

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 21 August 2018  
**BY:** Depute Chief Executive  
(Partnerships and Community Services)  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **18/00431/PM**

Proposal Renewal of planning permission 15/00022/PM - 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  
Innerwick  
Dunbar  
East Lothian  
EH42 1SW**

Applicant Viridor Waste Management Ltd

Per SLR Consulting Limited

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.

On 3 June 2015 planning permission (ref:15/00022/PM) was granted for the construction and operation on the application site 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. That planning permission was not implemented and has now expired.

Planning permission is now sought for the renewal of planning permission 15/00022/PM. This application for the renewal of planning permission 15/00022/PM is a valid application, as when it was made to the Council on 16 May 2018 a commencement had not been made to the development approved by the grant of planning permission 15/00022/PM and it was submitted before the expiry of planning permission 15/00022/PM.

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 palette 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 palette 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:

- o 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;
- o 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;
- o three smaller tanks (ultra-filtration, sludge tank and effluent balancing tank) which would measure up to some 13m in diameter and 3m high;
- o three self-bunded chemical dosing tanks which would be some 5m in diameter and 4m high;
- o a sludge drying wetland; two further wetlands and an effluent lagoon;
- o a small pump house; and
- o 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 100m<sup>3</sup> of leachate per day, which equates to 36,500m<sup>3</sup> or 36,500 tonnes of leachate per year. It is anticipated that the maximum discharge rate to the Dry Burn would be 150m<sup>3</sup> 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, which accompanied planning permission 15/00022/PM. The Environmental Statement contains chapters on planning policy, alternative sites, the water environment, ecology and other environmental issues.

In accordance with the current Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the applicant has also submitted an EIA Report Addendum, which updates the submitted Environmental Statement.

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 Environment 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.

The Proposed East Lothian Local Development Plan was submitted to Scottish Ministers for Examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Relevant Policies W1 (Waste Management Safeguards), DC1 (Rural Diversification), OI2 (Torness Consultation Zone), T2 (General Transport Impact), DP2 (Design) and CH5 (Battlefields) of the ELLDP do not represent any significant alteration to the current relevant policy.

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 nor any harmful ecology impacts.

Similar advice is given by the Council's Landscape Projects Officer, who advises 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. He does advise that tree protection 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 Service Manager - Protective Services advises that the proposed LTP would be a facility regulated under the terms of a license issued and enforced by the Scottish Environment Protection Agency (SEPA). Therefore, the Service Manager -

Protective Services has no regulatory role over such matters with regard to the operation of the proposed facility.

The Scottish Environment Protection Agency (SEPA) raise no objection to the application, advising that the proposed LTP facility already holds a SEPA license for its operation, which they would regulate under their separate statutory powers.

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 not cause any impact on the trunk road network and thus they raise no objection to the application.

Scottish Water raise no objection to the application.

The Office for Nuclear Regulation has been consulted on the application and raise no objection to it.

As the site is within the battlefield site of the Battle of Dunbar II (1650) Historic Environment Scotland (HES) has provided comments on the application. HES 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 HES 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.

There has been no material change in circumstance since the granting of planning permission 15/00022/PM to justify a decision other than to grant a renewal of the permission.

#### RECOMMENDATION:

That planning permission be granted subject to the following 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 leachate treatment plant hereby approved shall not exceed 36,500 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 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.

- 4 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.

- 5 Prior to the commencement of the development of the leachate treatment plant hereby approved tree protection fencing shall be erected and retained in place until such time as the DIRICKX and chain link fencing also hereby approved are erected. Prior to the installation of tree protection fencing, details of the proposed tree protection fencing and its location shall be submitted and approved in writing by the Planning Authority and the tree protection fencing shall thereafter be installed in accordance with the details so approved.

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.