type of development including factors such traffic; accessibility, noise; air quality; surface water disposal; landscape impact; ecology; etc. have been robustly assessed, particularly by SEPA who have a pivotal role in the licensing of any future plant. There are no objections to the application by technical consultees.
- 7.5 The application complies with the development plan and other local and national policies, particularly in respect of waste and renewable energy. There are no material considerations to indicate that consent should be withheld.
- 7.6 A recommendation is made for the application to granted planning permission subject to conditions as set out below.

RECOMMENDATION

That the Council grant planning permission for a waste to energy combined heat and power plant (5.1MW) to be developed within the Cromarty Firth Industrial Park, Invergordon subject to the following conditions: -

1. Except as otherwise provided for and amended by the terms of this approval, the operator shall construct and operate the development in strict accordance with the provisions of the application, the submitted plans and the offered mitigation set out in the supporting Environmental Statement.

Reason: - Statutory provision.

2. The development hereby permitted shall be commenced within 5 years from the date of this permission.

Reason: - to provide a reasonable period for a largescale development to emerge.

3. The approval shall permit the plant to only accept non hazardous waste which originates from within the Highland Council area. To that end the operator of the waste to energy plant must manage a log confirming the nature and address source of all waste products entering the site and the date of arrival at the site. That log shall be made available to the Planning Authority upon request.

Reason: - to comply with the proximity principle and regional self sufficiency set out in the National Waste Strategy and Structure Plan Policies G2, W1 and W4.

4. Prior to the operation of the plant hereby approved details of the steps to be taken shall be submitted to and approved by the Planning Authority in consultation with SEPA to ensure that: -

- only residual waste i.e. waste remaining after all practicable/reasonable efforts have been made to extract recyclable and compostable material is treated in the thermal treatment facility.
- all commercial and industrial waste is pre-treated to an agreed standard(s) established through further consultation with SEPA.

The approved steps shall thereafter be implemented.

Reason: - to retain effective control on the waste being processed by thermal treatment.

5. Prior to the commencement of development specific details (via a Heat Plan) on how any heat and or energy is to be exported from the site shall be submitted to and agreed by the Planning Authority in consultation with SEPA. The approved details shall then be implemented prior to the operation of the plant, unless otherwise agreed in writing with the Planning Authority.

Reason: - to ensure the plant delivers renewable energy in line with Council Policy (E7) and Scottish Government targets.

6. Prior to any development commencing on site a scheme (including details of any infrastructure / plant required) for the recovery, recycling and / or final disposal of ash residues from the thermal process has been submitted to and approved by the Planning Authority in consultation with SEPA. For the avoidance of any doubt this will include details on facilities for the segregation of ferrous and non ferrous waste from the bottom ash prior to disposal. The scheme shall thereafter be implemented in accordance with the approved details. Any changes to the approved scheme will require prior written approval of the Planning Authority in consultation with SEPA.

Reason: - to retain effective control on the handling of ash residues.

7. Prior to any development commencing on site, a scheme will be submitted by the Developer (at his/her expense) to deal with potential contamination on site. No construction work must commence until such scheme has been submitted to and approved by the Council, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to deal with potential contamination and must include:-

- a) The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of this assessment to be agreed in advance with the Council, and undertaken in accordance with PAN 33 (2000) and BS10175:2001.
- b) Remedial Strategy (if required) to treat/remove contamination to ensure that the site

is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan).

- c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council Authority.

Written confirmation from the Council that the scheme has been implemented, completed and if appropriate with monitoring measurements satisfactorily in place, shall be required by the Developer before any development hereby approved commences.

Reason: - for environmental and health and safety reasons.

8. Prior to any development commencing on site a scheme of hard and soft landscape works shall be submitted to and approved by the planning authority, including :

- details of earthworks
- position, designs, and materials and type of boundary treatment of walls, fences and gates to be erected
- a schedule of plants to comprise species, sizes and proposed numbers / density
- a timetable for implementation and
- a maintenance programme.

The works shall then be carried out and maintained in accordance with the approved scheme.

Reason: To secure a safe and attractive environment and to protect and integrate with adjoining land uses.

9. The development hereby approved shall only utilise water from the public water network or any on-site grey water infrastructure established within the plant complex.

Reason: - for the avoidance of doubt and to safeguard the local water environment.

10. Prior to the commencement of any development details of foul drainage provisions from this site shall be agreed with the Planning Authority in consultation with SEPA and Scottish Water

Reason: - to ensure connection of foul drainage to a public sewer.

11. Prior to the commencement of any development a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, in consultation with Transport Scotland TRNMD. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan. It will incorporate measures designed to encourage modes other than the private car.

Reason: - To be consistent with the requirements of SPP17 Planning for Transport and PAN75 Planning for Transport.

12. Prior to the commencement of development a Transport Plan shall be submitted for the approval of the Planning Authority to highlight measures to implement control of traffic involved with the construction and operation of the plant. The key purposes of the plan are to: -

- Ensure deliveries from the south use the A9 (t) road and Tomich Junction.
- traffic accessing the site from other areas use the Shore “ring road” and the Industrial Estate “distributor road,” and
- HGV traffic avoiding the High Street area of Invergordon.

Reason – in the interest of road safety and to minimise impact on Invergordon.

13. Prior to any development commencing on site, a full site specific Environmental Management Plan (EMP) shall be submitted and approved by the Council, in consultation with SEPA. The EMP should incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution. The following however are especially highlighted.

a. *Site Waste Management Plan (SWMP)* incorporating: -

- A method statement identifying the measures taken to minimise and manage the waste generated during the construction and operational phases;
- Explanation of construction practises to minimise the use of raw materials and maximise the use of secondary aggregates, and recycled or renewable materials;
- Explanation of how waste material generated by the proposal is to be reduced, reused or recycled and, in particular, to identify the extent to which such reuse or recycling which will take place, if appropriate, on site.

b. *Surface water run-off* – including measures to prevent erosion, sedimentation or discolouration of controlled waters should be provided, along with monitoring proposals and contingency plans.

c. *Fuel and chemical storage* - It is noted that oil, fuel and chemicals will be stored in a bunded temporary storage area. Any contaminated water within the bund should be pumped out and transported off site to a suitable disposal point. There should be no drainage from within the bund, even via an oil interceptor. Oil spill clean up materials should be stored on site throughout the construction period.

d. *Timing of works* - heavy construction should be staged to avoid periods of high rainfall. Contingency measures for unexpected bad weather and proposals for planning activities in light of the weather forecast should be included within the construction method statement.

The approaches set out in the Environmental Management Plan works shall then be carried out through the construction of the development.

Reason: - to minimise the risk of pollution to the local environment.

14. Noise from construction activities shall not exceed the following provisions: -

Day	Time	Maximum level
Monday to Friday	0700-1900	75db LAeq (1hr)
Monday to Friday	1900-2200	65db LAeq (1hr)
Monday to Friday	2200-0700	No construction noise audible
Saturday	0700-1300	75db LAeq (1hr)
Saturday	1300-2200	65db LAeq (1hr)
Saturday	2200-0700	No construction noise audible
Sunday	No construction operations	

(All measurements to be taken at boundary of the nearest residential property.)

Reason: - To minimise construction impact on nearby properties.

Notes

1. The requested Environmental Management Plan should be made available at least two months prior to the proposed commencement of development to enable the Council and other consultees reasonable time to fully assess the details of the submission.
2. Please note that SEPA hold records that may assist in the monitoring of these conditions.

Signature:



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Author: Ken McCorquodale (01463 702256)

Background Papers: File: - 08/00455/FULRC

Annex 2 Location Plan



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 **The Highland Council**
Comhairle na Gàidhealtachd
PLANNING & DEVELOPMENT SERVICE
Stuart Black
Director of Planning & Development

Ref. 08/00455/FULRC

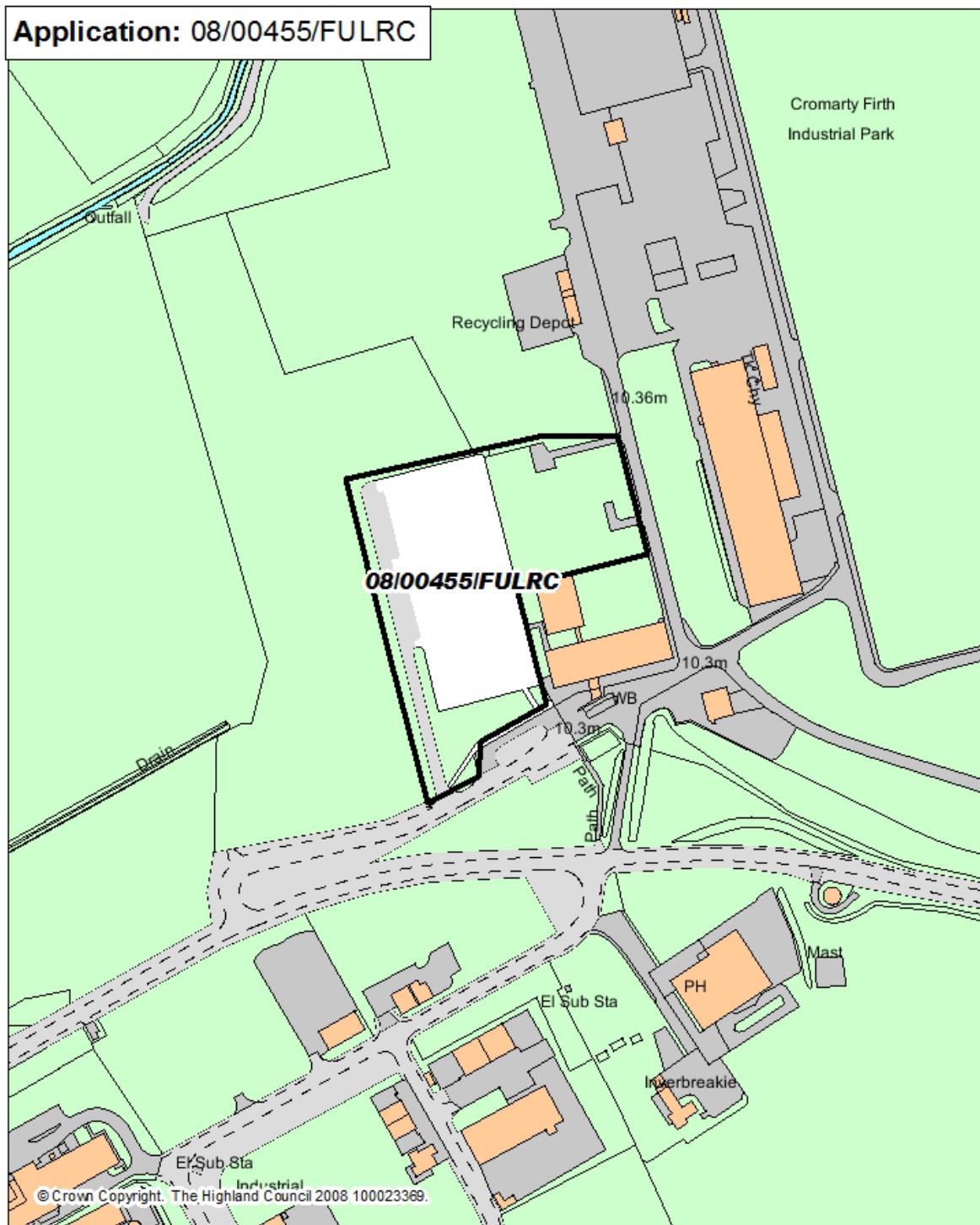
Proposal
WASTE TO ENERGY PLANT

Address
CROMARTY FIRTH INDUSTRIAL PARK

1 centimetre equals 133.333333 metres

 metres
07.75 150225300

Annex 3 Site Layout Plan



The Highland Council
Comhairle na Gàidhealtachd

PLANNING & DEVELOPMENT SERVICE
 Stuart Black
 Director of Planning & Development

1 centimetre equals 30 metres

00 metres

0510203040

Ref. 08/00455/FULRC

Proposal
 Waste to Energy Combined Heat and Power Plant

Address
 Cromarty Firth Industrial Estate - Invergordon