
NORTH AYRSHIRE COUNCIL

4th November 2020

Planning Committee

Locality	Irvine
Reference	20/00819/PPM
Application Registered	23rd September 2020
Decision Due	23rd January 2021
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG
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Applicant	Doveryard Limited (t/a DY Oldhall Energy Recovery Ltd)
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Proposal	Section 42 planning application to amend condition 1 of planning permission N/19/00539/PPM to facilitate changes to the layout and elevations of the buildings
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1. Description

At its meeting on 22nd January 2020, the Planning Committee approved planning permission for the development of an energy recovery facility (ERF) on vacant brownfield land at Oldhall West Industrial Estate, Irvine (ref. 19/00539/PPM).

In summary, the development as approved would consist of the clearance of the site (including the demolition of 3 existing industrial buildings) followed by the construction of an industrial facility to sort, separate and process up to 180,000 tonnes of residual commercial and industrial waste as well as municipal solid waste per annum.

The purpose of the development would be the recovery of the energy from waste materials that cannot be recycled, thus avoiding these waste materials going to landfill. Energy recovery would be achieved through incineration. The heat would then be used to produce steam, from which turbines would generate electricity that would both power the plant (3MW) and supply the national grid (12MW). The proposed ERF has also been designed to allow for a "heat offtake" should a suitable end user be identified, most likely be businesses in the surrounding industrial estate and nearby business parks. Heat (either in the form of

steam or hot water) would be exported from the plant using insulated pipes buried underground. In terms of employment, the applicants have estimated that, during the 3-year construction phase, around 200 people would be employed. Once complete, the plant would provide between 25 and 30 jobs.

Following approval of planning permission, further detailed design work has been ongoing in order to prepare for the development, resulting in the need to bring forward some changes to the site layout and the building design. As such, this application has been submitted under s.42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1, which currently reads as follows:

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: To secure the implementation of the development in accordance with the supporting information.

In this application, it is not proposed to amend the text of condition 1, but to amend some of "the details contained in the supporting documentation." As such, the application includes details of proposed changes to the layout and building design, which include the following:

Site Layout

The separation between the two main buildings would be closed off. Most smaller elements on the site would remain as previously approved, with some eliminated from the plan altogether. Access arrangements from the public road network would be unchanged, as would the position of the flue stack within the site. The site boundary would remain as previously approved.

As in the previous application, the site would also provide yard areas for vehicle movements and parking. Several additional SuDS ponds, specifically designed to support the local wildlife and ecology, would be located on the eastern part of the site as well as that previously approved to the west.

As previously approved, areas of tree planting would take place near the southeast boundary of the site. Additional planting is now proposed around most of the site boundary. Tree species would be selected to minimise their attraction to birds (for aviation safety reasons).

Materials Recovery Facility (MRF)

This was previously approved as a separate building. It is now proposed to join it to the Energy Recovery Building, resulting in one main building on the site.

Energy Recovery Facility (ERF)

As well as combining the ERF with the MRF to form one single building, there would be an overall height reduction of approximately 8m to a maximum of 40m. The massing of the upper wall areas would be increased in scale along both axes (north-south and east-west). This would result in the building appearing bulkier in scale, although lower in height.

The air condenser plant, previously attached to the ERF, would be separated from the building and occupy a position slightly removed from it. The air condenser plant would be situated to the east and south of part of the main building, thus screening it in views from the north and west. The appearance of the condenser plant has also changed, exposing its structural and functional elements. Previously this had a more 'clad' appearance.

Flue Stack

The 60m high flue stack would previously have been incorporated into the ERF building and would have risen directly out of its northern elevation from a height of approximately 46m.

It is now proposed that the flue stack would be a freestanding structure, sited just to the north of the main building.

No increase is proposed to the previously approved height of 60m, but there would be a significant reduction in its bulk. The stack would now have a cylindrical rather than cuboid form and would rise from ground level. Although the overall height has not increased, the height difference between the top of the building and the top of the flue stack would increase by around 8m. This is due to the proposed reduction in the height of the ERF facility.

The site is around 1.5 hectares in area, and is bounded by Murdoch Place to the north, industrial land to the west and open ground associated with the Oldhall Ponds Wildlife Site to the east and south. The site, which has been levelled, contains three industrial buildings which have been used in the past for waste management purposes. The rest of the site is largely hard surfaced and is clear of vegetation other than several small areas of (unmaintained) amenity grassland. Several spoil heaps, consisting of bricks and rubble, have been tipped around the site.

In addition to various plans and drawings, including 3D visualisations, an Addendum to the Environmental Impact Assessment Report has been submitted. This document describes and explains the proposed changes to the development. It comprises a series of chapters, as follows:

1. Introduction
2. Site description
3. Development proposals
4. Planning policy
5. Landscape and visual impact of the proposed changes
6. Environmental topics not affected by the proposed changes

The application site is located at the southern edge of the Oldhall Industrial Estate to the southeast of Irvine. Oldhall was established during the 1970s by Irvine Development Corporation as a purpose-built location for certain types of incoming industry to Irvine New Town.

There are a variety of industries nearby, including a large recycling plant (Lowmac), a precast concrete block making factory (Hillhouse) and the Council's waste pulverisation plant. Nearby is the large pharmaceutical works of GSK and the UPM paper mill. There are a variety of other small and medium sized businesses in the surrounding area.

The site is accessed from the strategic road network via Moss Drive/Long Drive (B7080) which links to the A78 to the south at Newhouse Interchange and the A71 to the north at Greenwood Interchange.

Oldhall has tended to attract waste processing and yard type business uses. It adjoins a more modern industrial estate to the north, originally known as Riverside and now known as i3. Riverside was designed on 'business park' principles containing office pavilions with parking and high amenity landscaped areas. Oldhall and i3 are separated by mature woodland. It is relatively remote from residential areas.

There is a local nature reserve known as Oldhall Ponds to the south and east of the site. This area covers 13.72 hectares and comprises native woodland with several ponds. There is a pedestrian path around the reserve, the route of which passes relatively close to the southern boundary of the site.

In terms of the adopted Local Development Plan, the site is allocated for business and industry. The following policies are applicable to the consideration of the proposal:

Strategic Policy 1 - The Towns and Villages Objective

Strategic Policy 2 - Placemaking

Policy 7 - Business and Industry Employment Locations Policy 15 - Landscape and Seascape

Policy 16 - Protection of designated sites

Policy 18 - Forestry, Woodland, Trees and Hedgerows Policy 23 - Flood Risk Management

Policy 29 - Energy Infrastructure Development

Policy 30 - Waste Management Facilities

Policy 31 - Future Proofing for Heat Networks

Relevant Development Plan Policies

Strategic Policy 1 (Spatial Strategy) - Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for

housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.

d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.

e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:

- o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).

- o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.

f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2 – Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Policy 7: Business and Industry Employment Locations

We will, in principle support and promote the development of the locations listed in schedule 5 for business and industry uses. In these locations other employment generating uses may also be supported providing they would not undermine the marketability of the area for business and industry uses. The following are some examples of other employment generating uses that we will consider:

- o General leisure and commercial leisure uses, where there is no sequentially preferable location within town and edge of town centres or commercial centres
 - o Waste recycling and power generation (including renewables)
 - o Non-industrial uses that provide services and amenities for employees in business locations, and that do not undermine the town centre strategy in the LDP (for example nurseries), or the wider function of the industrial areas
 - o A range of other businesses that have difficulties in finding appropriate locations
- For other employment generating uses, including outwith identified employment locations, we will consider the resultant employment density of the proposed development, the impact on the vitality and viability of the area's town centre network, in accordance with Policy 3 Town Centres and Retail, the effect on local transport infrastructure and potential environmental impact.
- We will seek to ensure that infrastructure provision at employment locations is exemplary and will support development which includes superfast broadband provision, heat network connection (or future-readiness), and low carbon technology integration (such as car charging points).

We will monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) within the business land supply.

We will use the appropriate employment densities guide published by the U.K Government to consider potential employment generating uses.

Policy 16 - Protection of our Designated Sites

We will support development which would not have an unacceptable adverse effect on our valuable natural environment as defined by the following legislative and planning designations;

a) Nature Conservation Sites of International Importance

Where an assessment is unable to conclude that a development will not adversely affect the integrity of a site, development will only be permitted where there are no alternative solutions; there are imperative reasons of overriding public interest; and suitable compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

b) Nature Conservation Sites of National Importance

Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

c) Nature Conservation Sites of Local Importance

Development adversely affecting Local Nature Reserves or Local Nature Conservation Sites will generally not be permitted unless it can be demonstrated the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social, environmental or economic benefits of local importance.

d) Marine Protected Areas

Development likely to have an adverse effect on the protected features of South Arran MPA will not be supported. Proposals are also required to consult with the Clyde Marine Planning Partnership (CMPP).

e) Biodiversity Action Plan Habitats and Species

Development adversely affecting priority habitats or species set out in the North Ayrshire Local Biodiversity Action Plan will not be permitted unless it can be demonstrated the impacts are clearly outweighed by social or economic benefits of local importance.

f) Protected Species

Development likely to have an unacceptable adverse effect on;

i) European Protected Species (see Schedules 2 & 4 of the Habitats Regulations 1994 (as amended) for definition); Birds, Animals and Plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended); or badgers, will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.

ii) The Scottish Biodiversity List (SBL) of animals, plants and habitats that Scottish Ministers considered to be of principle importance for biodiversity conservation in Scotland.

Policy 18 - Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long- established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area, we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Policy 29 - Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;

- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Policy 30 - Waste Management Facilities

Proposals for the development of waste management facilities that align with Scotland's Zero Waste Plan and the Council's Waste Management Strategy, including any ancillary operations, will be supported subject to meeting the following criteria:

- i) Compatibility with surrounding existing and allocated land uses; and
- ii) Satisfactory provision for the mitigation of adverse impacts is secured in relation to the environment, transport, public health and safety; including site restoration, after care plans, buffers of a satisfactory distance between dwellings or other sensitive receptors and screening where appropriate.

Proposals for development that would compromise the operation of waste management facilities would be resisted.

As a general guide, appropriate buffer distances may be:

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

Policy 31 - Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even when they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future.)

2. Consultations and Representations

Neighbour notification was carried out and the application was advertised in a local newspaper in accordance with statutory procedures. No representations have been received. Since the proposal relates only to design changes to the previously approved scheme of development, no consultations were undertaken.

3. Analysis

In accordance with statute, planning applications require to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

Planning Circular 4/1998 states that conditions should only be imposed on planning permissions where they are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise, and
- Reasonable in all other aspects.

As noted above, there are ten relevant development plan policies, the first of which is Strategic Policy 1 - The Towns and Villages Objective. This strategic policy states that, in principle, the Council will support development proposals within towns and villages which generate new employment opportunities to meet market demands, with priority given to the re-use of brownfield land. As noted above, the proposed development has the potential to generate around 30 jobs, once the site is operational. The site is also brownfield land, having previously been used for waste management purposes. The proposal is therefore considered to accord with Strategic Policy 1.

The assessment of the proposal against Strategic Policy 2 - Placemaking will take place after consideration of the detailed topic-based policies.

Policy 7 - Business and Industry Employment Locations indicates that proposals for waste recycling and power generation plants are considered to be suitable land uses within the areas of North Ayrshire that have been identified in Schedule 5 of the LDP. The site is within the i3 area of Irvine, which is listed in Schedule 5. Subject to assessment against the other policies below, the proposal would therefore be acceptable in terms of its location within an established industrial site.

In terms of Policy 15 - Landscape and Seascape, the application is supported by a revised landscape and visual impact assessment, which considers the vertical scale of the development and its effects on the surrounding area. The assessment notes the presence of existing industrial buildings and flue stacks nearby, such as UPM and GSK, as well as the relative distance from residential areas. The landscape character type (LCT) of the countryside near the site is defined in the Ayrshire Landscape Character Assessment (1998) as part of the Ayrshire Lowlands. As previously, it is considered that the approach taken in the application to mitigate the apparent height and scale of the buildings through the use of grey coloured banding, and to break-up the massing of the various elements using a series of cuboid shaped 'boxes' is appropriate.

The revised flue design would resemble more closely the existing flue stacks at UPM. In terms of the surrounding land, which is heavily wooded to the immediate south, the proposed buildings and flue would rise above the tops of the trees. However, when viewed from a close distance, such as the nearby footpaths, the trees would filter and obscure direct views of the development. Only when the development is viewed at a greater distance from the site would the true extent of its vertical scale be evident. Nonetheless, the relatively low-lying and flat character of the surrounding landscape would tend to diminish the visual impact of the development, as evidenced by the photomontages which demonstrate that the overall effects of the proposed changes would be localised, with the reduction in building height and change to the flue design not appearing especially significant from many viewpoints. In essence, the development in its revised form would still appear as a relatively small feature within a wide, flat lowland landscape that is already developed with various forms of industry with tall flue stacks and large-scale wind turbines.

The proposal also includes some woodland planting and water features around the site boundary, which would reinforce existing woodland, enhance ecological interests and strengthen the landscaped buffer between the site and the wider countryside beyond the edge of Irvine.

The proposal does not involve development within, nor close to, a national scenic area, special landscape area, wild land area, local landscape feature, conservation area nor would it result in adverse effects on the landscape setting of Irvine. As such, it is considered that the proposal is acceptable in terms of Policy 15.

With regard to Policy 16 - Protection of our Designated Sites, the application site adjoins (but does not directly affect) a local nature conservation site, the Oldhall Ponds, which is managed by Scottish Wildlife Trust

Subject to the implementation of the measures identified in the ecology report and the revised landscaping/pond scheme, it is considered that the proposed development would be acceptable in terms of Policy 16.

Policy 18 relates to Forestry, Woodland, Trees and Hedgerows. The proposals do not involve the clearance of any woodland. Although within close proximity to the woodland at Oldhall Ponds, there is sufficient distance between the site and tree root systems for avoiding any damage to the existing trees. The proposal also involves several areas of new tree planting close to the site boundaries. Taking into account the previous advice from Glasgow Prestwick Airport, the planting design has considered the risk of bird strike to planes flying overhead. As such, trees with berries or fruits would be avoided in the planting scheme, which would most likely be based on similar tree species as found at Oldhall Ponds. Nonetheless, it has been noted that the existing recycling and waste processing facilities nearby attract considerable numbers of birds, especially gulls. In view of this, a condition could be attached in relation to bird control measures for the proposed development (e.g. to reduce the attractiveness of the buildings within the development to birds, rather than the tree planting within the site). The proposal would therefore be acceptable in terms of Policy 18.

Policy 23 relates to Flood Risk Management. The original proposal was supported by a Flood Risk and Drainage Assessment and would feature a SuDS detention basin for the management and treatment of surface water. The proposed design changes would not materially alter the site drainage, and additional SuDS ponds would be introduced on the east side of the site, which would also introduce further ecological benefits as mitigation of environmental impacts. The proposal is therefore acceptable in respect of Policy 23.

Policy 29 addresses the topic of Energy Infrastructure Development and highlights the Council's support for proposals which would contribute positively to our transition to a low carbon economy. No changes are proposed in this respect. As such, the development would meet the requirements of Policy 29.

Policy 30 on Waste Management Facilities requires that proposals align with Scotland's Zero Waste Plan and the Council's Waste Management Strategy. No changes are proposed in this respect. As such, the development would meet the requirements of Policy 30.

Turning to Policy 31 - Future Proofing for Heat Networks, a comprehensive heat plan has been prepared for the proposed development and considered in terms of the previous

application. No changes are proposed in this respect. The proposal can therefore be supported in terms of Policy 31.

Finally, turning to Strategic Policy 2 - Placemaking, the proposal has been assessed in terms of the relevant criteria as follows:

In terms of distinctiveness, the revised design of the proposed building has taken into account its vertical and horizontal scale. It would be broken up into cuboid elements with a colour scheme involving various shades of grey to help reduce its apparent bulk. A similar approach was taken at the UPM paper mill, which is 1km to the south of the application site. The taller buildings at UPM, developed during the late 1980s, are graded in a series of blues, greys and white. Within this flat landscape, where there can be longer views from a variety of visual receptors (such as road and rail corridors, footpaths, open spaces and settlements) this approach has worked successfully. Applying similar principles to the proposed development at Oldhall, which is relatively remote from any housing or residential areas, would offer an appropriate design solution to buildings of this scale.

It is considered that the development would be resource efficient through the use of sustainable water management, recovery of energy from waste materials and the provision of heat and power to nearby industrial sites.

The development is not designed to be adaptable, as it would serve as a dedicated energy generation/waste management use for an estimated 25-year period. However, the site is brownfield in nature and the development would re-use previously developed industrial land in productive manner.

In conclusion, the application to amend the details associated with condition1 is considered to accord with the LDP and the six tests for conditions as set out in Circular 4/1998. Accordingly, the application should be approved subject to the undernoted conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

The proposal complies with the relevant provisions of the current adopted Local Development Plan and there are no other material considerations that indicate otherwise. This is determined following an assessment which has had regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Condition

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure the implementation of the development in accordance with the plans and supporting information.

Condition

2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection.

Condition

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of securing a sustainable drainage scheme for the development.

Condition

4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with

such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

To mitigate landscape and visual impacts and in the interests of amenity.

Condition

5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

To ensure that an appropriate strategy is implemented during the construction of the development for the attenuation of low frequency noise generated by the Energy Recovery Facility.

Condition

6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. In addition, the tree species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To mitigate landscape and visual impacts and in the interests of amenity.

Condition

7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In the interests of aviation safety.

Condition

8. That, following the removal of all recyclable materials within the Materials Recovery Facility within the development, the feedstock for the Energy Recovery Facility shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.

Reason

To define the terms and limitations of the consent in relation to the scope of the application.

Condition

9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

To ensure that an appropriate strategy is implemented for utilising the heat generated by the Energy Recovery Facility.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr A Hume, Senior Development Management Officer on 01294 324318.

Appendix 1 – Location Plan

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