

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 February 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Trotter for the following reason: I believe because of the nature of this application and the local interest it has generated it should be discussed before the full Committee.

Application No. **17/00922/P**

Proposal Erection of an anaerobic digestion (AD) plant, ancillary equipment,
on-site infrastructure and associated works

Location **Bangley Quarry
Huntington
Haddington
East Lothian
EH41 3SN**

Applicant GreenForty Development Limited

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is an area of land within Bangley Quarry, which is located in the countryside to the northeast of Haddington. Quarry operations ceased at the site in 2008 with all buildings and structures removed, however planning permission remains extant for ongoing mineral extraction. The site is in an area of the quarry in which the site owner and former operator, Tarmac, previously operated an asphalt plant during the most recent period of mineral extraction. The site is accessed from the C112 classified public road to the southwest. Within the quarry and to the south of the application site is a Site of Special Scientific Interest, designated for geological reasons.

Residential properties closest to the Quarry are located between some 257 and 330 metres to the southwest, those being Huntington Stable Cottage (Category C listed building), Huntington House (Category A listed building,) and Huntington West Lodge. Ugston Old Farm (Category A listed building), Ugston Farmhouse (Category C listed building) and Ugston Farm Cottages are located some 600 metres to the south. Garleton Lodge, a bed and breakfast establishment, is located some 370 metres to the

northeast. The Hopetoun Monument (Category B listed building) is located some 1.8 kilometres to the northeast.

Planning permission is sought through this application for the construction on the site of an anaerobic digestion plant, ancillary equipment, on-site infrastructure and associated works.

The proposed development would mainly comprise of a number of tanks and other plant and buildings consisting of:

- * 3 digester tanks each 34 metres in diameter with 8 metre high sides and capped by a dome to a total height of some 15 metres high;
- * 1 digestate storage tank 40 metres in diameter with 8 metre high sides;
- * 1 buffer tank 12 metres in diameter with 5 metre high sides;
- * 1 pump room building some 30.8 metres long and 5 metres high positioned between the 3 digester tanks;
- * 1 solid digestate take off building measuring 10 metres long by 10 metres wide by 10 metres high to the ridge of its pitched roof;
- * 4 import tanks each 4 metres in diameter with a total height of 7.5 metres;
- * 2 feed hoppers each 4.9 metres wide, 9.7 metres long and 4 metres high enclosed on 3 sides with a concrete wall;
- * a number of surface water storage tanks which would be contained within a subterranean concrete chamber; and
- * a process building measuring 52.7 metres long, 25 metres wide and 14 metres high to the ridge of its pitched roof.

All of the above development would be contained within a concrete bund wall measuring 1.4 metres high and 0.18 metres wide. The tanks and buildings would be constructed of concrete and clad in green coloured aluminium cladding.

On the southeast side of the area that would be contained within the bund, it is proposed to form an area surfaced in gravel and tarmac on which would be erected:

- * a combined heat and power unit (CHP) with a stack measuring 15 metres in height;
- * a biogas flare a maximum of 6.8 metres high;
- * a biogas clean up plant a maximum of 13.1 metres high;
- * 6 propane tanks;
- * a weighbridge
- * a site office building measuring 12 metres long, 6 metres wide and 7 metres high to the ridge of its pitched roof which would have a tiled roof and rendered walls;
- * a network entry facility building measuring 9 metres long, 3.7 metres wide and 3 metres high which would be constructed of green metal cladding;
- * a substation measuring 3 metres wide by 2,6 metres long by 2,5 metres high; and
- * a car parking area.

It is proposed that the entire facility be enclosed with a 2 metre high wire mesh fence. Galvanised steel entrance gates 2 metres high would be erected at the site entrance.

In the applicant's submitted Planning Statement it is stated that anaerobic digestion is a biologically mediated process in which microorganisms break down biodegradable material in the absence of oxygen. The proposed anaerobic digestion plant is designed to process a variety of feedstocks to produce renewable gas. This gas would be injected into the local gas transmission network and made available for domestic and industrial end-users. The organic materials that fuel the anaerobic digestion process are referred to as feedstocks. The majority of feedstocks would be sourced

from the local farming and agricultural markets, and it is anticipated that these would consist of grass silage, hybrid rye, straw and vegetable processing residues. The proposed development would also receive by-products from the brewing and distilling industries. There would be no incineration of feedstocks at the site - anaerobic digestion is a natural, biologically-mediated degradation process that does not require an incinerator.

It is advised in the applicant's Planning Statement that the majority of feedstocks would be stored off-site, in clamps on the farms where they were grown. Some on site storage of feedstocks would be provided within the proposed process building, however there would be no outside storage of feedstocks. Brewery and distillery by-products would be procured and delivered as available. All feedstocks would be delivered to the site using a 'just-in-time' approach, as and when they are required by the digestion process. Once received at the site, the feedstocks would undergo pre-processing before being fed into the digester tanks. The tanks are large, air-tight structures that establish an oxygen-free environment. The feedstocks degrade within the digester tanks and, as the organic materials break down, methane-rich biogas is released. The biogas produced, which is predominantly a mixture of methane and carbon dioxide (CO₂), would be captured and a small portion would be combusted on-site to meet the heat and electrical demands of the anaerobic digestion plant. The vast majority of the biogas would be sent to the clean-up plant, where it will be purified and upgraded through the removal of the CO₂ component to produce biomethane. This renewable gas would then be injected into the gas network as a suitable substitute for natural gas. In a second phase of the proposed development, the CO₂ removed in the clean-up process would be stored and liquefied, making the overall site process carbon negative.

The residual feedstock material that remains after digestion is complete is called digestate. The digestate produced is rich in nutrients and could be spread on farmland as a bio-fertiliser. Digestate can be used to replace synthetic fertilisers, which would otherwise be used to provide nutrients to the soil. The liquid fraction of this digestate, known as digestate liquor, is anticipated to be stored in one of the proposed concrete storage tanks and in specifically designed off-site storage lagoons.

It is anticipated that the proposed anaerobic digester plant would process a total of some 77,500 tonnes of feedstock per year when fully operational, and that it would produce 78,782 tonnes of digestate.

The applicant advises that as the feedstock materials are of varying dry matter content, water is added to the anaerobic digestion process to ensure that the percentage of dry matter present within the anaerobic digestion tanks is consistent at all times. Due to the addition of water to the process, the tonnages of the output digestate are slightly higher than the feedstock tonnages received.

In the applicant's submitted Gas Provision Calculations document it is stated that the proposed anaerobic digestion plant would have an annual biomethane output of some 6.4 million cubic metres which would be capable of supplying gas for an equivalent of 5328.18 homes per year.

It is stated in the applicant's Planning Statement that 4-5 employees would staff the site from 7.00am – 7.00pm Monday to Friday and 9.00am – 1.00pm on Saturdays and Sundays. It is anticipated that the site would receive deliveries of feedstock by HGV, HGV tankers and by tractors with trailers between 8.00am – 6.00pm Monday to Friday and 9.00am – 1.00pm on Saturdays and Sundays. Digestate would be removed via HGV and tractor tankers throughout the year.

It is stated in the applicant's Transport Assessment that agricultural feedstocks would be largely stored off-site, on the existing farms where they are grown. Feedstocks would then be delivered to the site using a 'just-in-time' approach, as and when they are required by the digestion process. The by-product of the process, digestate, will be returned to the farmers as a renewable, low-carbon biofertiliser – an alternative to conventional synthetic fertilisers. In the Transport Assessment it is stated that the 'just-in-time' approach to feedstock delivery would ensure that traffic movements to and from the site would be spread evenly and consistently throughout the year to prevent seasonal spikes in traffic movements during the harvest months. It is also stated that as the feedstocks received would be agricultural, brewery and distillery by-products and residues sourced from the local area, the plant serves to reroute materials that would originally have been being transported to another end-user.

The applicant's Transport Assessment advises it is anticipated that the frequency of two-way HGV and tractor trailer movements associated with feedstock deliveries would be 63 per day, and that the frequency of two-way vehicle movements associated with the removal of digestate and liquefied CO₂ would be 28 per day. In total this equates to 91 two-way vehicle movements per day.

As planning permission remains extant for mineral extraction at the quarry the applicant has acquired data from the site owner, Tarmac, of what vehicle movements could be were the quarry to become operational again. The applicant advises that this has been factored into a cumulative impact assessment undertaken of the combined impact from traffic from an operational quarry and the operational use of the proposed anaerobic digestion plant on the surrounding road network.

Tarmac have confirmed to the applicant that in the event of a restart of quarry operations, the output would likely be in the order of 100,000 tonnes per annum (equivalent to some 5,000 HGV loads). This equates to some 40 two-way HGV movements per day over 250 working days per year.

In total then the potential cumulative impact of the proposed use and a reactivated quarry use could be 131 two-way vehicle movements per day on the road network surrounding Bangley Quarry.

The applicant's Transport Assessment states that the impact of the cumulative vehicle movements on the road network of the proposed use and a reactivated quarry use has been assessed by considering them against the traffic conditions at the peak periods on the busiest day of the traffic survey, Thursday 24 August 2017. The applicant's Transport Assessment predicts that the A199 would experience a slightly greater proportion of HGVs as a result of the proposed development, while the classified road leading from the quarry would experience a significant increase in HGV traffic. This increase was expected due to the rural nature of the road. The road capacity study indicates that both the A199 and the C112 classified road are well below the capacities stated in the Design Manual for Roads and Bridges (DMRB), that the proportion of HGV traffic on the A199 is within the 15% threshold recommended in the DMRB and in the case of the C112 classified road, although the AM (58%) and PM (43%) proportions are above this threshold, the applicant's study consider that the existing significant room for capacity on the road will be sufficient to accommodate the HGV movements. It is proposed that the various passing places on the roads surrounding the quarry could be upgraded in order to mitigate any potential impact. In summary, the applicant's studies conclude that the proposed development would not have an adverse impact on the traffic flow, capacity and safety of the road network surrounding Bangley Quarry.

In the submitted Planning Statement it is stated that the indicative connection point to the existing national gas grid is approximately 900 metres southwest from the site entrance. A new underground pipeline would be likely to run along the public road to the connection point. The installation of a new pipeline and the connection to the existing gas grid would be undertaken by Scotia Gas Networks (SGN). As a public gas transporter, it may be the case that SGN could utilise permitted development rights under Class 39 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to construct the pipeline, or it could be the subject of a further application. The pipeline route corridor and connection point will be subject to SGN's finalised design.

In terms of sustainability, the submitted Planning Statement advises that the gas produced from anaerobic digestion is a renewable form of energy that contributes to national objectives for mitigating climate change. Methane is a greenhouse gas and is produced during the decomposition of biodegradable materials, a process which can occur naturally or within a controlled environment – such is the case in anaerobic digestion. Methane is an extremely potent greenhouse gas and is over 20 times as effective as CO₂ at trapping the Earth's radiated heat. The capture of the methane released from anaerobic digestion, and its subsequent combustion, effectively replaces the release of methane with that of CO₂. Therefore, in addition to providing renewable energy from a sustainable source, the use of anaerobic digestion also significantly limits the emissions of more potent greenhouse gases. Instead, the methane component is injected to the national grid and utilised as a renewable fuel. This, in turn, has a positive implication for climate change mitigation, as it reduces the requirement for fossil fuel-derived energy.

The submitted Planning Statement advises that the primary by-product of the anaerobic digestion process is digestate. This is a nutrient-rich biofertiliser that readily supplies bioavailable nitrogen, allowing farmers to reduce their reliance on conventional synthetic fertilisers. Conventional fertilisers are derived from non-renewable, carbon-intensive industrial processes that attach a significant carbon footprint to the crops. Digestate derived from straw is a natural source of phosphate and potash. For every tonne of this digestate applied to soil, rather than the equivalent fossil fuel-derived fertiliser, the emission of 10.6 kgCO₂ can be avoided.

On sustainability the Planning Statement continues that in order to comply with the Non-Domestic Renewable Heat Incentive (RHI) Regulations 2011 (and subsequent amendments), biomethane producers are required to report against, and meet, certain sustainability criteria on a quarterly basis and if the requirements are not met, this would be a breach of ongoing obligations and can result in enforcement actions being taken, which includes reducing or withholding the RHI payments.

To achieve this sustainability criteria the applicant states that the carbon footprint of transporting feedstock to and exporting digestate from the proposed anaerobic digestion plant has been considered throughout the planning of the proposed development as Ofgem have implemented sustainability reporting which biomethane (renewable gas) producers are required to submit with every payment application. Each quarter, the applicant must perform a full life-cycle assessment of the CO₂ emissions released throughout the renewable gas production chain, demonstrating compliance with Ofgem's sustainability criteria. The carbon footprint of all stages of renewable gas production is included in the total CO₂ emissions calculated, which is a life-cycle assessment including:

- The quantity of tractor fuel used during feedstock cultivation;

- The quantity of fertilisers and pesticides applied to land during feedstock cultivation; and
- Accurate transport distances from individual farms/feedstock sources are used to ensure that the carbon footprint of vehicle movements is included in the life-cycle assessment.

The applicant advises that including emissions from every stage of production, the renewable gas produced by the proposed anaerobic digestion plant must be proven to achieve a minimum of 60% greenhouse gas emissions savings relative to fossil fuels. Feedstock sources and on-site equipment has been specifically chosen to ensure the gas produced is sustainable. Subsidy payments from Ofgem will not be made if the renewable gas produced does not meet the sustainability criteria. As this payment is critical to the project viability, it is vital to ensure that the renewable gas has been sustainably produced. For example, the proposed anaerobic digestion plant could not receive energy crops from the south of England, as the delivery distance and the associated carbon emissions would cause the gas produced to fail the sustainability criteria.

The Planning Statement continues that one of the foremost advantages of anaerobic digestion is that it is a reliable energy source. Many other sources of renewable energy, such as solar and wind, depend upon weather patterns or daytime factors in order to continually produce electricity, and there is an increasing requirement for these types of projects to be supported by expensive energy storage systems. As intermittent sources, wind and solar do not generate baseload capacity – the amount of energy required to satisfy the minimum level of demand. As a biologically-mediated process, taking place under controlled conditions, anaerobic digestion can provide energy on a constant and consistent basis, avoiding interruption from non-controllable factors and ensuring security of supply. Additionally, when used in a gas-to-grid configuration, as is the case for the proposed development, the anaerobic digestion process can achieve over 90% energy efficiency. The majority of the energy content of the feedstock is injected directly into the gas grid for the end user. The remaining energy content contained within the residual feedstock material is returned to farming lands as digestate.

In terms of potential employment, the applicant's Planning Statement states that a wide variety of local businesses could be employed during the construction phase of the development, with plant hire, logistics, hardware and aggregate companies being directly required during construction, while other businesses, such as local hospitality, will benefit from the accumulation of contractors and a workforce within the area. It is anticipated that the construction stage of the proposed development has the potential to provide up to 30 jobs in the local area.

In terms of economic impact the applicant's Planning Statement states the proposed development represents an investment of some £15 million. The applicant has also submitted a GVA Calculations document to assess the economic benefit of the proposed development that estimates that the added value to the local economy during the construction stage of the proposed development would be £1,408,279, while for each year of operational lifetime the added value of the local economy would be £234,713.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country

Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 4 August 2017 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA. It should be noted that an indicative connection point to the existing national gas grid formed part of the Council's screening opinion.

As a non-material amendment to the application revised drawings have been received showing the proposed combined heat and power unit (CHP) having a revised stack height of 15 metres, 10 metres higher than its original 5 metres. Accompanying the drawing is also a viewpoint photomontage indicating the visibility of the new stack height from the identified viewpoint 2.

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.

Policies 1B (The Spatial Strategy: Development Principles) and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies BUS9 (Proposals on Unallocated Land), DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP13 (Biodiversity and Development Sites), DP17 (Art Works – Percent for Art), ENV3 (Listed Buildings), NH1b (Sites of Special Scientific Interest) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation (PAN51).

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

PAN51 advises that its central purpose is to support the existing policy on the role of the planning system in relation to the environmental protection regimes. In Paragraph 38 it states that planning decisions should be made on planning grounds in the public interest and should not be used to secure objectives achievable under other legislation or powers. However, the issues controlled under other legislation may be material considerations, for example the impact of a proposal on air or water quality, even though the regulation of emissions or discharges fall to be dealt with under other

legislation. Likewise, when SEPA comments on a planning application and is also the environmental regulator, it should assess the land use aspects of the planning application to clarify whether, on the information available at the time, the proposed development is potentially capable of being consented under the [SEPA] licensing regime.

Also material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application are the written representations received to it.

A total of 39 written representations have been received to this application. Of those, 26 object to the proposed development, 11 are in support of it and 2 neither object to nor support it.

The main grounds of objection can be summarised as follows:

- *the proposed development would lead to increased traffic from HGVs and tractor trailers on a road unsuitable to take such vehicles leading to damage and a major impact on the road network, all of which would constitute a road safety hazard to drivers, pedestrians, horse riders and cyclists alike;
- *the proposed access to the site would be dangerous and be a road safety hazard;
- * the number of vehicle movement in the submitted Transport Assessment are underestimated;
- * the additional traffic would be further compounded by traffic arising from future housing sites in the area;
- * the additional traffic would lead to increased emissions from the vehicles;
- * the proposed development would not be of an appropriate scale or character for a countryside location and thus would have a harmful adverse impact on the landscape and visual amenity of the area;
- * the proposed development would be industrial development including structures of a type and scale entirely disproportionate for the site with consequential impacts on the local community, businesses, the environment and the enjoyment of the countryside;
- * the proposed development would result in harmful air pollution, noise pollution, odour pollution, land pollution and pollution to watercourses;
- * the application site should be considered as greenfield land and not as a brownfield site as the site should be the subject of restoration on cessation of quarry works;
- * the proposed development is contrary to Scottish Planning Policy;
- * the proposed development does not meet the requirement of a 250 metre buffer between the site and the nearest sensitive receptors as required by Scottish Planning Policy;
- * the proposed development is contrary to Policies DC1, T2 and BUS9 of the adopted East Lothian Local Plan 2008;
- * the proposed development is contrary to the East Lothian Local Development Plan, including Policy DC8 which restricts development in countryside around towns;
- * the proposed development would harm the residential amenity of nearby residential properties through loss of privacy, noise, odour and air pollution;

- * the proposed development would have a harmful impact on the biodiversity of the area including on protected species, wildlife and designated areas;
- * the proposed development would lead to flooding and problems with surface water drainage and thus would have a harmful impact on the local watercourses;
- * the proposed development would have a harmful impact on cultural heritage features and buildings in the area;
- * the proposed development should be located on an identified business or industrial site and not in the countryside;
- * the proposed development would have a harmful impact on East Lothian's tourism industry;
- * the matter of feedstock storage is not clear and could result in odour problems;
- * the proposed development could pose a risk to human health from potential explosions;
- * no operating method statement or risk assessment has been submitted with the application;
- * there have been procedural errors including inappropriate validation as there are no details on the site access, the drawings are basic and there are inaccuracies in the submitted information;
- * there has been a refusal to answer objector's queries;
- * there has been incorrect interpretation of planning policy;
- * the application has not been advertised properly and neighbour notification has not been carried out;
- * the red line boundary of the application site should be changed to include access and planting;
- * the gas pipe connection from the proposed anaerobic digester should be included in the planning application as it would constitute development
- * the proposed development would have a harmful impact on the viability of existing businesses;
- * if planning permission were to be granted it could set a precedent for allowing similar proposals;
- * there is no information on the off-site lagoons mentioned in the submitted Planning Statement
- * there is no information on where the water to be used in the proposed development is to be sourced;
- * the proposed development may have to rely on other foodstocks to operate such as hen litter, food waste, animal slurry;
- * the green credentials of the proposed development have not been demonstrated taking into account emissions from vehicles delivering to and from the site;
- * it has not been demonstrated that the proposed development would provide any net economic benefit to the area; and
- * no permission has been given from the landowner to facilitate the proposed development.

The requirement or not of a health and safety risk assessment is not a material consideration in the determination of this application and would be controlled through other legislation.

The application has been submitted with all the relevant drawings and information required for validation.

This application has been notified and advertised in accordance with statutory requirements.

The red line boundary of the application site includes within it all aspects of the proposed built development and is acceptable.

If any future application was submitted to the Council for a further anaerobic digestion facility in a different location such application(s) would be assessed on their own merits.

Notice of the application has been served on the landowner, Tarmac, in accordance with statutory requirements. Permission from the landowner is not required to determine this application.

The main grounds of support for the application can be summarised as follows:

- * the proposed development would support the local farming community;
- * local farming businesses can diversify to supply feedstock;
- * the proposed development would provide a stable income stream;
- * there would be a reduction of natural waste;
- * the proposed development would reduce the need for the use of synthetic fertilisers;
- * the application site is in proximity to the gas network which has the capacity to accept the quantity of renewable gas produced by the proposed development;
- * the proposed development would redevelop an existing brownfield site;
- * in its location in a quarry the site is well screened from sensitive receptors so the proposed development would have an extremely low visual impact on the surrounding area;
- * the quarry sides would limit any noise from the proposed development;
- * the site is in a rural location in proximity to local suppliers of feedstocks suitable for anaerobic digestion;
- * the proposed development would create jobs for the local area;
- * the proposed development would help meet the Scottish Government and Planning Authority objectives for sustainable development;
- * renewable sustainable energy is a good thing for Scotland;
- * secure sources of renewable gas are needed; and
- * the site can make use of existing infrastructure providing good access to the surrounding road network.

The written objections make reference to Policy DC8 of the Proposed East Lothian Local Development Plan, which provides for Countryside Around Town designations. Although the Proposed East Lothian Local Development Plan has been submitted for examination to Scottish Ministers and is a material consideration, the weight that can be applied to its Policies does not outweigh the Policies of the adopted East Lothian Local Plan 2008. In any event, the application site is within Bangley Quarry in the East Lothian countryside, is not around a town and the provisions of Policy DC8 of the Proposed East Lothian Local Development Plan would not apply.

The written objections make reference to the applicant's planning statement referring to the off-site storage of digestate liquor in lagoons. The applicant has confirmed in writing that the off-site digestate lagoons would form part of the feedstock contracts, which would be signed with the local farmers. As there is, at this time, no planning permission for the proposed anaerobic digestion plant, the applicant advises these contracts cannot be signed, therefore the detail of them remains commercially sensitive.

The applicant also confirms that the lagoons would be owned and managed by the individual farmers and a condition of their feedstock contracts would be that all lagoons are compliant with Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 and that full planning permission, if required, must be in place for each lagoon prior to construction.

The written objections state no information has been provided on how water is to be sourced which is required for the anaerobic digestion process. The applicant's submitted Planning Statement advises that the anaerobic digestion process has a requirement for water to decrease the viscosity of the feedstock mix, and the majority of this water demand would be made up from recirculating the liquid digestate from the back end of the process with additional water being obtained from rainwater harvesting and the collection of contaminated drainage on site.

Many of the written objections assert that the application site is not brownfield land as stated by the applicant, but should be considered as greenfield land. The written objections states that this is because on cessation of the quarry operations at the site it should have been restored in accordance with the requirements of planning permission P/0964/89 which was granted for the quarrying of the site.

Planning permission was indeed granted in July 1990 (ref: P/0964/89) for the working of Bangley Quarry, and Conditions 10 and 11 of planning permission P/0964/89 require that within a period of one year from cessation of the extraction of minerals at the quarry all building, structures, plant and machinery will be removed and the site shall be subject to restoration.

However in 2005, application ref: 05/00804/S10 was submitted to the Council proposing the approval of new planning conditions for the winning and working of minerals the subject of planning permission P/0964/89. In 2005, under the provisions of paragraph 6 of Schedule 10 of the Town and Country Planning (Scotland) Act 1997 the new conditions proposed in application 05/00804/S10 were deemed to be approved. Therefore, planning permission P/0964/89 was thereafter subject to those new conditions.

Condition 1 of the new approved conditions states, "Extraction of minerals shall cease no later than 21st February 2042 and restoration of the site, including removal of all buildings and structures, is to be undertaken within 24 months of cessation of extraction of minerals".

Although Bangley Quarry is currently inactive and site operations for the time being have ceased, planning permission remains extant for continuing mineral extraction there, and the site operator, Tarmac, could recommence quarrying operations at any time. Tarmac have confirmed that some 3.5 million tonnes of mineral reserves remain within the quarry, for which they continue to have planning permission to extract. Tarmac further advise that although the proposed anaerobic digestion plant's footprint is located within the quarry, virtually all of the land on which the proposed development would be constructed is of questionable quality for mineral extraction and is excluded from reserve calculations. Tarmac confirms that the area of the proposed anaerobic digestion plant has been agreed with them to ensure that the existing quarry access road will be maintained around the plant boundary allowing access to the wider quarry to ensure that quarry operations could recommence during the plant's operational lifetime. Therefore extraction of the principal reserves would not be compromised throughout the lifetime of the proposed anaerobic digestion plant.

In all of the above it is clear that, although site operations for the time being have ceased, the extraction of minerals can continue to commence and there remains considerable reserves to be extracted. It can be reasonably concluded then that the extraction of all minerals at the site has not ceased indefinitely and permission continues to exist to extract minerals until 2042. Therefore at this time there is no obligation on the site owner, Tarmac, to commence site restoration.

The approved South East Scotland Strategic Development Plan (SESplan) defines brownfield land as land that has been previously developed. As the site is within the former worked Bangley Quarry it is clearly previously developed. Also the site remains mostly the same since the quarry operations stopped and has not been restored or brought back into any active or beneficial use for agriculture or forestry. It can therefore reasonably be defined as being brownfield land.

Haddington Community Council, as a consultee on the application advise that they do not to object to the application, however they do have some concerns over the number/types of vehicles travelling along the roads to the quarry site and whether the roads infrastructure could accommodate the increased traffic. They note the road in certain parts may need to be upgraded before additional vehicles could use it in such numbers.

Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan) seeks to promote sustainable energy sources. Local Development Plans should set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that business use development will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts.

Policy BUS9 of the adopted East Lothian Local Plan 2008 states that proposals for business and industrial developments on land not allocated for this purpose on the proposals map will not normally be permitted unless:

1. no alternative allocated and marketable site is available in the area; and
2. there is no significant adverse effect on nearby uses, particularly housing; and
3. infrastructure and road access are available or can be made available without excessive resource commitment by the Council; and
4. the proposal does not conflict with other Local Plan policies.

With its purpose to generate and supply renewable gas and electricity by way of anaerobic digestion the proposed anaerobic digester plant and associated development can reasonably be defined as being an industrial business type development.

In the applicant's submitted planning statement, it is stated that the application site is suitable for the proposed development for several reasons, which include:

- * the site is in a rural area, in proximity to local suppliers of feedstock suitable for anaerobic digestion;
- * the site is in proximity to the gas network, which has the capacity to accept the quantity of renewable gas produced by the proposed development;
- * the site has previously been subjected to quarrying operations and as such the

proposed development makes use of brownfield land;

* the quarry terrain provides total screening to the surrounding sensitive receptors which ensures that the proposed development would have an extremely low visual impact on the surrounding area, whilst also limiting the noise levels travelling out with the quarry boundary;

* the proposed development would make use of infrastructure implemented during historical quarry operations, which provides good access to the road network;

* the location of the proposed development on brownfield land meets objectives for sustainable development; and

* the proposed development would provide the surrounding region with a renewable and sustainable source of energy, helping to meet the heat demand of the area.

In terms of this consideration many of the objectors have suggested that the proposed anaerobic digestion plant should be located on land allocated for industrial development.

The applicant advises that a number of alternative sites were explored for the proposed anaerobic digester plant but were discounted as follows:

Macmerry Industrial Estate:

- The site offers very little natural visual impact mitigation, which contravenes the position stated in the Scottish Planning Policy - that developers should seek to minimise adverse impacts through careful planning and design;
- Constraints in the gas network were highlighted by SGN early on the process;

Wallyford Industrial Estate:

- This area is in very close proximity to existing employment locations. Additionally, the nearest residential estate is within 100 metres of the site boundary;
- Due to the above factors, this site would not be in line with the recommendation set out in Scottish Planning Policy which states that there should be a buffer zone of 250 metres to the nearest sensitive receptor for developments of this nature.

Mid Road Industrial Estate:

- This site is in very close proximity to existing employment locations. Additionally, the nearest residential estate is within 250 metres of the site boundary.

Former Auction Mart in East Linton:

- As a brownfield site this was explored, however the site area (1ha) is insufficient to develop the proposed development.
- In addition, the nearest residential dwellings are within 50 metres of the site boundary and thus would not meet the recommendation set out in the Scottish Planning Policy.

Spott Road Industrial Estate, Dunbar:

- This site was found not to be in proximity to a gas line that has the capacity available to accept the volume of renewable gas produced by the proposed development;
- Access to the site was also a potential issue due to a narrow bridge on the main road leading to the estate.

Drum Estate, Gilmerton, Midlothian:

- It was considered that the visual impact of the proposed development on the surrounding area would be significant.

The applicant advises that they also explored a number of “on-farm” sites, but the scale of the proposed development did not lend itself to any of the available sites.

Whilst there may be land in East Lothian that is both allocated for industrial development and perhaps large enough to accommodate the proposed development, it is the case that such locations may not be strategically located to have a gas connection, to receive deliveries of feedstock and output digestate, be sufficiently distant from residential properties and have no harmful visual impact.

The proposed development has an operational requirement to be in this general location and thus the anaerobic digestion plant and associated development can be justified as a form of new build industrial business development capable of providing a renewable energy source of gas, consistent with the terms of Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan), Policy DC1 and part 1 of Policy BUS9 of the adopted East Lothian Local Plan 2008.

In terms of economic impact, the Council's Economic Development and Strategic Investment (EDSI) service have appraised the Planning Statement and GVA Calculations document.

EDSI advises that although the applicant has stated that a wide variety of local businesses would be employed during construction of the proposed anaerobic digestion plant there is no guarantee that this would actually occur. Taking this into consideration there may be some sub contract work as well as economic benefits for accommodation providers, food outlets and local retailers. EDSI projects the economic benefits to East Lothian during the construction phase of the proposed anaerobic digestion plant to be £298,224. Whilst this is substantially lower than applicant's calculation, it is still a welcome economic benefit.

EDSI further advise that between 4 and 5 full time jobs could be created which are expected to be local and economic benefit could therefore be retained within the local economy. In addition local farmers could see another source of income for their farms – again a benefit to East Lothian with the possibility of additional jobs being created to service this new diversified market. A lifespan for an anaerobic digestion plant is estimated at between 20 and 25 years. Taking it as 20 years with 4 full time staff living within East Lothian, EDSI project the economic benefits during the operational phase of the proposed anaerobic digestion plant as £225,325 annually or for a 20 year lifespan, £4,506,500.

In conclusion EDSI project the total economic benefit of construction and operation over 20 years to be just under £5 million which, although less than anticipated by the applicant, still represents a substantial beneficial economic impact to East Lothian.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The Council's Biodiversity Officer has appraised the applicant's submitted Landscape, Geology & Biodiversity Management Plan and Ecology Survey Report, as well as a confidential annex to the Ecology Survey Report.

The Council's Biodiversity Officer advises that surveys have been carried out for a variety of species including bats, badger, otter and great crested newt and that there was no evidence of these species residing on the site. He further states that although badgers and bats could be foraging in the quarry there is limited potential for either setts or roosts to occur in the vicinity of the development footprint. The quarry pond is not suitable for otter, great crested newts or water voles. In conclusion, he advises that the proposed development would not have any harmful impact on populations of bats, badger, otter and great crested newt.

On the matter of breeding birds, the Council's Biodiversity Officer advises that there is potential for birds to breed within the quarry, however there is limited evidence of breeding birds within the footprint of the proposed development and thus there would not have any harmful impact breeding birds.

The Council's Biodiversity Officer advises he was initially concerned that the quarry may support areas of rarer vegetation or species that require rocky sites such as Bangley Quarry. However, he confirms that the submitted habitat and plant surveys demonstrate that no such rarities exist.

On these considerations, the proposed development is not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008.

Scottish Natural Heritage (SNH) have been consulted on the application given that Bangley Quarry Site of Special Scientific Interest (SSSI) is located to the south of the application site.

SNH advise that the special geodiversity feature at Bangley Quarry is a volcanic dyke, which can be imagined as a vertical wall, roughly 3 metres wide running in a roughly north-south orientation. They state that for the most part this wall may have been eroded or removed via quarrying, and so the only place where they know it to be currently visible is on the south wall of the quarry. They state that it is possible that the volcanic dyke extends across the floor of the quarry, through the footprint of the proposed development and potentially up the north wall of the quarry. However, they confirm a site visit confirmed that the dyke is not visible in any of these areas and therefore the proposed development would not affect the SSSI as it does not overlap the designated site, or seem capable of affecting it indirectly.

SNH further advise that Bangley Quarry is also designated as a Geological Conservation Review (GCR) site, stating that such designation is more extensive than the SSSI site, and includes the entire proposal area, as it recognises that evidence of the dyke may be found throughout the quarry. However SNH states that this does not raise any new issues for the same reasons as described in the above paragraph.

On these above considerations the proposed development does not conflict with Policy NH1b (Sites of Special Scientific Interest) of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer has also appraised the applicant's submitted confidential annex to the Ecology Survey Report, as has SNH. The report contains confidential and sensitive information about protected species that are susceptible to disturbance and/or persecution and thus the content of it cannot be made available to third parties.

However, both the Council's Biodiversity Officer and SNH confirm they are content with the findings of the report and recommend that the recommendations contained within it be secured by way of the imposition of a condition on the grant of planning permission.

Subject to this control the proposed development is again not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008.

In terms of heritage assets in the form of listed buildings, due to the contained positioning of the proposed anaerobic digestion plant within the confines of the quarry and its limited visibility it would not have a harmful impact on any designated building. On this consideration, the proposed development is not contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

On the matter of landscape impact, the Council's Landscape Projects Officer advises that the wider agricultural landscape in the area comprises a number of smaller scale cylindrical silo type structures and large sheds associated with local farms. This proposed development comprises similar structures but of a larger scale and massing which have been located sympathetically and would be well contained by both its quarried surrounds and natural topography.

They advise that the application site takes up an area of 1.8ha of relatively level ground located on the quarried bench floor where the previous operator, Tarmac, sited a variety of plant, machinery and offices. The proposed development would be nestled within the quarried faces and would also take up an area where overburden material would be removed to accommodate the full extent of the development footprint.

They note that the existing rock faces rise up from this benched floor on the northwest, north and eastern quarried faces to between 5 and 10 metres higher than the highest part of the proposed development in that area of the quarry bench, thus generally screening the largest individual elements of the development within the quarried bowl from external views. The original topography slopes downwards from north to south marrying into the site access at grade. Along the site's western edge is a woodland strip of mature deciduous trees that strengthen this boundary edge along the roadside. There is also new tree planting to the embanked faces between these roadside trees and the quarry, however these trees do become visually permeable between late autumn and early spring when not in leaf.

The Council's Landscape Projects Officer states that three viewpoints to the site have been considered in respect of their magnitude and significance. These receptors comprise the view from the Hopetoun Monument, a view from the unnamed classified road to the northwest of Bangley Quarry and the view from the classified road eastbound on the approach to the quarry entrance.

The applicant's submitted Landscape, Geology & Biodiversity Management Plan assesses these viewpoints in its Figures 1, 3 (Viewpoint 1) and 4 (Viewpoint 2).

The Landscape Projects Officer advises that:

- Figure 3(Viewpoint 1) is taken from the top of Hopetoun Monument and demonstrates that the proposed development would have negligible visual impact due to the existing topography;
- Figure 4 (Viewpoint 2) is taken from the classified road to the northwest of Bangley Quarry and indicates that only the top of the tallest tower of the biogas clean-up plant would be visible;
- The proposed development would be visible from the quarry entrance (Figure 1); however, this view would be limited by the shape of the site and would only be

visible for a very short duration for road users due to the approach of the tight left-hand bend in the road.

The applicant's submitted Landscape, Geology & Biodiversity Management Plan has identified the importance of the view identified in its Figure 1 and has put forward a suggested proposal to reduce the impact of the proposed development in this view by forming a tree planted earth bund immediately north of the main quarry entrance.

The Landscape Projects Officer recommends that to soften the visual impact of the proposed development in that one view that a tree planted earth bund be formed at the quarry entrance, and subject to that control they raise no objection to the application on landscape and visual impact grounds.

From the above landscape assessment it can be concluded that the proposed development can be successfully accommodated in this particular location in the East Lothian countryside and in this it does not conflict with Policies DC1 (Part 5), DP1 and DP2 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation.

In terms of the impact of the proposed development on tourism, there is no evidence to substantiate the assertion of some of the objectors that the proposed development would harm tourism in East Lothian. Moreover given the above landscape assessment it has been concluded the proposed development can be accommodated without having a harmful impact on the landscape setting and visual amenity of the area.

The applicant has submitted a Noise Assessment and an Air Quality and Odour Assessment in support of the proposal.

The Council's Service Manager – Protective Services advises that the proposed development would be regulated under the terms of a Pollution Prevention and Control (PPC) permit issued and enforced by the Scottish Environment Protection Agency (SEPA). The terms of the permit would include conditions so that matters such as odour and operational process noise would be controlled by SEPA. Therefore, the Service Manager – Protective Services would have no regulatory role over such matters with regard to the operation of the proposed development.

However, the Service Manager – Protective Services has reviewed the applicant's submitted Noise Assessment and is satisfied that noise arising from the operation of the proposed anaerobic digester plant and other associated development would not have a harmful noise impact on the amenity of any nearby residential property, subject to the following recommendations:

- (i) The Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the proposed anaerobic digestion plant (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound";
- (ii) Noise associated with the operation of any plant and/or machinery within the proposed anaerobic digestion plant shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any residential property. All measurements to be made with windows open at least 50mm.

The Service Manager – Protective Services also recommends that a delivery restriction be imposed to ensure that no delivery vehicles access the site between the hours of 2300-0700 on any day.

The Service Manager – Protective Services is further satisfied that subject to the requirement that no household or commercial food waste or animal by-products would be transported to, or processed within, the proposed anaerobic digestion plant (which is not proposed in this application), there would be no harmful impact on the amenity of any nearby residential property from odour arising from the operation of the proposed anaerobic digester plant, or any other part of the proposed development.

One of the written objections includes within it a technical appraisal of the applicant's Noise Assessment undertaken by Hunter Acoustics.

This technical appraisal concludes that the impact of the proposed development could be underestimated due to:

- Lack of multiple items of potentially noisy plant that might ordinarily be included in an AD facility;
- Optimistic calculation methods, including distance and screening losses taken, which are likely to underestimate the overall plant noise level at the receiver;
- High pre-existing background noise levels at residential receivers leading to the impact potentially being underestimated, particularly in the evening/night.

The Council's Service Manager – Protective Services has appraised this submitted technical appraisal by Hunter Acoustics. He advises that the separation distance to any sensitive receptors and the requirement to use Best Available Techniques as part of any PPC Permit issued and regulated by SEPA in conjunction with his recommendations above would adequately protect the amenity of any nearby residential properties from odour arising from the operation of the proposed anaerobic digester plant, or from any other part of the proposed development. SEPA would advise on the specific requirements of any odour assessment in this instance as part of their PPC protocols.

In so far as Air Quality impacts are concerned, the Service Manager – Protective Services can only advise on potential impacts on those pollutants that fall to the Council to regulate as part of its Local Air Quality Management (LAQM) responsibilities. On this, he advises the existing background levels for these pollutants in the vicinity of the proposed anaerobic digestion plant would be low. This, again in conjunction with the requirement to use Best Available Techniques as part of any PPC Permit issued and regulated by SEPA and the separation distance to potential receptors, will ensure LAQM Air Quality Objectives would not be exceeded at any such receptor.

On the detail of noise impacts raised in the Hunter Acoustics technical appraisal submitted by the objector, the Service Manager – Protective Services advises as follows:

1. He states in the technical appraisal criticism is made of the applicant's Noise Assessment report in that it fails to identify the site as a PPC application site and does not refer to any local authority planning conditions relating to noise. However he advises this is a minor point and other Technical Documents submitted by the applicant clearly indicate that the site will require a PPC permit and this will be sought from SEPA.
2. He states in the technical appraisal criticism is made of the applicant's Noise

Assessment report on how it has interpreted the assessment of the impacts depending on differences between Rating and Background levels and whether these are acceptable or not. He advises that although not specifically stated within BS4142, the assumptions made on acceptability of impacts are in line with what is required;

3. He states in the technical appraisal criticism is made of the applicant's Noise Assessment report for failing to identify, highlight and assess every potential source of noise that may be associated with the proposed development. On this point, he advises that it is common and accepted practice that key sources of noise which are considered to have the most significant potential impacts upon receptors be identified and assessed; these will generally be items of plant/equipment that are loudest or those which have distinctive acoustic characteristics due to their tonality, impulsivity or intermittency and will not necessarily include every item of plant. Quieter items of plant will not impact upon noisier items of plant if the difference between the 2 sources is 10dB or more. He further advises that compliance with SEPA's PPC permit will likely require post validation monitoring, including narrow band analysis to identify any tonal elements, when the plant is operational to ensure noise emissions are within acceptable limits;

4. He states in the technical appraisal criticism is made of the applicant's Noise Assessment report regarding background noise levels to be applied at sensitive receptors and how these have been derived, with the levels suggested considered excessive. It is also suggested that not all sensitive receptors have been assessed, notably Ugston. On this point he advises that it is common and accepted practice that the worst-case affected properties be assessed with the theory being that if compliance with noise criteria is shown to be demonstrated at closest/worst affected properties then compliance will be achieved at all other receptors. The properties at Ugston are located further from the application site than the properties which have been assessed;

5. He states that Hunter Acoustics suggest that the background measurements have not been subjected to statistical analyses as recommended by BS4142 with the derived background readings being determined by an arithmetic average. On this point he advises that the Statistical Analysis involves logging the number of times the various individual background levels are obtained over the measurement period as a percentage of the overall number of measurements made over the assessment period. The level which occurs more frequently could be deemed to be the most statistically important. However, in this case the statistical analyses would allow for a wide variation in interpretation of which background level is most statistically important and occurs most frequently. Hunter Acoustics have conveniently suggested the lower background reading in cases where there are 2 or more with the same degree of statistical importance;

6. He states in the technical appraisal criticism is made of the applicant's Noise Assessment report regarding the levels of attenuation allowed due to the effects of screening and ground absorption between the source and receiver. Hunter Acoustics have suggested 10dB total attenuation be permitted due to sonic screening as opposed to the 18dB used in the applicant's assessment. However he advises that regardless of which figure is used the Rating Levels are below the existing background levels at all properties which indicates that the noise from the source would not have a harmful impact;

7. He states in the technical appraisal criticism is made of the 5dB acoustic feature penalties imposed as part of the Noise Assessment and it is claimed that these have been underestimated and have not been carried out in accordance with BS4142 as they do not take account of Tonality (0, 2, 4 or 6dB penalty), Impulsivity (0, 3, 6 or 9dB

penalty), Intermittency (0 or 3dB) or other sound characteristics which are neither tonal or impulsive (0 or 3dB). On this point he advises that this is not the case, the assessment has applied a 2dB penalty for tonality and a 3dB penalty for impulsivity, hence a total penalty of 5dB in accordance with the Subjective Method described in Section 9.2 of BS4142 and this approach is satisfactory;

8. He advises that in order to support the BS4142 assessment calculations, unnamed computer modelling software has been used to prepare noise maps that indicate noise will largely be contained within the site and noise levels at sensitive receptors are within acceptable ranges. The requirement to provide such maps is not compulsory and the BS4142 assessment would have been sufficient.

In conclusion, the Service Manager – Protective Services is satisfied with the contents of the applicant's Noise Assessment and accepts its conclusions that noise from the proposed anaerobic digestion plant would not have a harmful impact on the amenity of any nearby residential property.

SEPA have also appraised the submitted Noise Assessment and state that subject to the recommended conditions of the Council's Service Manager – Protective Services being imposed on a grant of planning permission, were that to be the decision, they do not object to the application. On this matter they advise that noise controls would be imposed through their separate PPC permit process.

However SEPA did originally object to the proposed development due to the lack of information contained within the applicant's Air Quality and Odour Assessment report.

In response to SEPA's objection the applicant has submitted a revised Air Quality and Odour Assessment.

SEPA have reviewed this revised document, advise that odour and emissions have been satisfactorily modelled and addressed, and confirm that it demonstrates to their satisfaction that, due to the height of the stack of the proposed combined heat and power unit, this will allow for adequate dispersion. Therefore on this matter of odour and air quality the proposed anaerobic digestion plant and associated development would not harm the amenity of any nearby residential property.

SEPA further confirm that the proposed anaerobic digestion plant does require to be permitted under their separate regulatory regime, namely the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). SEPA advise that matters of site drainage and impact on the groundwater environment will be subject to their separately regulated PPC control and thus through the PPC permit process.

Given the location of the proposed development and its resultant distance from the nearest residential properties, it would not give rise to any harmful loss of daylight, sunlight or lead to any harmful overlooking of any nearby residential property.

On these foregoing considerations of air quality, odour and noise and subject to the imposition of the above mentioned conditions, the proposed development would not have a harmful impact on the privacy and amenity of any nearby residential property. In this it is consistent with Policies DC1 (Part 5) and DP2 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation.

SEPA raises no objection to the proposed development on the grounds of potential flood risk.

Scottish Water raise no objection to the application.

Paragraph 191 of Scottish Planning Policy: June 2014 states that planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- * 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- * 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- * greater between sensitive receptors and landfill sites.

Notwithstanding the findings of the above assessment of the impact of the proposed anaerobic digestion plant on the amenity of nearby residential properties, there are no residential properties within 250 metres of the application site. The proposed development therefore complies with the 250 metre buffer zone in Scottish Planning Policy: June 2014.

The Council's Road Services have appraised the applicant's submitted Transport Assessment and Site Travel Plan. Road Services advise that they are content with the findings of the Transport Assessment, satisfied that the predicated level of vehicle trips to and from the site as identified in the submitted Transport Assessment is a reliable basis on which to assess such a proposed development. Road Services further state that there is ample reserve capacity in the local road network to accommodate the additional movements associated with trips to and from the site, and that the construction of the roads is of sufficient depth and condition to cope with a level of traffic significantly above that identified in the submitted Transport Assessment.

Road Services raises no objection to the application, being satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network and thus it would not result in a road or pedestrian safety hazard. Road Services do however recommend that:

- * the 9 passing places on the C112 classified public road to the west and north of Bangley Quarry, which connects the A6137 and A199 public roads, be fully constructed to a depth to match the existing road, be 15 metres long and provide a localised overall road width of 6 meters;
- * all HGV traffic arriving at the site from a distance greater than 5 kilometres should access the site only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry.

Road Services further advise that based on the capacity of the anaerobic digestion plant being 77,500 tonnes per annum, the predicted volume of associated traffic movements predicted in the applicant's Transport Assessment would be of the correct magnitude. In this they conclude that unless the capacity of the anaerobic digestion plant was to increase from its predicted 77,500 tonnes per annum, it is unlikely that the vehicle movements to and from the site would in turn increase and therefore there is no requirement to impose any control on vehicle movements to and from the site.

Subject to the appropriate use of conditions to cover these recommendations of Road Services, the proposed development of and operation of the site as an anaerobic digestion plant and associated development does not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

Given the scale of the proposed development, it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This can be achieved by means of the imposition of a condition on a grant of planning permission, were this to be the decision. This is consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

In all of the above considerations the assessment of the proposal is that, whilst it would result in the presence of a significant new development in this countryside location, the proposed use complies with Policies DC1 and BUS9 of the adopted East Lothian Local Plan 2008, and its visual and landscape impact is capable of being accommodated in this particular location. It would be acceptably served by the existing quarry vehicular access, and traffic movements as a result of it can be accommodated within the existing road network. It would also not result in a harmful loss of amenity to any nearby residential property. It would also be capable of providing energy generation from renewable sources. There are no other material planning considerations which would justify a refusal of planning permission.

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 The capacity of the anaerobic digestion plant hereby approved shall not exceed 77,500 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area and road safety.

- 3 No household or commercial food waste or animal by-products shall be transported to, or processed within the anaerobic digestion plant hereby approved.

Reason:

In the interests of the amenity of the area.

- 4 No delivery vehicles shall access or egress the application site between 11.00pm - 07.00am on any day.

Reason:
In the interests of the amenity of the area.

- 5 There shall be no outside storage of feedstock.

Reason:
In the interests of the amenity of the area.

- 6 The anaerobic digestion plant and associated development all as hereby approved shall at all times operate in compliance with the following requirements:

(i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the proposed anaerobic digestion plant (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound";

(ii) noise associated with the operation of any plant and/or machinery within the anaerobic digestion plant and any other part of the development hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any nearby residential property. All measurements to be made with windows open at least 50mm.

Reason:
In the interests of the amenity of any nearby residential property.

- 7 Prior to the commencement of development the 9 passing places on the C112 classified public road to the west and north of Bangley Quarry, which connects the A6137 and A199 public roads, shall be fully constructed to a minimum of the existing depth of the c-class road, be 15 metres long and have a localised overall road width of 6 meters, all in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:
In the interests of road safety.

- 8 All HGV traffic arriving at the site from a distance greater than 5 kilometres shall access the site only by way of the A199 public road and the C112 classified public road to the southwest of Bangley Quarry.

Reason:
In the interests of road safety.

- 9 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping in the form of the provision of a tree and shrub planted earth bund to the north of the entrance of Bangley Quarry.

The formation of the bund and the tree and shrub planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. The bund shall thereafter remain in place. If any of the new trees or shrubs die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:
In order to ensure the implementation of a landscaping scheme in the interests of the landscape character and visual amenity of the area.

- 10 Prior to the commencement of development a method statement in accordance with part 3.1.7 of the docketed 'Bangley Quarry AD Plant: Confidential Annex to the Ecology Survey Report' by mbec environmental consulting dated September 2017 shall be submitted to and approved by the Planning Authority in consultation with Scottish Natural Heritage. Development shall thereafter be carried out in accordance with method statement so approved.

Reason:
In the interests of nature conservation.

- 11 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the anaerobic digestion facility.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 12 Should the anaerobic digestion plant hereby approved not supply gas for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated plant and equipment. Within one month from the removal of the anaerobic digestion plant and all associated plant and equipment, details of the restoration of the cleared digestion plant site, including a restoration timetable, shall be submitted to and approved in advance by the Planning Authority. The cleared digestion plant site shall thereafter be restored in accordance with the details so approved.

Reason:

To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of the amenity of the area.