

Agenda Item	6.1
Report No	PLS-72-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2023

Report Title: 23/02722/FUL: The Highland Council
Land 90m East of Recycling Centre, Ben Nevis Drive, Ben Nevis Industrial Estate, Fort William

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Construction of a waste transfer facility including steel frame shed, welfare unit, hard standing areas, access road, parking, drainage and skip storage areas

Ward: 21 – Fort William and Ardnamurchan

Development category: Local

Reason referred to Committee: Area Manager's Discretion

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to build a waste transfer facility to deal with 12,000 to 13,000 tonnes of waste per annum solely for the Fort William and Lochaber Area. The waste transfer station will function as a collection point for different waste types to facilitate sorting, bulking and transportation to designated recycling or waste treatment facilities. The proposed station is one of a wider network of transfer stations located throughout Highland to allow a greater proportion of the waste collected to be recycled or recovered, in line with Scottish Government legislation which will ban biodegradable municipal waste going to landfill from 31 December 2025. The site will operate from 8am to 5pm Monday to Saturday.
- 1.2 The waste transfer station would include a main building for the deposition, sorting, bulking and loading of different waste types, a staff welfare building, weighbridge, 122m long access, concrete slab for empty skip storage, staff and visitor vehicle and cycle parking, EV charging point together with SuDS drainage. The main building would measure 49m long x 24m wide x 11.5m high, finished in Juniper Green plastisol coated steel sheeting. The building would have 4 no. 5.1m wide roller shutter doors on the south east facing elevation, with 4 separate reception bays with moveable dividing walls and specialised temporary food waste storage area. The staff welfare building would be a converted and fully insulated Corten steel shipping container set to the west side of the main building and would measure 12.2m long x 2.4m wide x 2.6m high. This would be finished in a dark green (Bottle Green RAL 6007) colour. Hardstanding for vehicle manoeuvres would be located to the south east with SuDS, staff parking area, weighbridge and concrete slab for empty skip storage to the west side of the site. The overall site measures approximately 0.8ha.
- 1.3 The site will be accessed from the existing public road network through the Industrial Estate to the west. The proposals include the construction of a new 122m long road which will extend from the existing public road end (at the Recycling Centre) in a north easterly direction.
- 1.4 Pre Application Consultation: Preapplication advice was issued by the Strategic Projects Team in April 2020. Support was given to the principle of appropriately located and designed waste management facilities. Waste transfer stations are to be directed towards development plan identified waste management sites in the first instance, such as Ben Nevis Industrial Estate. Further assessments would be required including contaminated land, historic environment impacts, ecology and transport.
- 1.5 Supporting Information: Frequently Asked Questions Document, Contaminated Land Report, Remediation Strategy, Transport Statement, Heritage Impact Assessment, Arboricultural Assessment, Landscaping plan/specification and Drainage Impact Assessment
- 1.6 Variations: Revised location, site layout plan, landscaping and drainage plans, following receipt of Drainage Impact Assessment.

2. SITE DESCRIPTION

- 2.1 The site comprises a brownfield site, approximately 0.8ha. The site has previously been used for processing of sand and gravel, ready-mix concrete and concrete block manufacture and lies at the north edge of the Ben Nevis Industrial Estate. The site is located between The Highland Council recycling centre to the west and Alvanche British Aluminium to the east. The site is covered with large piles of overburden, aggregate waste and soil and has been subject to fly tipping. The site until recently has been populated by self-seeded willow, alder and silver birch scrub. Some slightly larger stems on the southern boundary line had been heavily damaged by fire from the burning of rubbish. Outside the site boundary to the north is a more densely wooded corridor which runs adjacent to the railway. The site lies to the north of industrial units on the estate and approximately 230m north east of nearest residential properties at Claggan.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------------------------|
| 3.1 | 02.02.1994 | LO/93/00384: Processing of sand and gravel, ready-mix concrete and concrete block manufacture, adjacent to Ben Nevis Industrial Estate | Planning Permission Granted |
| 3.2 | 18.01.2022 | Eastern adjoining site - 21/02413/FUL: Construction of aluminium recycling and billet casting facility, associated hardstanding, infrastructure and landscaping | Planning Permission Granted |
| 3.3 | 06.02.2018 | Eastern adjoining site – 17/05202/FUL: Alloy wheel manufacturing facility, alterations and improvements to existing secondary plant access and associated access arrangements, hard standing, landscaping, car parking and ancillary development | Planning Permission Granted |
| 3.4 | 02.02.2005 | Western adjoining site – 04/00482/NIDLO: Formation of a civic amenity and recycling facility – collection skips, recycling banks and site office | Planning Permission Granted |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Section 34 / Unknown Neighbour
Date Advertised: 10.08.2023
Representation deadline: 25.08.2023
Timeous representations: 5 (5 separate addresses)
Late representations: 12 (12 Households)
- 4.2 Material considerations raised are summarised as follows:

- a) Inappropriate siting due to proximity to residential areas and public spaces.
- b) Visual impact of a waste unit on the landscape
- c) Potential environmental consequences due to improper management of waste, noise pollution and groundwater contamination.
- d) Request for Environmental and Community Impact Assessment prior to final decision on this proposal.
- e) Commitment from Council that there would be no waste transfer station in close proximity to houses.
- f) Odour and pests
- g) Risk of fire given situation near two gas depots
- h) Increased traffic
- i) Negative impact on neighbouring businesses on the industrial estate and tourism

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Fort William, Inverlochy and Torlundy Community Council:** The Community Council contacted Claggan Residents Association and received no objections. FITCC has no objection.

5.2 **Archaeology:** No objection subject to planning condition for archaeological watching brief to be carried out during site clearance and excavation works.

5.3 **Contaminated Land:** No objection subject to planning condition for submission of scheme to deal with potential contamination on site.

"The applicant has previously submitted the Site Investigation and Remediation Strategy reports, which were agreed before the final layout of the site was known. Various contaminants including asbestos and polycyclic aromatic hydrocarbons (PAH) were found in the soil, therefore landscaped areas required a minimum of 450mm of clean soil over an "alert" geotextile membrane which separates the contaminated soil from the clean cover. However, the revised layout includes more landscaped areas than previously agreed, and an "oak lined avenue" which is unlikely to be compatible with only 450mm of soil to support tree growth.

Therefore, the applicant needs to revise the Remediation Strategy either to include a greater depth of clean soil in areas proposed for trees; or revise the landscaping proposal to only allow shallow rooting shrubs/trees capable of successful growth in 450mm soil."

5.4 **Development Plans Team:** Provides a summary of the development plan policies relevant to the development.

5.5 **Environmental Health:** No objection to the application.

Note that matters such as odour and pests will be covered by a waste management licence issued by SEPA.

"The site is in the middle of an established industrial estate and the proposed working hours are 8am to 5pm Monday to Saturday. It is not expected that noise will have a significant impact."

- 5.6 **Flood Risk Management Team:** Initially objected due to lack of information on surface water drainage. This has been addressed. A Drainage Impact Assessment (DIA) has been submitted designed to accommodate a 1 in 200 year plus climate change event, which has been accepted. A condition is recommended for the submission and agreement of final drainage design details.
- 5.7 **Forestry Officer** is not in position to support the application due to insufficient soft landscaping proposals. Confirmation required that more landscaping could be accommodated before proposal could be fully supported.
- 5.8 **Transport Planning Team:** No objection subject to conditions covering the following items:
- Construction Traffic Management Plan to ensure that the construction activities of this development do not unacceptably disrupt safe use of the existing local public road network. The document should ensure that appropriate facilities are provided to avoid unwanted parking of construction-related vehicles on the existing local public road network, or the loading and unloading of construction plant and materials.
 - Informative to clarify that the extension to the U1289 Ben Nevis Drive to serve the facility be designated as a private access (responsibility of owner/operator) given that the proposed facility and the adjacent smelter site will not be open to public access and it would appear there will be no benefit to public access of adopting this proposed extension to the U1289.
 - Design details for the proposed directional signage set out in the Transport Statement.
 - Delivery of the proposed pedestrian and cycle route.
 - Informative clarifying that no works should commence on or directly adjacent to the local public road network until a permit granting permission for undertaking such works has been sought from and accepted by the Local Area Roads Office.
- 5.9 **Historic Environment Scotland:** Consider the proposals do not raise historic environment issues of national significance and therefore do not object. (Clarifies that non-objection should not be taken as support for the proposals).
- 5.10 **SEPA** advises that the application falls below the threshold for which SEPA provide site specific advice and refers to SEPA's consultation framework and standing advice.
- 5.11 **Scottish Water:** No objection. It advises there is current sufficient capacity in the Camisky Water Treatment Works and there is current sufficient capacity for a foul only connection in the Fort William Waste Water Treatment works to service development.
- 5.12 **Transport Scotland:** No objection or comments.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the West Highland and Islands Local Development Plan, 2019 and Highland-wide Local Development Plan, 2012 and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following Development Plan policies are relevant to the assessment of the application:

6.3 National Planning Framework 4

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 6 - Forestry, Woodland and Trees

Policy 7 - Historic Assets and Places

Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 12 - Zero Waste

Policy 13 - Sustainable Transport

Policy 14 - Design, Quality and Place

Policy 18 - Infrastructure First

Policy 22 - Flood Risk and Water Management

Policy 23 - Health and Safety

6.4 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality and Place-making

31 - Developer Contributions

42 - Previously Used Land

51 - Trees and Development

56 - Travel

57 - Natural, Built and Cultural Heritage

65 - Waste Water Treatment

66 - Surface Water Drainage

70 - Waste Management Facilities

6.5 West Highland and Islands Local Development Plan 2019 (WestPlan)

Site within Fort William Settlement Development Area boundary adjacent to FW25: Aluminium Smelter and Adjoining Land 86.7ha site allocated for industrial use.

6.6 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Fort William 2040

Additional waste transfer facility identified as an aspirational project suggestion to make Fort William 'A Great Place to Live'

8. PLANNING APPRAISAL

8.1 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.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting, design and amenity
- c) impact on historic environment
- d) impact on trees and biodiversity
- e) previously used / contaminated land
- f) impact on public road network / road safety
- g) surface water drainage
- h) other material considerations

Development plan/other planning policy

8.4 National Planning Policy 4 (NPF4) Policies 1 and 2 seek to encourage, promote and facilitate development that minimises emissions and adapts to current and future impacts of climate change and addressing the global climate emergency and nature crisis. The purpose of a waste transfer station is to temporarily store, sort and bulk certain types of waste to reduce waste to landfill and contribute to the circular economy. The principle of the proposal would conform with these national development plan policies.

8.5 NPF4 Policy 12: Zero Waste seeks to encourage, promote and facilitate development consistent with the waste hierarchy and Scotland's circular economy. Keeping resources in use for as long as possible, cutting waste and carbon emissions. Development proposals for waste infrastructure of this type will only be supported where there are no unacceptable impacts on the residential amenity of nearby dwellings, local communities, the transport network and natural and historic assets;

where environmental impacts relating to noise, dust, smells pest control and pollution of land, air or water are acceptable; where any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised; where an adequate buffer zone between sites and sensitive uses such as homes is provided, taking account of the various environmental effects likely to arise; a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored; consideration has been given to co-location with end users of outputs.

- 8.6 Highland wide Local Development Plan (HwLDP) Policy 70: Waste Management Facilities offers support for waste management facility proposals at the Glen Nevis Business Park (and any expansion of it, for industrial use). Development of the waste transfer station at this site conforms with local development plan policy.
- 8.7 The site is a brownfield, former industrial site located at the edge of the estate. National (NPF4 Policy 9) and local development plan policy (HwLDP Policy 42) offer support for proposals that would reuse brownfield, vacant and derelict land to help to reduce the need for greenfield development. Development proposals must demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 8.8 The site is located within an identified historic battlefield site. NPF4 Policy 7 and HwLDP Policy 57 require development proposals to protect historic environment assets and places.
- 8.9 NPF4 Policies 3 and 6 require proposals to enhance biodiversity and to protect and expand woodland and trees.
- 8.10 Other relevant development plan policies cover essential infrastructure including surface water management, access and transport. Subject to the proposal having no significant detrimental impact on amenity, historic assets, public road network, servicing, drainage, biodiversity and other environmental impacts the proposal would accord with the Development Plan.

Siting, Design and Amenity

- 8.11 The site is situated on former industrial (brownfield) land to the east of the Fort William recycling centre and north of existing industrial units on the estate. The proposal comprises the main waste transfer building measuring 49m x 24m x 11.5m high which would be orientated with the main ridge running in an east to west direction with hardstanding to site skips and for vehicle manoeuvring to the south and access road to the north. The main building would be finished in a recessive green colour. The buildings on site would be utilitarian in appearance and of a size and design in keeping with existing buildings on the industrial estate. The site is located 160m south of the A82 trunk road. Screen planting is proposed at the northern and western side of the site to help screen and soften development from wider public views into the site. The site would be viewed in context together with existing buildings on the estate and is considered acceptable in terms of siting, design and visual amenity.

- 8.12 The waste transfer facility is to be used to bulk waste to allow it to be transported more efficiently for recycling or to an energy from waste facility. Waste types include paper and card which will be sent to paper mills, cans and plastics which will be sent to a Material Recovery Facility for sorting and reuse, and food waste which will be loaded into dedicated containers and transported to either in-vessel composting or anaerobic digestion facilities, black bag mixed waste which will be sent to an energy from waste facility at Dunbar and bulky mixed waste which would be sent to an energy from waste facility. There will be no waste disposal on site. The site is located within an established industrial estate area and the proposed working hours are 8am to 5pm Monday to Saturday, commensurate with other businesses on the estate. The proposal raises no substantive noise nuisance concerns.
- 8.13 Operation of the site will be subject to a waste management licence from SEPA. This licence will control operations and ensure compliance in relation to odour and pests. Waste operations, including loading, unloading and bulking of waste will be undertaken within the building with the doors closed, except where access is required. Operations undertaken outwith the building but within the compound will include movement of containers and refuelling of containers. Non-recyclable waste, food waste and any other waste that may generate odour must be removed from site within a short time period under the requirements of the waste management licence. Vehicles entering or exiting the site will either be contained or sheeted to minimise odours from carried waste.
- 8.14 The applicant has advised that alternative sites were considered at pre-application stage, including a site at Corpach where potential impacts on an adjacent residential area was considered. At that time, the Ben Nevis Industrial Estate Site had been discounted as it was deemed too small for the forecasted service requirements. Modernising of the waste service since 2019 has allowed the applicant to review the waste transfer station requirements within the Fort William area, allowing the Ben Nevis Industrial Estate to be reconsidered. The applicant notes that the site would not be adjacent to any residential properties with the nearest being approximately 250m from the main building.
- 8.15 More recent plans for this site at pre-application stage showed the hardstanding and entrance to the building set to the east, facing away from the Industrial Estate premises. The original layout did not prove sufficient to accommodate all of the required infrastructure (parking, SuDs etc) while meeting operational requirement (vehicle movements). The prevailing wind direction in Fort William is from the south west, in the opposite direction to industrial units and residential properties in Claggan. Operation of the building will be subject to control through the waste management licence, which will effectively limit impacts on neighbouring business premises and residential properties at Claggan which are located approximately 230m to the south west.
- 8.16 Objection letters from neighbours raise concern regarding increased fire risk associated with the facility. The applicant advises that the site has been designed to ensure that the various types of waste and recyclables can be kept separate and loads of waste and recyclables will regularly be removed from site, ensuring that the tonnage of waste and recyclables on site is low, minimising fire risk.

Historic Environment

- 8.17 The application site lies within the designated Battlefields of Inverlochy I and II. The site lies close to Tom na Faire, a ridge that lies to the south of Inverlochy Castle which played a role in both battles and is promoted as a key viewpoint for modern visitors to appreciate the two battlefields. Historic Environment Scotland have noted that the development site would be visible from Tom na Faire, however it would be backdropped by the existing industrial estate and have the existing North Road retail park in front of it. The development would be commensurate in scale and massing as existing infrastructure and the severity of change to the character of both battlefields is unlikely to be significant. A heritage impact assessment has been submitted in support of this application. Given the previous industrial use and intervention at the site, it is considered that the risk of encountering buried deposits is not such as to warrant a full excavation, however it is important that the nature and extent of any features is identified and recorded. Planning permission is recommended subject to condition for an archaeological watching brief to be undertaken prior to commencement, in accordance with Historic Environment Team – Archaeology advice.

Trees and Biodiversity

- 8.18 Although the site has an industrial past there has been some natural regeneration albeit that there are no significant trees remaining on the site. The applicant has provided a Proposed Layout Plan (PA 02 Rev A), a Tree Survey & Initial Arboricultural Appraisal report and a Phase III Remediation Study. The Forestry Officer notes the layout of the site shows the 'limit of surfacing' coming right to the southern boundary which would prevent any replanting along this boundary and strongly recommends that the applicant pull the hard surfacing back from the boundary to allow the re-establishment of a treed boundary to the site. The Forestry Officer also notes the Proposed Layout Plan shows the planting of a line of oaks but they are only 4m from the building so could not be allowed to mature as they will outgrow their location. Tree species with a naturally narrower crown would be better. The low number of trees to be planted is poor and the proposed wide spacing of 10 – 12m apart is also poor. The Forestry Officer suggests removal of the oak tree avenue, repositioning of the building slightly further north to enable planting along the southern boundary of the site with small to medium sized species of tree, together with smaller trees or shrub planting positioned in the sloping ground on the north side of the access road.
- 8.19 The applicant has considered these recommendations and has submitted revised landscaping and biodiversity enhancement proposals. The applicant has advised that there is limited space for screen planting within the site. This has been concentrated to the north, east and western boundaries to screen the site in wider views from the railway line, rather than from within the industrial estate itself. Tree planting along the southern boundary would require a reduction in the building depth which not meet the operational requirements of the waste transfer station. Shrub planting along the southern boundary has been discounted for operational reasons, as low level bushes could provide shelter to pests. The landscaping has been designed to minimise and restrict any potential areas where pests could congregate or nest. Revised and improved landscaping proposals include tree planting (46 no.

hawthorn and rowan trees), meadow turf and meadow seeding have been submitted and will be secured through planning condition.

Previously Used Land / Contamination

- 8.20 The proposal will bring a derelict, contaminated, brownfield site back into use. A site investigation and Remediation Strategy has been submitted in support of the current proposals. Various contaminants including asbestos and PAH were found in the soil, therefore landscaped areas will require a minimum of 450mm of clean soil over a geotextile layer to 'cap' the site. Additional and revised landscaping proposals are proposed in response to Forestry Officer recommendations and to deliver wider biodiversity enhancement within the site. A revised remediation strategy will be needed to accommodate these changes. Planning permission is recommended subject to condition to secure an updated strategy, in line with Contaminated Land Team advice. This will also need to align with the drainage strategy.

Public Road Network / Road Safety

- 8.21 The waste transfer station site would be accessed from the main junction into the Industrial Estate from the A82, with vehicles turning onto Ben Nevis Drive towards the Recycling Centre. The proposals include a 122m long access extending from the end of the public road to the north east. The proposals include provision for car parking, cycle parking and electric vehicle charging, in accordance with current recommended standards. Objections have been raised from Shiel Buses and one other neighbouring business (repair garage) regarding the intensification of traffic into the industrial estate and sufficiency of the road network.
- 8.22 Collected waste will be delivered to the site in standard refuse collection vehicles, skip lorries and some light goods vehicles. Removal of scrap metals and wood will be transported out in articulated HGVs for further processing. It has not been possible to determine what level of traffic was associated with the previous aggregate processing site, however the previous use will have generated additional vehicle movements to the industrial estate road network. The A82/Ben Nevis Drive junctions and Ben Nevis Drive/Site Access junction have been reviewed by both Transport Scotland and the Transport Planning Team and have raised no objection to the proposal. The Transport Statement submitted in support of these proposals has demonstrated that visibility at the junction is clear and adequate for the road speeds and these junctions have been in use and are currently used by existing businesses using vehicles of commensurate size and type.
- 8.23 In terms of the wider public road network, the Transport Statement details the existing daily number of vehicle movements associated with Duiskey Landfill site and the trip number that would be generated by the proposed development.

Site	Artics in	RCV in	Skips in	LGV in	Staff cars	Artics out	RCV out	Skips out	LGV out	Staff cars	Daily total
Existing (Duiskey)	0.3	8	6	2	2	0.3	8	6	2	2	36.6
Proposed development site Ben Nevis Industrial Estate	2	8	3 (Food waste) (Others already occur with RC)	2	2	2	8	3 (Food waste) (Others already occur with RC)	2	2	34

This information demonstrates a small, net reduction in vehicle movements on the local road network once the site is operational. 8,000 tonnes of spoil will be removed from the site and some material imported to remediate the contaminated land. The applicant has advised that they plan to use articulated lorries to undertake these trips, with approximately 2-4 trips per working day over a 4 month period. A construction traffic management plan will be required to be submitted and approved by the Planning Authority in consultation with the Transport Planning Team, including measures to avoid construction vehicles obstructing the public road network.

- 8.24 The Transport Planning Team has advised that as the site will not be open to the public there would be no benefit of adopting the proposed extension to the U1289. An informative note to the applicant is proposed in this regard.
- 8.25 A 3m wide shared pedestrian and cycle route is proposed along the northern side of the development, which may allow the aluminium smelter operators to support active travel connections to the adjoining site (east) in future. Signage and road marking will be required in accordance with current guidelines. Additional directional signage to the waste transfer site is proposed within the Transport Statement, however signage details have not been provided as part of these proposals. These matters will be secured through planning condition, in line with Transport Planning recommendations.
- 8.26 The proposals make appropriate provision for active travel and more sustainable modes of transport. The industrial estate is close to the existing public transport network, which will provide opportunities for staff to access the site in a more sustainable way. The proposal is considered to accord with Policy 13 (NPF4) and Policy 56 (HwLDP).

Surface Water Drainage

- 8.27 A Drainage Impact Assessment has been submitted showing the surface water drainage proposals designed to accommodate 1 in 200 year plus climate change levels. Discharge will be via infiltration. Ground investigation, including infiltration testing and borehole recording of groundwater levels found infiltration rates suitable for the use of soakaways. Groundwater levels were found to be relatively shallow, and this has been accounted for in the design to ensure that all soakaways are at least 1m above the groundwater level. The Flood Risk Management Team are content with the approach set out in the DIA and request a condition to review and agree the final surface water drainage design details.

Other material considerations

- 8.28 The proposals have been screened against The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposal does not constitute Schedule 1 development under the 2017 Regulations and while the proposal does fall within the definition of Schedule 2 development, having screened it against the selection criteria outlined in Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017; including the characteristics of the development, location, sensitivities and characteristics of the potential impact, any adverse impact on the receiving environment, whilst possible, is not considered to be significant.

Non-material considerations

- 8.29 The issue of potential impact on neighbouring property values is not a material planning consideration.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.30 None

9. CONCLUSION

- 9.1 The proposal will remediate and bring back into use a brownfield, contaminated site at the edge of an existing industrial estate. A waste transfer station at the industrial estate aligns with local development plan policy. The waste transfer station will contribute to more sustainable solutions to waste management and contribute to zero waste goals and aspirations for Scotland's circular economy.
- 9.2 Concerns regarding the impact of development on neighbouring businesses on the industrial estate and residential properties further afield at Claggan are acknowledged. The applicant states that adverse impacts to amenity will be limited due to the nature of use and operations at the site. The site will operate under strict terms dictated by SEPA waste management licensing and will be monitored, as required. Transport Scotland and the Transport Planning Team have reviewed the proposals and associated Transport Statement and have raised no objections to the proposal. A Construction Traffic Management Plan, signage, parking and cycle parking will be secured through planning condition.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site.

2. No development shall commence on site until a construction phase Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved traffic management plan shall be implemented prior to development commencing and remain in place until the development is complete.

Reason: In order to ensure the safety and free flow of traffic on the public road.

3. No development shall commence until, full details of the proposed directional signage, has been submitted to and approved in writing by the Planning Authority, following consultation with the Roads Authority. Thereafter the signage shall be installed and maintained in accordance with the approved details in perpetuity; unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of road safety, and that the works involved comply with applicable standards

4. No development shall commence until full details of pedestrian and cycle crossing and signage has been submitted to and approved in writing by the Planning Authority, following consultation with the Roads Authority.

Thereafter development shall progress in accordance with the agreed details and the signage shall be installed and maintained in accordance with the approved details in perpetuity; unless otherwise first agreed in writing by the Planning Authority.

Reason: In the interests of road safety, and that the works involved comply with applicable standards

5. No development shall commence until a scheme to deal with potential contamination within the application site has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- i. the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works and proposed verification plan to ensure that the site is fit for the uses proposed;
 - ii. measures to deal with contamination during construction works;
 - iii. in the event that remedial action be required, a validation report that validates and verifies the completion of the approved decontamination measures;
 - iv. in the event that monitoring is required, monitoring statements submitted at agreed intervals for such time period as is considered appropriate in writing by the Planning Authority.

Thereafter, no development shall commence until written confirmation that the approved scheme has been implemented, completed and, if required, on-going monitoring is in place, has been issued by the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

6. No other development shall commence until the final surface water drainage design has been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

For the avoidance of doubt, the final surface water drainage design shall demonstrate that all storms up to and including a 1 in 200 year plus climate change event will be managed within the site. Exceedance routing shall be provided to demonstrate that in the event of exceedance or poor performance of the infiltration system, there will be no flooding to buildings or critical infrastructure.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

7. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping and biodiversity enhancement works are properly undertaken on site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Access

Please note that the proposed extension to the U1289 Ben Nevis Drive to serve this facility will be designed as a private access that will be the responsibility of the owner / operator of the waste transfer facility to inspect and maintain going forward.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

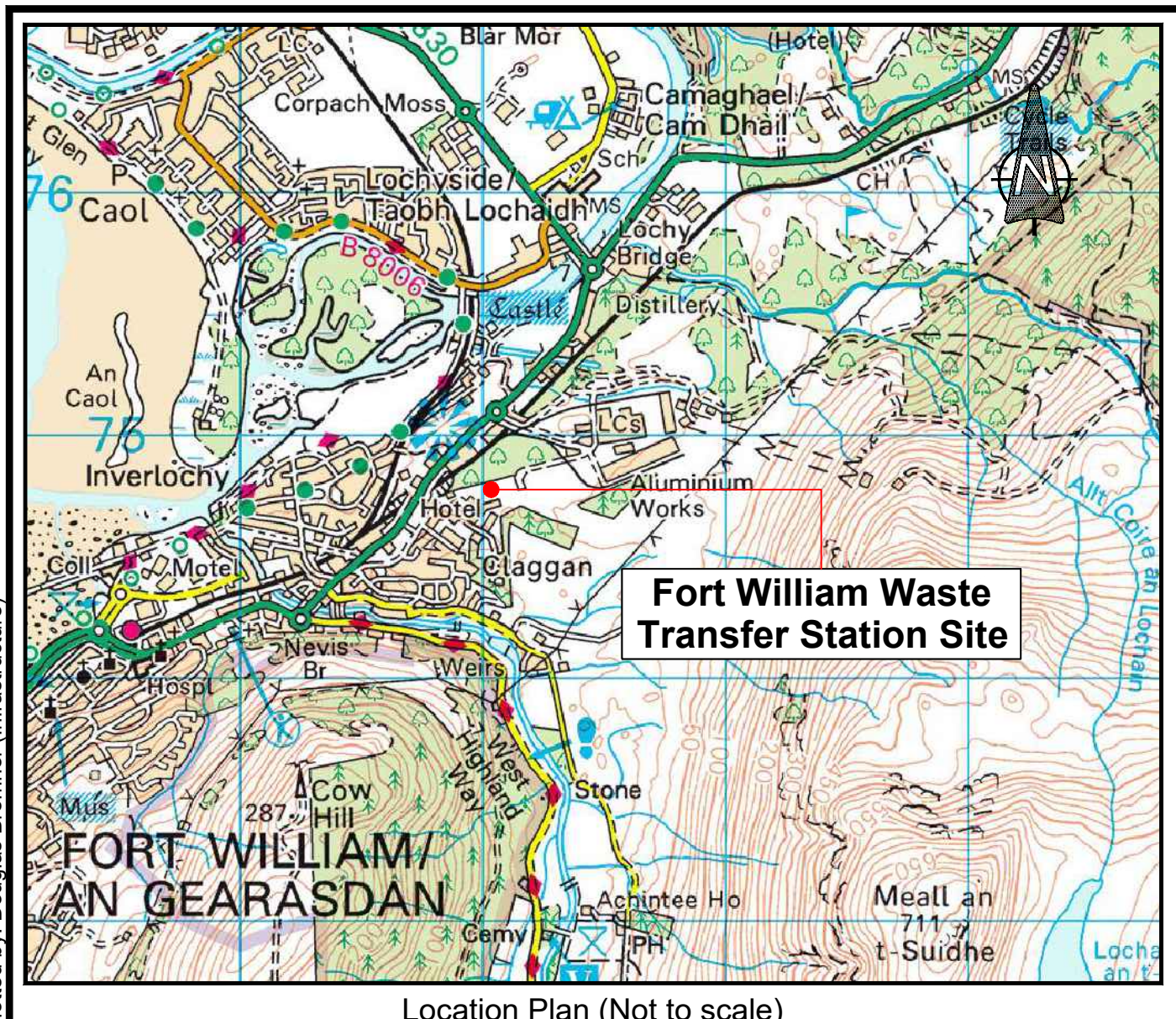
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

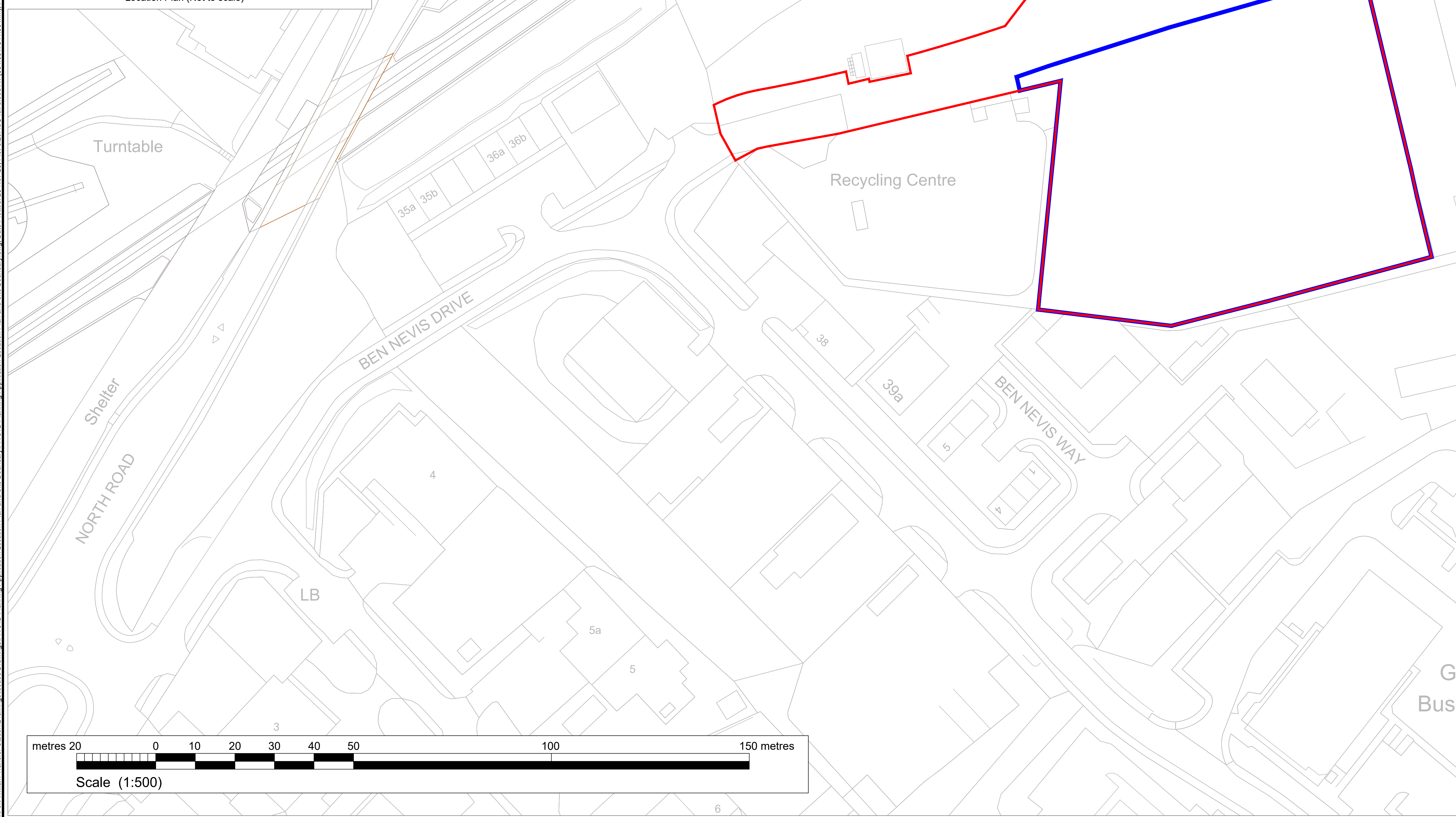
You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature:	David Mudie
Designation:	Area Planning Manager - South
Author:	Christine Millard
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - PA01 Rev B Location Plan
	Plan 2 - PA02 Rev C Site Layout Plan
	Plan 3 - PA03 Section Plan
	Plan 4 - PA04 Floor/Elevation Plan
	Plan 5 - PA05 Drainage Layout Plan
	Plan 6 - PA07 Landscaping Plan

L:\Fort William Transfer Station\Drawings\Issued Drawings\PA 01B Planning Application Location Plan and Site Boundary.dwg; Date Plotted: 23-Nov-23; Plot Size: ISO full bleed A1 (594.00 x 841.00 MM); Plotted by: Douglas Bremner (Infrastructure)



Location Plan (Not to scale)



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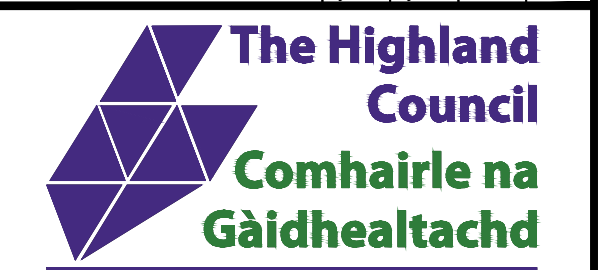
- Area defining the limits of the land owned/controlled by the Applicant
- Area defining the limits of the development

Minor amendments to the limits of the development following design changes.

DB	AS	23/11/23	B
DB	AS	26/07/23	A

The limits of the development amended.

Drawn By	Check By	Check Date	Surf



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ECONOMY**
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KW10 6TA

Phone : 01408 635313
E-mail : garry.smith@highland.gov.uk

Project
**Fort William
Waste Transfer
Station**

Title
**Planning Application
Location Plan
and Site Boundary**

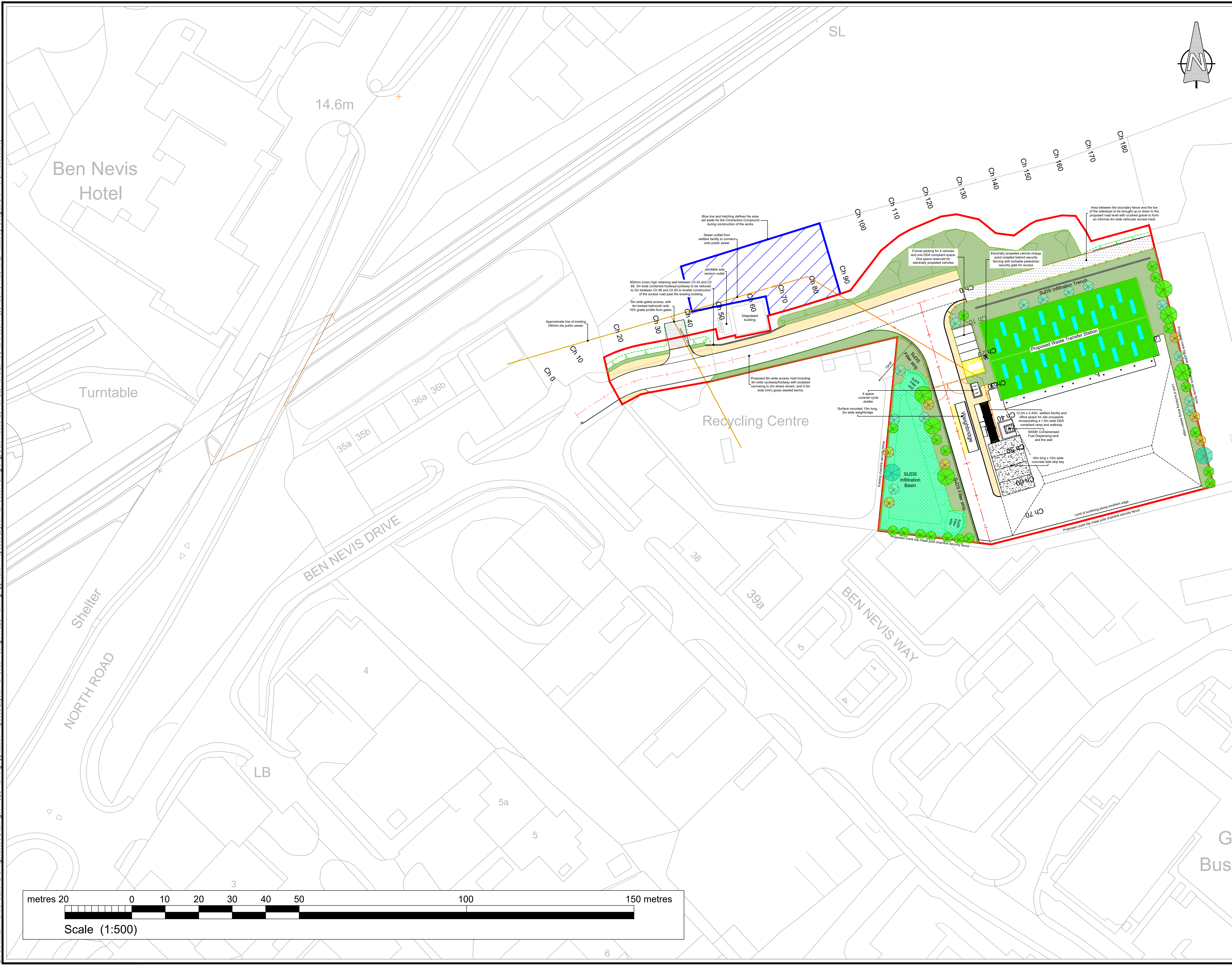
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Drawn	D Bremner	Date	28/11/2022
Checked	AS	Date	31/05/2023

Project No.
YEHVX1001

Drawing No.	PA 01	Rev.	B
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- Notes:
1. Refer to drawings PA07 and PA 08 for landscaping details.
 2. Refer to drawings PA 05 and PA 06 for drainage details.

Legend:
— Area defining the limits of the development

Alterations to access road and gravel access.	AS	DB	23/11/23	C
Number of parking spaces reduced and parking relocated. EV charging point relocated. SuDS features altered. Landscaping altered. Minor alterations to fencing to accommodate parking and EV point location.				
Oak trees replaced with suitable species for conditions. Additional areas of tree planting and small tree planting added. Drainage layout added.	AS	DB	12/09/23	B
The limits of the development and legend added. Office/welfare facility altered to reflect the actual building proposed. Minor alterations to footway and cycle shelter to accommodate the office/welfare facility.	DB	AS	28/07/23	A

Revision Details	Drawn By	Check By	Check Date	Surf

The Highland Council
Comhairle na Gàidhealtachd

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Golspie
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Project
Fort William Waste Transfer Station

Title
Planning Application Proposed Layout Plan

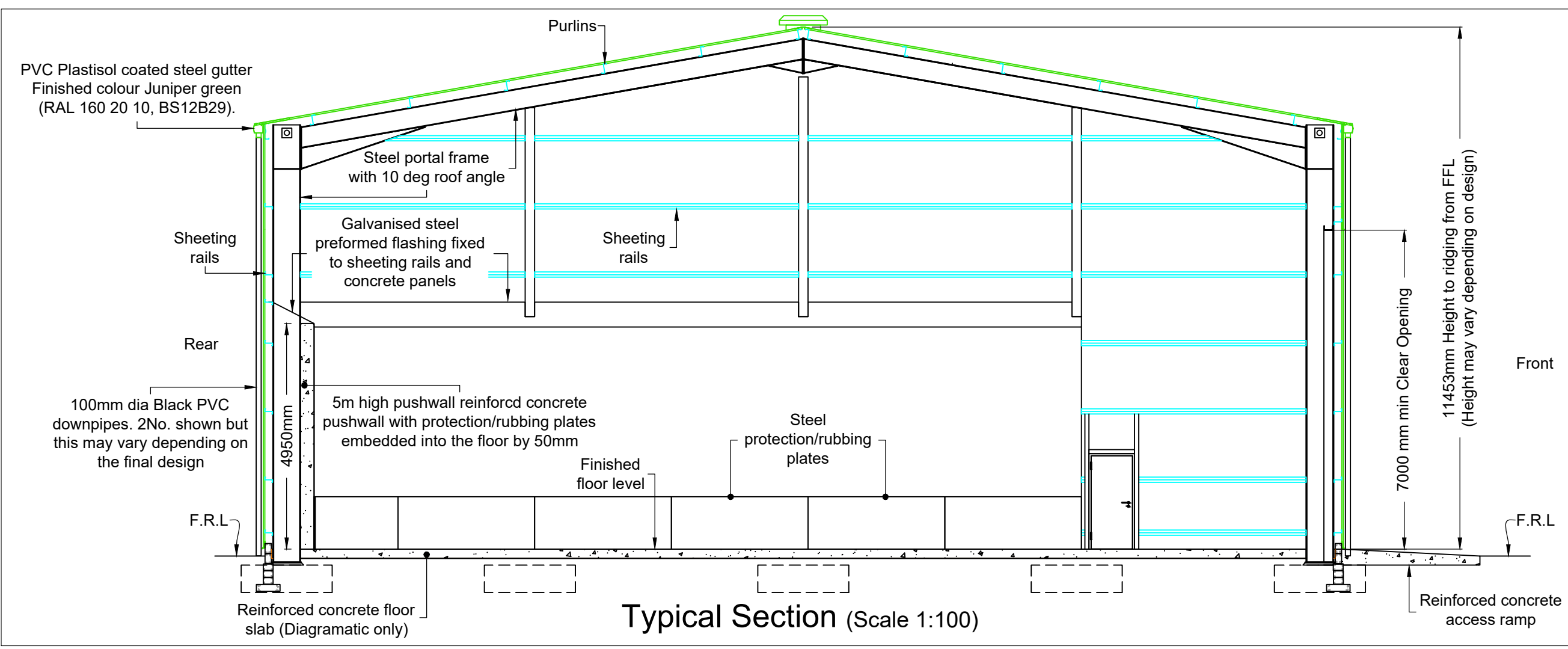
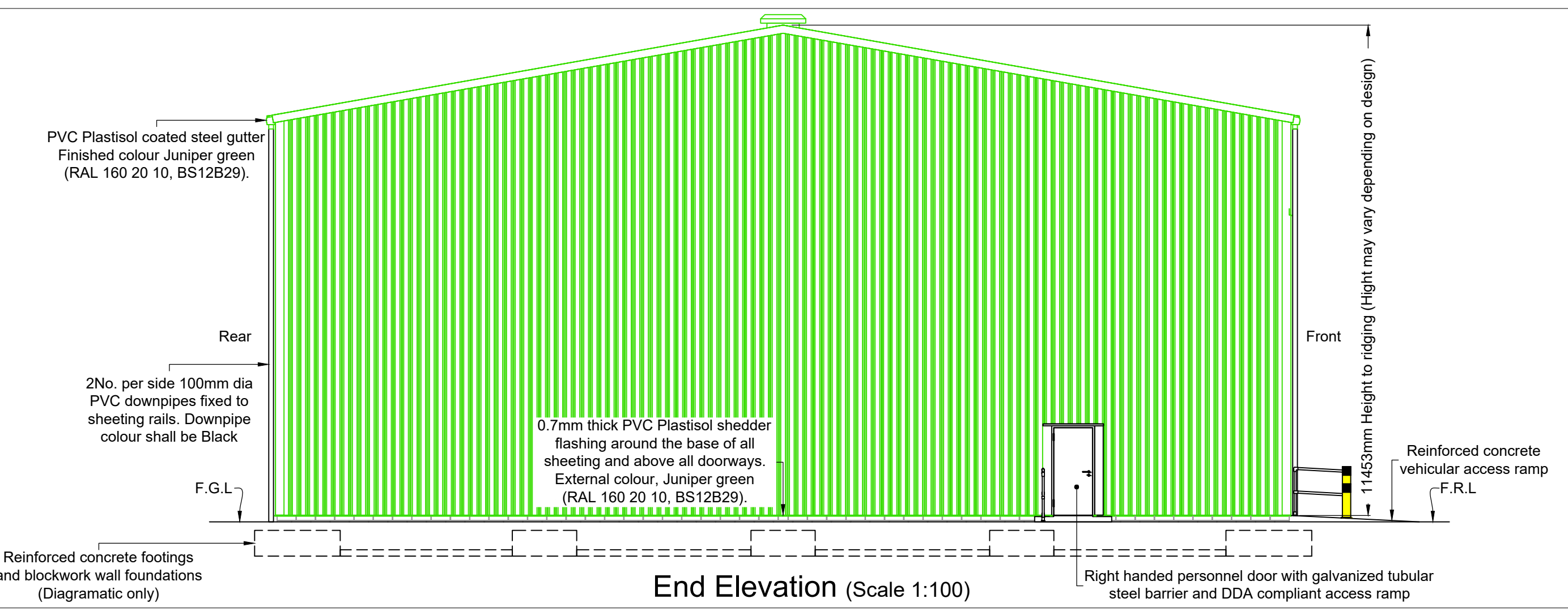
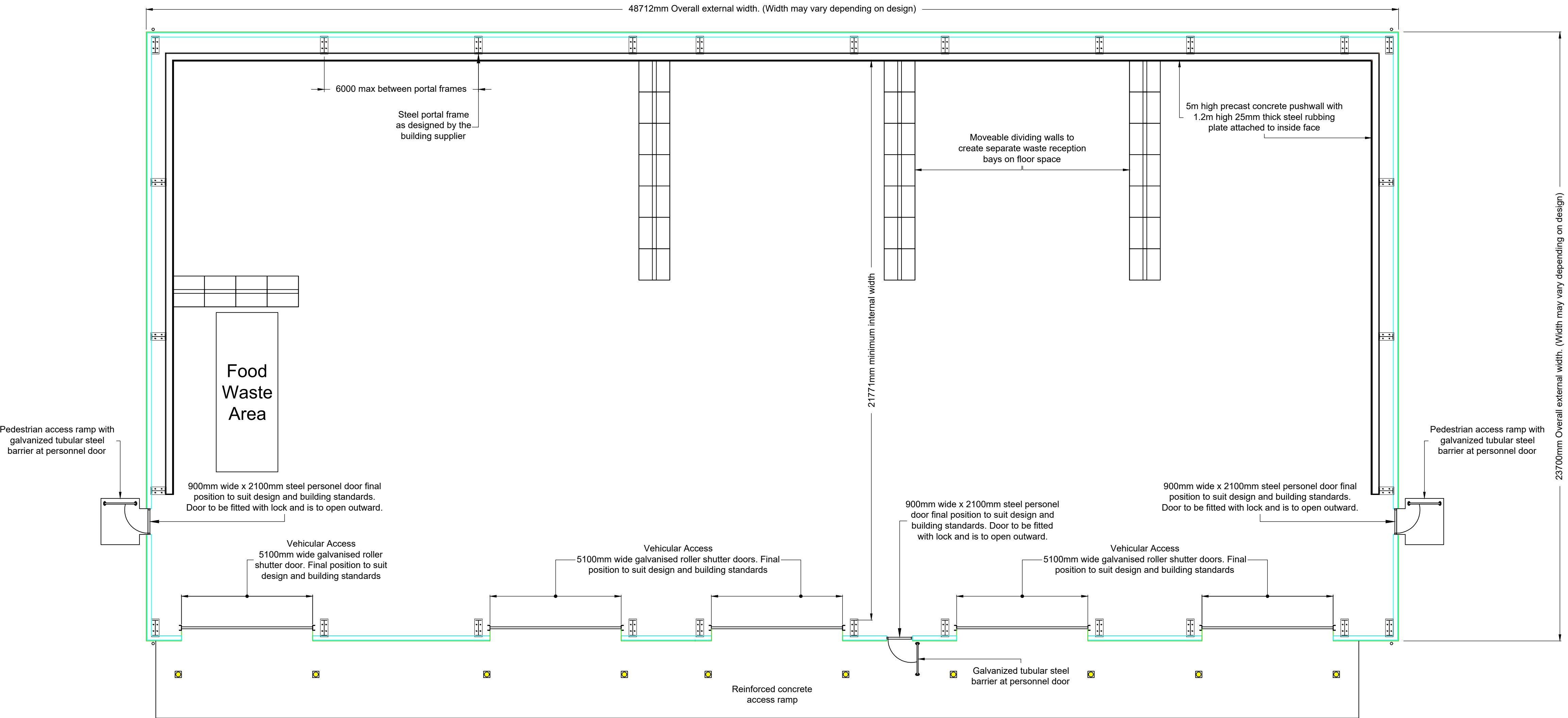
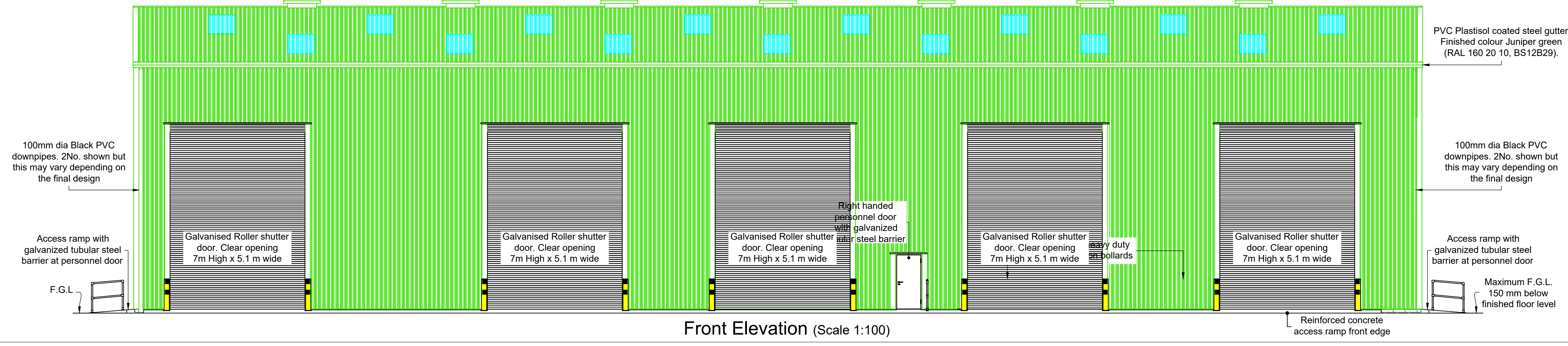
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Drawn	D Bremner	Date	28/11/2022
Checked	AS	Date	31/05/2023

Project No.
YEHVX1001

Drawing No. **PA 02** Rev. **C**

Notes



Revision	Drawn By	Check By	Check Date	Surfz

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Comhairle na Gàidhealtachd

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Project Title
Fort William Waste Transfer Station

Title
Proposed Waste Transfer Station Building Details

Scale
As Shown (@ A1)

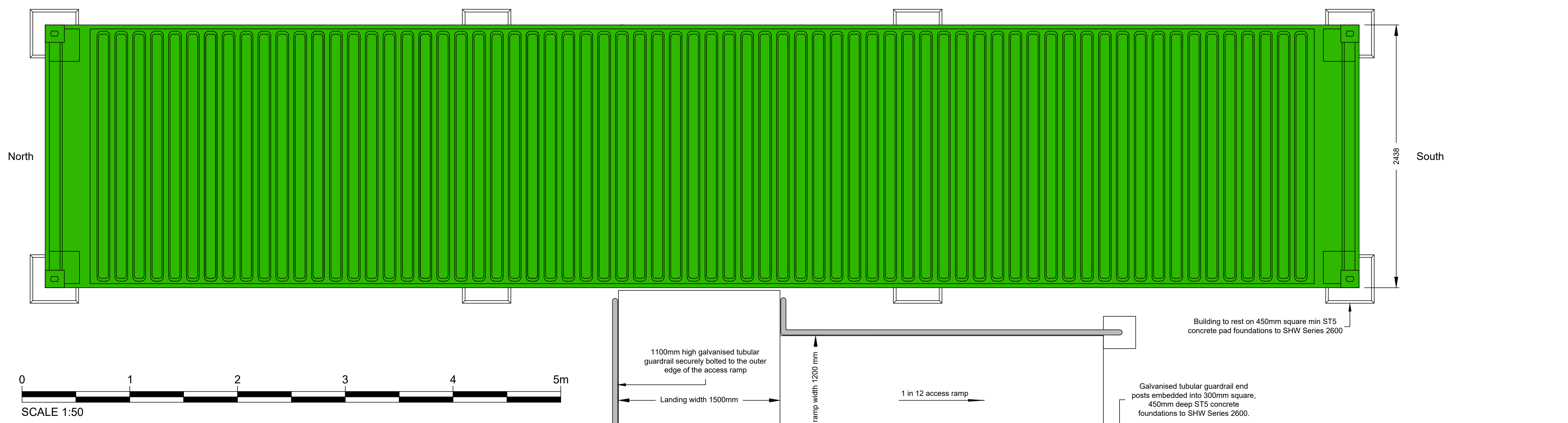
Drawn D Bremner Date 28/11/2022
Checked AS Date 31/05/2023

Project No.
YEHVX1001

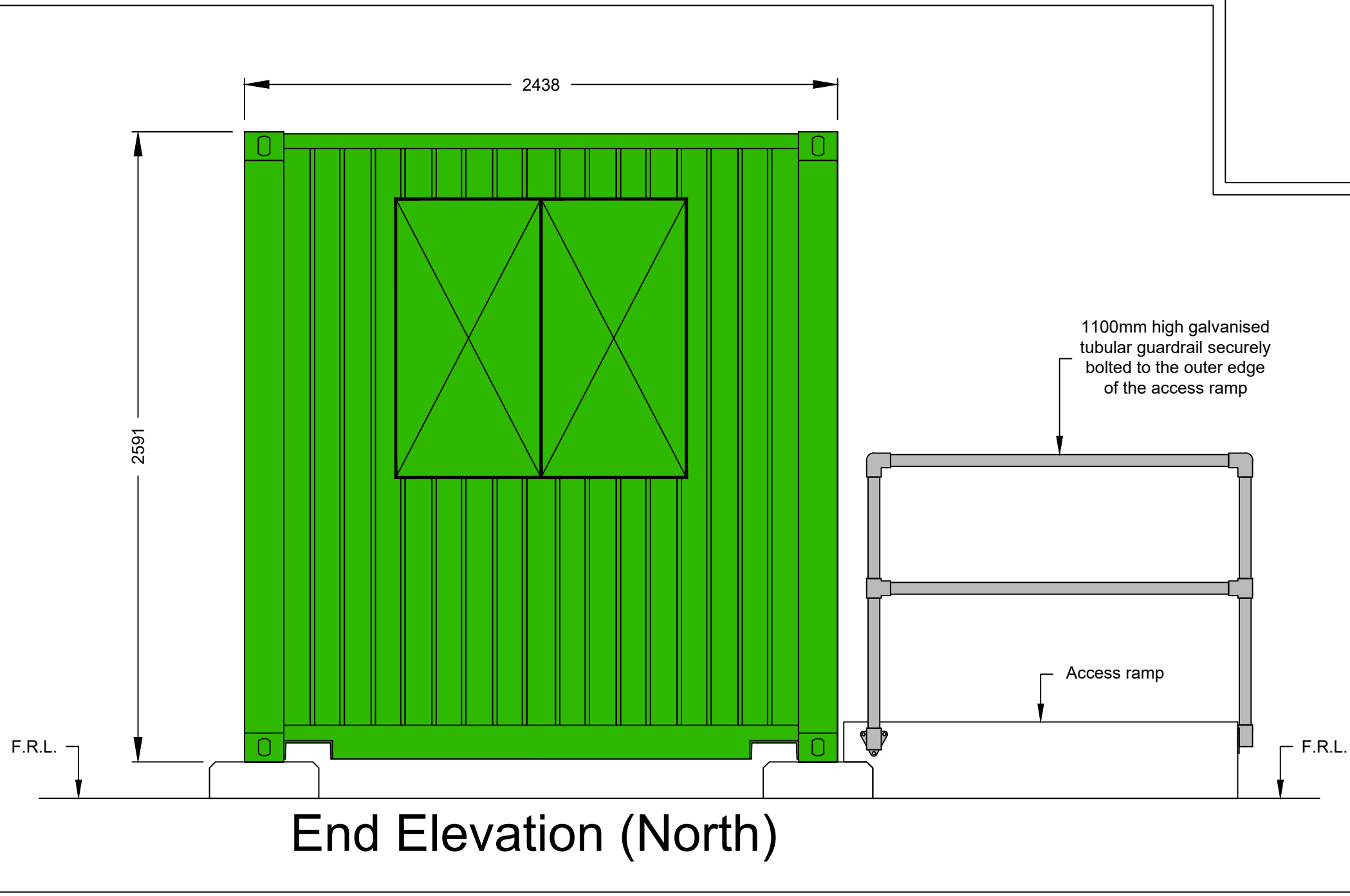
Drawing No.
PA 03

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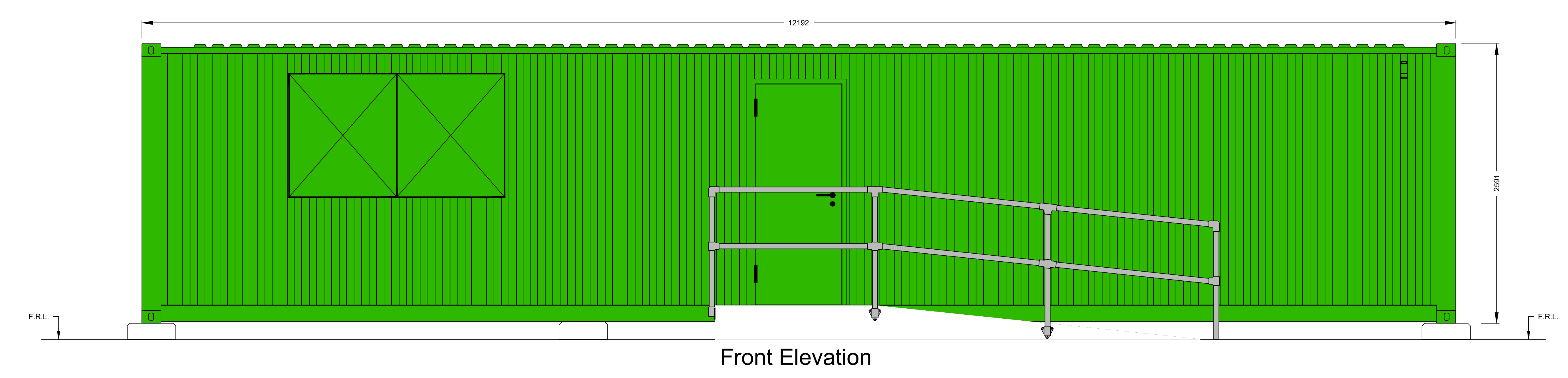
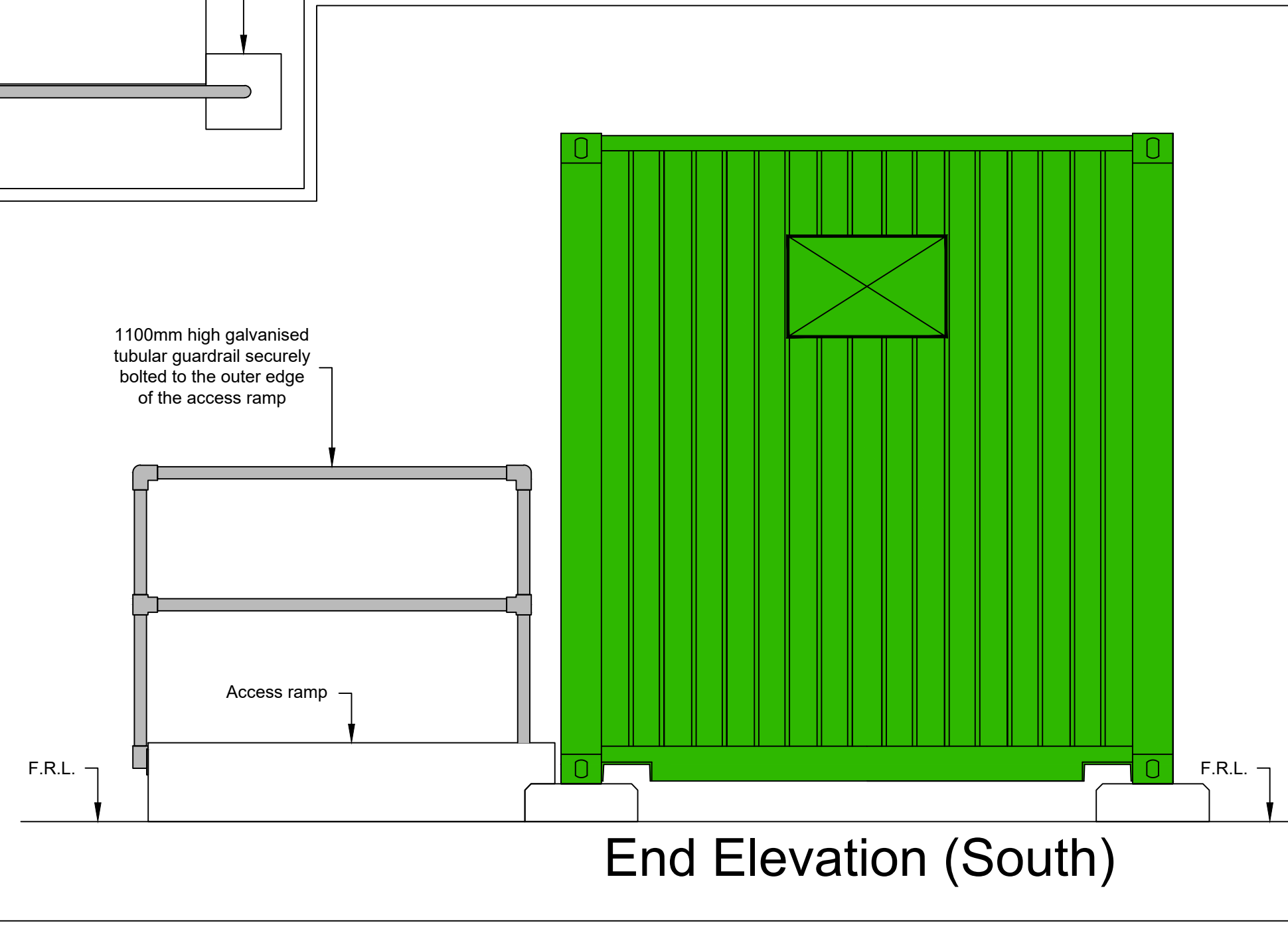
Notes



Plan



- General Notes:
1. The building construction is that of a converted and fully insulated cor-ten steel shipping container, external colour to be Bottle Green (RAL 6007).
 2. All windows to be lockable double glazed units, fitted with external mounted anti-vandal shutters.
 3. The doorway is a fully insulated steel door, incorporating draftproof weather seals and a high security lock. It is DDA compliant with a minimum clear opening width of 830mm.
 4. The internal layout of the building should have space for an office, a canteen, DDA compliant toilet, WC, Shower and shower room and a drying area.
 5. All floors to have slip resistant coverings designed for heavy duty wear applications.
 6. The building to be sited onto foundations as recommended by the manufacturer or on professionally designed pad foundations. The building will be sited close to the ground with a minimum airflow space of 300mm. (400mm max).
 7. Access ramps shall have a clear width of at least 1.2 meters and have a gradient of 1:12. A 1.5m min long level platform shall be provided at the doorway. The surface of all ramps shall receive a brush finish.
 8. Rear of building does not have any doors, windows or any other openings. As a result rear elevation not shown.



Revision Details				
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Project
**Fort William
Waste Transfer
Station**

Title
**Welfare Unit
Plan and Elevations**

Scale
1:50 (@ A1)

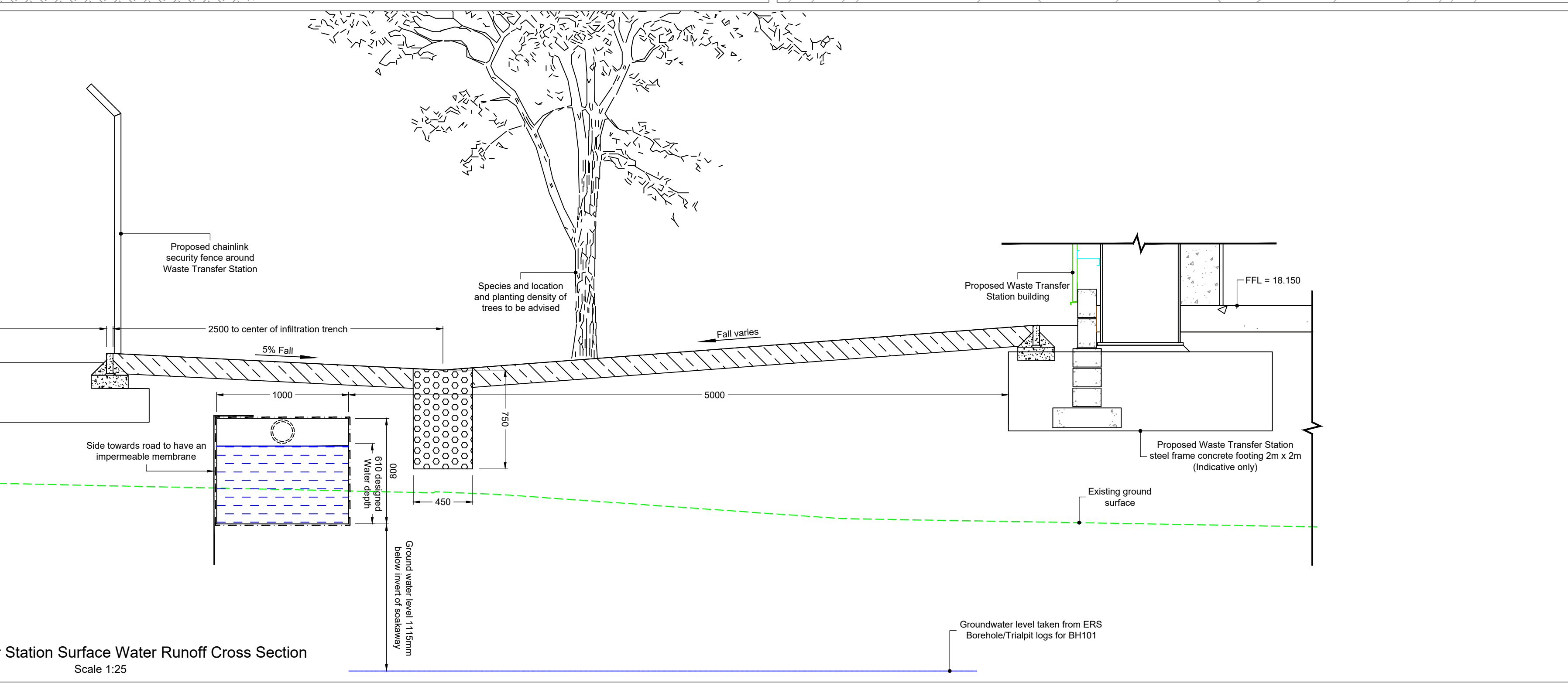
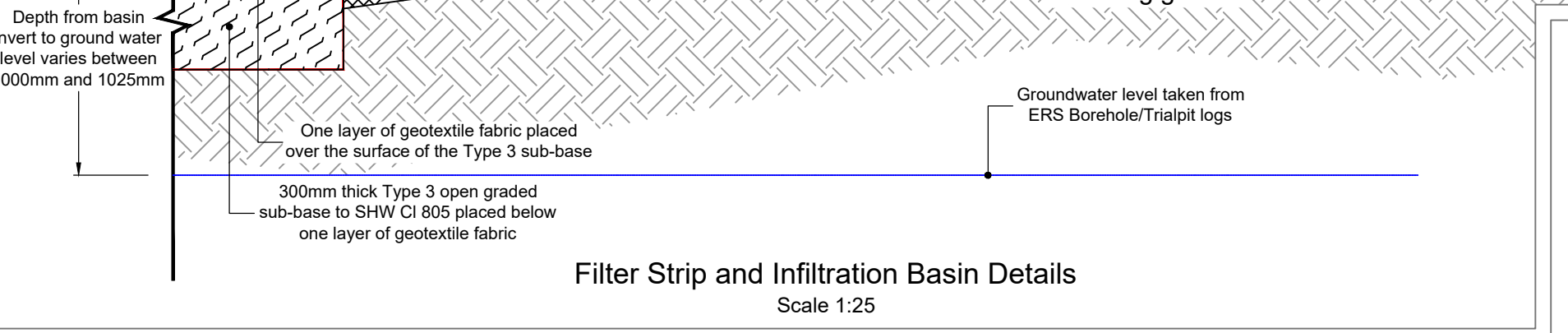
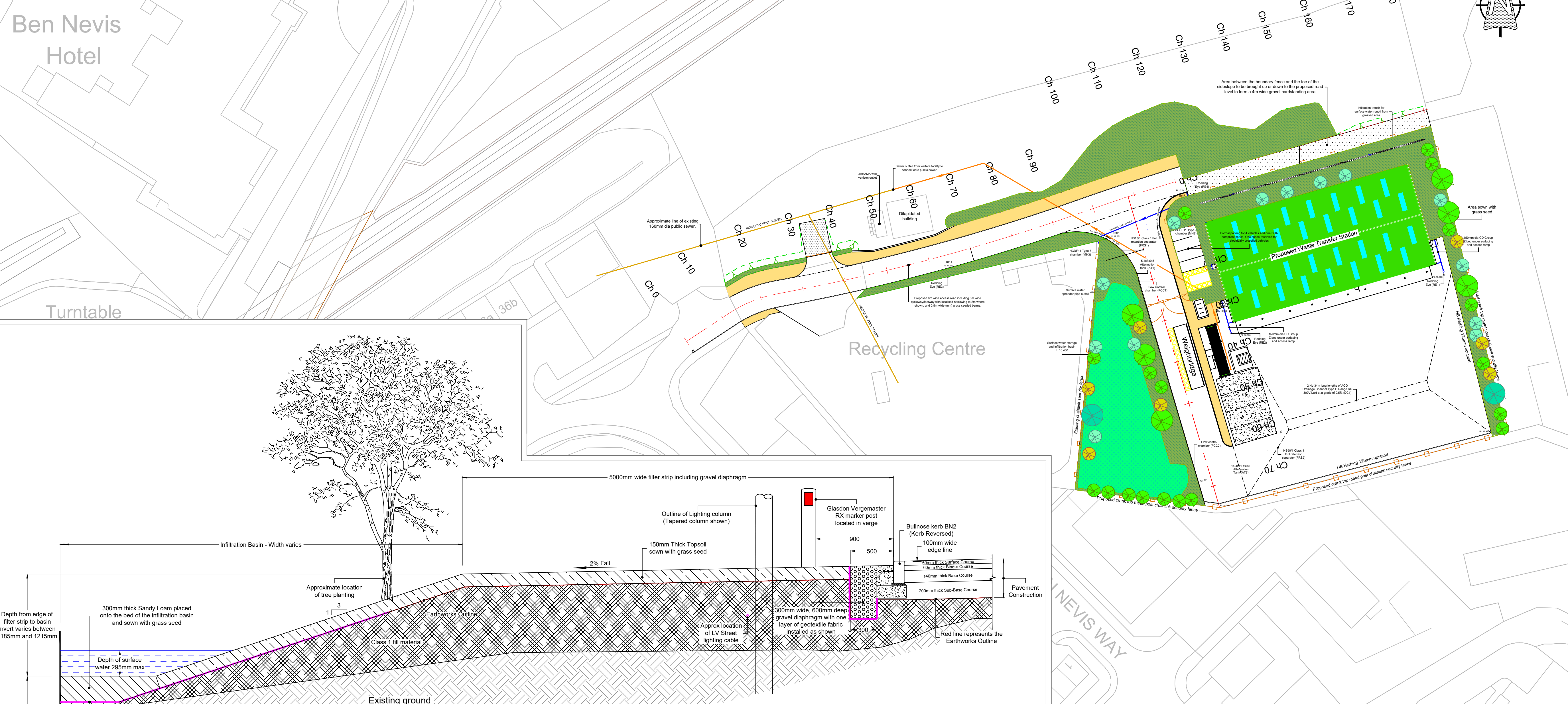
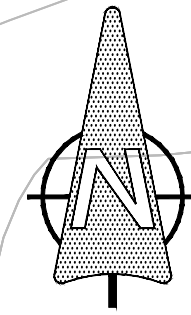
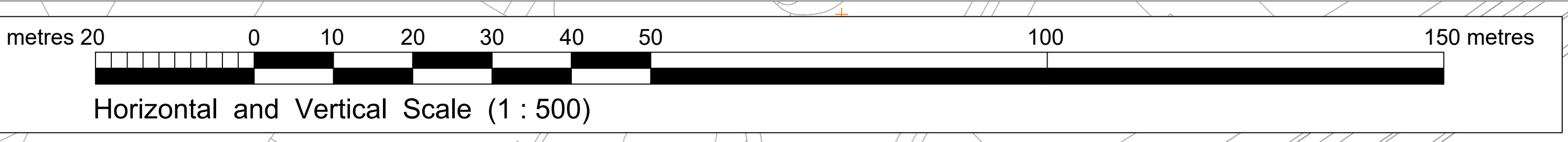
Drawn	D Bremner	Date	25/07/2023
Checked	AS	Date	26/07/2023

Project No.
YEHVX1001

Drawing No. **PA 04** Rev.

L:\Fort William Transfer Station\Drawings\Issued Drawings\PA 04 Welfare Unit Plan and Elevations.dwg; Date Plotted: 26-Jul-23; Plot Size: ISO Full Bleed A1 (841.00 x 594.00 MM); Plotted by: Douglas Bremner (Infrastructure)

L:\Fort William Transfer Station\Drawings\Issued Drawings\PA 05A Drainage Layout Plan Access Road Drainage, Filter Strip and Infiltration Basin Details.dwg; Date Plotted: 23-Nov-23; Plot Size: ISO full bleed A1 (594.00 x 841.00 MM); Plotted by: Douglas Bremner (Infrastructure)



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Notes

Revision Details	DB	AS	22/11/2023	A
Drawn By	AS	Check By		Surf
Check Date		Surf		

Drainage layout and landscaping revised.

Revision Details



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Project
Fort William Waste Transfer Station

Title
Drainage Layout Plan
Access Road Drainage, Filter Strip and Infiltration Basin Details

Scale
1:500 (@ A1)

Drawn
D Bremner
Date
14/06/23

Checked
A Sutherland
Date
12/10/23

Project No.
YEHVX1001

Drawing No.
PA 05
Rev.
A

