East Lothian Council

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 June 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

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Application No. **15/00022/PM**

Proposal Construction and operation of a leachate treatment plant (LTP) comprising a series of storage and treatment tanks within a surfaced and bunded compound, together with lagoons, reed beds and ancillary plant and infrastructure

Location **Dunbar Landfill Site**
Oxwellmains
Dunbar
East Lothian
EH42 1SW

Applicant Viridor Waste Management Ltd

Per SLR Consulting Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the capacity of the proposed facility is more than 25,000 tonnes per annum, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 14/00024/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 4 people attended the two separate pre-application public exhibitions held at Halhill Sports Centre and Innerwick Residential Centre, and that those attendees raised no specific comments or queries regarding the proposals.

The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site, which has an area of some 2.2 hectares, comprises a linear area of land that is located on the southern part of the existing waste landfill site at Oxwellmains, Dunbar. The landfill site is operated by Viridor Waste Management Ltd under the terms of planning permission P/0867/91 granted in June 1993. It occupies a countryside location 4.5km to the south east of Dunbar, 2km to the northwest of the village of Innerwick, and 3.5km to the west of Torness Nuclear Power Station. The landfill site is bounded to the north by the main east coast railway line, to the east by farmland, to the south by the A1 trunk road and to the west by the Lafarge Cement Works.

Existing woodland strips enclose the site on its northern and western sides, a landscaped bund encloses it on its southern side and landscape planting encloses its eastern side.

The nearest residential properties are the farm at Easter Pinkerton and nearby cottages located approximately 550m and 730m to the west of the application site respectively, being separated from the site by the A1 and intervening mature vegetation. East Barns Farm is located 850m north of the site being separated from it by the landfill operations and vegetation.

This application seeks planning permission for the construction and operation of a leachate treatment plant (LTP) comprising a series of storage and treatment tanks within a surfaced and bunded compound, together with lagoons, reed beds and ancillary plant and infrastructure.

The generation of leachate is caused principally by precipitation percolating through waste deposited in a landfill. Once in contact with decomposing solid waste, the percolating water becomes contaminated, and if it then flows out of the waste material it is termed leachate.

The applicant's submitted Planning Statement informs that landfill sites generate leachate when water (mostly from rainfall but also from moisture created from decomposing waste) collects in the waste disposal area (known as a landfill cell). In order to prevent the build-up of leachate within the base of the landfill, each cell is constructed with a drainage layer of granular material or pipe work on top of an impermeable barrier (liner). The impermeable barrier and drainage layer are constructed with a suitable gradient to allow leachate to flow to a collection sump where it is pumped out of the landfill cell as necessary.

Under the current practice at the landfill site, leachate is stored in lagoons pending export from the site by road tankers to a waste water treatment facility. The proposed onsite treatment would lead to a reduction in vehicle movements associated with the treatment of leachate.

The proposed LTP would consist of a number of cylindrical storage and processing tanks constructed from, depending on the function of the tank, concrete, HDPE or glass coated steel. A palate of dark grey, dark green and black matt finishes would be utilised for the tanks and containers which would be in keeping with the existing colour palate of built form on the landfill site. The tanks would be located within a hard surfaced area, which would be bunded at the edges by a concrete wall approximately 1m high. Some tanks would also be fitted with integral bunding.

In summary the development would comprise:

- six standard-sized shipping containers, each respectively housing; an office and laboratory, a control room, chemical dosing and pump, tools and equipment storage, metals stripping skid and a metals stripping consumables store;

- three large cylindrical tanks (raw leachate balancing tank, anoxic zone tank and aeration zone tank), which would measure up to some 24m in diameter and 8.5m high;

- three smaller tanks (ultra-filtration, sludge tank and effluent balancing tank) which would measure up to some 13m in diameter and 3m high;

- three self-bunded chemical dosing tanks which would be some 5m in diameter and 4m high;

- a sludge drying wetland; two further wetlands and an effluent lagoon;

- a small pump house; and

- hardsurfaced areas in the form of access roads, gates and 1.8m high fencing.

In total the LTP would cover an area of around some 2.2 hectares, of this 0.6 hectares would be associated with the tanks and infrastructure, with the remainder comprising the lagoons, ditches, access tracks and perimeter vegetation.

The applicant's submitted Planning Statement informs the chosen technology for the LTP is the well-established activated sludge process. This process uses a combination of aeration, chemical and biological treatment methods to reduce levels of contaminants to a suitable level to allow the treated leachate to be discharged to a local watercourse, in this case the Dry Burn at the eastern tip of the site.

The LTP has been designed to treat up to 100m3 of leachate per day, which equates to 36,500m3 or 36,500 tonnes of leachate per year. It is anticipated that the maximum discharge rate to the Dry Burn would be 150m3 of treated effluent per day. Only leachate generated from the landfill site would be treated at the proposed LTP.

Access to the LTP would be from an existing haul road passing through the landfill site. The landfill site benefits from direct access onto the A1087, which in turn provides access to the north and southbound carriageways of the A1.

As noted above, leachate is currently stored in lagoons pending export from the site by road tankers to a waste water treatment facility. This results in between 80 and 100 HGV movements (i.e. 40 to 50 in and 40 to 50 out of the site) each month. With the proposed LTP, this would significantly reduce to an average of 2 to 4 HGV movements per month. Reducing HGV movements would lead to a reduction in carbon emissions associated with the treatment of leachate as well as a reduction in environmental effects associated with the movement of HGVs along the highway network.

The applicant has submitted an Environmental Statement (ES) with the planning application. The Environmental Statement contains chapters on planning policy, alternative sites, the water environment, ecology and other environmental issues.

A Planning Statement and Design and Access Statement have also been submitted with the application.

The majority of the application site is within the battlefield site of the Battle of Dunbar II (1650) that is included in Historic Scotland's Inventory of Historic Battlefields.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies W1 (Oxwellmains, Dunbar), DC1 (Development in the Countryside and Undeveloped Coast), NRG2 (Torness Consultation Zone), T2 (General Transport Impact), DP2 (Design) and ENV7 (Scheduled Monuments and Archaeological Sites) of the adopted East Lothian Local Plan 2008.

There is no public objection to this application.

The existing landfill site at Oxwellmains is a well established waste management use in its countryside location with planning permission and supported by Policy W1 of the adopted East Lothian Local Plan 2008. Policy W1 states that Oxwellmains, Dunbar is supported as a site for waste treatment and disposal and that development that restricts its continued operation will not be permitted.

The proposed LTP would be a waste management use which would serve to enhance the operational ability of the landfill site to process and treat its own leachate production. It would enable an operational continuation of waste treatment and disposal at Oxwellmains, consistent with Policy W1 of the adopted East Lothian Local Plan 2008 and Policy DC1 of the adopted East Lothian Local Plan 2008.

Of the proposed LTP development the main elements of its built form would be the three large cylindrical tanks, the smaller tanks and the shipping containers. They would be positioned on land that at present forms a depression relative to neighbouring land, particularly to the higher land to the west and north and the bund to the south which forms a raised landscaped embankment with the A1 trunk road. Moreover, there are existing woodland strips on the north and west sides of the site and landscape planting at its eastern end. Consequently it would only be the very uppermost parts of the three large cylindrical tanks that would be visible in views from outwith the site. The proposed LTP would be located within the operational landfill site with its associated buildings and infrastructure. In such a landscape character setting the proposed LTP would not appear unduly incongruous, dominant or intrusive in its countryside setting and would not have an unacceptable landscape or visual impact.

The other elements of the proposed development, including the access road, fencing, gates, wetlands and lagoon would, in their positions and due to their markedly smaller size and the latter being water features would be subservient to the main built form elements of the LTP and thus would not in their relationship with those elements be harmful to the landscape character or appearance of the area.

In their consultation response, Scottish Natural Heritage raise no objection to the proposed development, noting that there will be no significant landscape and visual effects arising from it.

Similar advice is given by the Council's Policy & Projects (Landscape) service, who advise that the site is satisfactorily screened by the existing tree lined linear bund running parallel to the A1 along the sites southern boundary, and by the strip of existing woodland along the sites northern boundary which runs parallel to the access road of the landfill site. They do advise that the proposed site boundary fencing be erected prior to works commencing to construct the proposed LTP, to safeguard the tree lined areas from construction activities. This can be secured by a condition imposed on a grant of planning permission.

On these considerations the proposed development by its size, scale, positioning, form and materials is consistent with Policies 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

In its position the nearest residential properties from the proposed LTP are the farm at Easter Pinkerton and nearby cottages located approximately 550m and 730m to the west of the application site respectively, being separated from the site by the A1 and intervening mature vegetation. East Barns Farm is located 850m north of the site being separated from it by the landfill operations and vegetation.

The Council's Environmental Protection Manager has been consulted on the application and raises no objection to it, satisfied that the proposed LTP can satisfactorily operate without harm to the amenity of any nearby residential property or any neighbouring land use.

Accordingly, the proposed LTP is consistent with Policy DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raise no objection to the application, satisfied it can be safely accessed without any detriment to road safety. Road Services do however recommend that during construction period of the proposed LTP, advanced warning signs be provided on the public road to the northeast of the site to inform public road users of construction traffic in the vicinity and turning at the existing access junction to the site, which can be secured by a condition imposed on a grant of planning permission.

Transport Scotland have been consulted on the application and advise that the proposed development would cause minimal impact on the trunk road network and thus they raise no objection to the application.

The Scottish Environment Protection Agency (SEPA) has been consulted on the application and initially objected to the application on the grounds of lack of information on surface water drainage. The applicant's agent has submitted further information and SEPA are now satisfied that, in principle, the surface water strategy for both the construction phase and the operational phase of the proposed LTP is acceptable.

SEPA therefore now raise no objection to the application subject to the imposition of a condition requiring the submission of results of percolations tests and finalised SUDS proposals to be submitted and approved.

The discharge of the treated leachate from the proposed LTP to the Dry Burn is controlled by SEPA under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). SEPA advise it should be possible to issue a PPC permit for this discharge.

Scottish Water have made no comment to the proposals.

The Health and Safety Executive have been consulted on the application and advise that they have no comment to make on it.

As the site is within the battlefield site of the Battle of Dunbar II (1650) Historic Scotland has provided comments on the application. Historic Scotland considers that the proposed development would have no significant impact on the battlefield landscape in light of the extent of modern development in the area. They are also satisfied that there would be no significant effects on the setting of any heritage assets within their remit. Thus Historic Scotland raise no objection to the application. On this consideration the proposed development is consistent with Policy ENV7 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:
To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

2 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development. The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:
To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

3 During construction works advanced warning signs shall at all times be displayed on the public road to inform public road users of construction traffic in the vicinity. Prior to their display, details of the proposed signs and their locations shall be submitted to and approved in writing by the Planning Authority and the signs shall thereafter be displayed in accordance with the details so approved.

Reason:
In the interests of road safety.

4 Prior to the commencement of development of the leachate treatment plant hereby approved the lengths of DIRICK and chain link fencing also hereby approved shall be erected in their entirety and be retained in place during all construction works.

Reason:
To ensure the retention and maintenance of the trees on and adjacent to the site which are an important landscape feature of the area.

5 Prior to the commencement of development:

(i) the results of percolation tests required to determine if the ground conditions are suitable for infiltration shall be submitted to and approved in advance by the Planning Authority following consultation with the Scottish Environment Protection Agency; and

(ii) details of the proposed sustainable urban drainage scheme (SUDS) for surface water treatment for the application site shall be submitted to and approved in writing by the Planning Authority following consultation with the Scottish Environment Protection Agency and such detail shall be in accordance with the technical guidance contained in The SUDS Manual (C697).

The sustainable urban drainage scheme (SUDS) for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:
To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site.