
NORTH AYRSHIRE COUNCIL

24th March 2021

Planning Committee

Locality	
Reference	21/00036/PP
Application Registered	21st January 2021
Decision Due	21st March 2021
Ward	Dalry And West Kilbride

Recommendation	Approved with no Conditions
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Location	SSE Anaerobic Digestion Plant Dalry Ayrshire KA24 4JJ
Applicant	Barkip Biogas Ltd Fao Mr Paul Riley
Proposal	Section 42 application to remove condition 1 of planning permission ref. 09/00444/PPM

1. Description

At the meeting on 25th February 2021, the Planning Committee agreed to a call-in request of the above planning application, which would otherwise have been determined under the Scheme of Delegation to officers. The application seeks consent, under Section 42 of the Town and Country Planning (Scotland) Act 1997, for the removal of condition 1 of a Planning Permission (ref. 09/00444/PPM).

Planning Permission (ref. 09/00444/PPM) was granted for the development of an anaerobic digestion (AD) plant at the former Barkip Landfill Site, subject to conditions, on 15th October 2009.

Condition 1 of the permission reads as follows:

"Heavy Goods Vehicles (HGVs) shall not enter or leave the site outwith the hours of 07.30 - 18.30 Monday to Friday; 08.00 - 15.00 on a Saturday; and at no time on a Sunday or local Public Holiday, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority."

Although not subject of the current application, there were a range of other conditions attached to the planning permission for the AD plant, which addressed the following matters:

1. HGV access times
2. Details of external colour scheme
3. Blast Design Statement
4. Routing Agreement (for HGVs) - requiring that all HGVs to/from the site use only the C19 (east), the B706 and A737.
5. Provision of wheel washing facilities
6. Widening of C19 public road to 6m within 30m to west of the site access
7. Provision of passing places
8. Noise limits (from all sources) not to exceed 45dB (1 hour average) from 7am - 11pm and not to exceed 42dB (5 minute average) from 11pm to 7am
9. Plant to be designed so that electricity can be exported to the national grid
10. Details of Site Waste Management Plan
11. Details of foul drainage
12. Details of flood risk and protection measures
13. Requirement to remove and dismantle plant if it becomes "redundant" (i.e. disused for a continuous period of 6 months)
14. Details of landscaping

Many of the above conditions relate to the construction phase of the development (e.g. 2, 3, 6, 7, 9, 10, 11, 12 and 14), all of which were complied with at the appropriate time. Other conditions, such as 1, 4, 5, 8 and 13, are ongoing and require to be complied with by the site operator for the duration of the working life of the AD plant.

Anaerobic Digestion (AD) is a natural process where plant and animal materials (biomass) are broken down by micro-organisms in the absence of air. The AD process begins when biomass is put inside a sealed tank or digester. Naturally occurring micro-organisms digest the biomass, which releases a methane-rich gas (biogas) that can be used to generate renewable heat and power; this helps cut fossil fuel use and reduce greenhouse gas emissions. The remaining material (digestate) is rich in nutrients, so it can be used as a fertiliser.

Barkip was selected by the company Zebec Biogas Ltd for the development of an AD plant due to the closed landfill site located alongside. The Barkip landfill site, covering some 12.5ha, was granted planning permission in December 1995 (ref. 01/95/0346) and was operated by William Tracey Ltd during the period from 1996 to around 2006, after which the ground was capped and restored as rough grazing land. Barkip was used for the disposal of domestic, industrial, and commercial waste originating from North Ayrshire, Renfrewshire and Inverclyde areas. Prior to the landfill site coming into operation, the ground consisted of rough pastureland and a coal bing.

Landfill gas (methane and CO₂) are among the by-products of landfill. Gas was vented out of the site and/or burned, representing a wasted resource. The opportunity to capture landfill methane and supplement it from the anaerobic digestion of biomass from other sources transported by road was identified by Zebec Biogas, providing the rationale for the development of an AD plant to the southwest of the Barkip landfill site. Between the AD plant and the landfill site are several leachate treatment lagoons. Leachate is rainwater which has passed through the landfill site. It is collected in a system of underground pipes

and fed into settlement lagoons to prevent it from contaminating the groundwater. Some of the leachate is used by the AD plant, and the remainder is removed by road tankers. Leachate collects throughout the year and its removal is required on an ongoing basis.

The Barkip AD plant consists of reception facilities, processing facilities, a combined heat and power (CHP) plant and storage areas. There is a connection to the national grid and the plant can produce around 2MW of electrical power. The site is approximately 2 hectares in size and located approximately 2.5 to 3 miles from Dalry, Beith and Kilbirnie. Since its development around 10 years ago, an extensive area of broadleaved and coniferous woodland has been planted on the land to the west and northeast of the AD plant. This planting partially screens the site and its access road from the surrounding area.

In support of their application, the applicant has advised that:

- the plant already operates 24 hours per day;
- The average number of HGV movements per week, between March 2020 and February 2021 (inclusive) was 76;
- Over a 5-day working week, this averages about 15 HGV movements per day (or 30 vehicle movements on the C19 once the inbound and outbound trips are combined);
- when the planning condition was attached, there was an uncertainty about how site traffic may impact on the local amenity value of the area;
- over 11 years on, HGV vehicular movements to/from the site have not impacted on the local amenity value of the area;
- it is company policy to ensure that drivers accessing the site are inducted to adhere to the Routing Agreement and this is reinforced with appropriate site signage;
- In December 2020, several loads had to be routed elsewhere as a result of the current time restriction for vehicular access;
- Equivalent anaerobic digestion facilities across Scotland do not have restrictions on delivery times/vehicular access (there are currently 12 AD plants in Scotland);
- the facility's SEPA-regulated PPC permit by offers no restrictions on HGV movements to/from the site;
- the removal of condition 1 would enable the facility to operate without commercial disadvantage to its competitor sites and to increase the renewable energy output;
- Barkip Biogas has appointed four additional staff members (since December 2020) and has capacity to increase its throughputs (and hence its creation of renewable energy) under its PPC permit;
- The proposal would not result in any increase in the weekly number of movements of HGVs nor the amount of waste processed by the plant.

The nearest residential properties to the AD plant site are Glenlora Cottage (approx. 200m north of the site boundary) and the three houses at Little Barkip (approx. 280m to the northeast). However, the houses closest to the AD plant access road are Barkip Cottage, Whitehill and Barkip Farm, which vary in distance from 23m to 70m. In addition, Whitehill and Barkip Farm share part of the concrete site access road leading to the AD plant, all sharing a common junction with the C19 public road. In total, there are seven houses relatively close to the AD plant and its access road leading from the C19 public road.

The site of the AD plant is located within a rural area of North Ayrshire where Strategic Policy 1 (the Countryside Objective) of the Local Development Plan applies. Other relevant policies include Strategic Policy 2 (Placemaking), and Policy 7 (Business and Industry Employment Locations).

Relevant Development Plan Policies

SP1 - The Countryside Objective The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our prime and locally important agricultural land from development except where proposals align with this spatial strategy. In principle, we will support proposals outwith our identified towns and villages for:

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.
- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

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.

Detailed Policy 7-B&I Employment Locations 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.

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures. Six objections have been received from members of the public. The points raised can be summarised as follows:

1. An increase in traffic would be detrimental to the road in terms of degradation and safety concerns for other road users.

Response: There is no evidence to suggest the proposal would result in an increase in traffic. The maintenance of the road is a Council responsibility and there are no objections to the proposal from the Roads Authority (see below).

2. Additional risk of accidents on the road, which is of an inadequate standard for the HGV traffic.

Response: There are no objections from the Roads Authority (see below). See also Analysis section.

3. Additional noise pollution and exhaust emissions.

Response: The applicant has advised that "this proposal would not result in any increase in the weekly number of movements of HGVs or the amount of waste processed." As such, there is no evidence to suggest the proposal would result in an increase in HGV traffic nor any increase in emissions or noise above existing levels - the applicant is seeking flexibility in terms of the time periods available to receive materials for processing at the AD plant, which already operates continuously.

4. Adverse impacts on wildlife and ecology.

Response: It is not agreed that the proposed removal of condition 1 would have an adverse impact on wildlife and ecology in the locality. There would be no loss of trees, hedgerows, or open land as a result of the proposed removal of condition 1.

5. Adverse impacts on enjoyment of the rural landscape including local walks.

Response: As noted above, it is not proposed nor is there any compelling evidence to suggest that the number of HGV movements would materially increase - what could change is that the times of vehicle movements would be more dispersed, leading to weekend deliveries and potentially earlier in the morning, or later at night. The C19 is a lightly trafficked route and this is not anticipated to change as a result of the current proposal.

6. Adverse impacts on residential amenity including privacy impacts, noise disturbance affecting sleep patterns and mental health/well-being.

Response: The applicant advises that "the vast majority of HGV movements would remain within the current operating hours" and that "Barkip Biogas is simply seeking flexibility to enable the acceptance of loads of waste without time restriction." At the site itself, there are signs already in place to advise hauliers of the need to drive at speeds of less than 5 mph and that it is a "quiet area." It is considered that the site is taking reasonable steps to reduce vehicle noise, and that liaison with the site could address any ongoing or future concerns.

7. Additional odour nuisance;

Response: There is no evidence to support this claim.

8. Lack of consultation with locals.

Response: There is no statutory requirement for pre-application consultation. However, neighbouring householders were notified about the proposal. This has enabled public comments to be made in response to the application.

9. Lack of any supporting survey information to justify the proposal.

Response: There is no requirement to provide a survey for submitting an application of this type.

10. Lack of enforcement of existing prohibited section of the road, leading to the concern that more unauthorised traffic would use the prohibited section if the condition was removed.

Response: Noted. See Analysis.

Consultations

Beith Community Council - object to the proposal on the following grounds:

1. With reference to DSM Nutritional Products facility and the MOD in the applicant's supporting information being allowed access with unlimited hours, we would ask how often do they have HGV entering these sites before 07:30 and after 18:30 Monday to Friday; before 08:00 and after 15:00 on Saturday and on Sunday and Public Holidays. It is our view that access during these times is rare.

Response: Noted. See Analysis.

2. The applicant has stated that "In December 2020, several loads had to be routed elsewhere as a result of the current time restriction for vehicular access" - this would suggest to us that there would be an increase of HGV traffic which may be a concern to the wider community and local residents. It is noted that this is a rural community and will impact on increased traffic noise for residents.

Response: The applicant has advised that it is not intended to increase the average number of weekly vehicle movements, and has highlighted that taking materials further away is counter-productive in terms of environmental sustainability, given that waste management is meant to operate on the basis of the "proximity principle."

3. The Beith A737 Project continues to go through statutory processes and that no date for commencement has been agreed. These works are some years away from completion therefore the flow of traffic will continue to be a concern until the works are completed.

Response: It is understood, from the Council's Locality Partnership, that the upgrading of the A737 Beith Bypass has now reached the procurement stage following the completion of the statutory procedures during 2020. This information has been provided by Transport Scotland.

NAC Active Travel and Transport - no transport related objection to this proposal.

Response: Noted. A discussion also took place with NAC Roads regarding any weight restrictions on the former railway overbridge on the C19 at Defence Munitions. This confirmed that there are no restrictions in place.

Dalry Community Council - no comments.

3. Analysis

Any application to consider whether a condition remains valid must be assessed in terms of the following principles, as set out in Circular 4/1998:

"Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable, and practicable. Planning conditions should only be imposed where they are:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects."

At the time the planning application was considered in 2009, it was noted that the plant had been designed to process up to 75 thousand tonnes of biomass per annum. Condition 1 currently states that HGVs "cannot enter or leave the site" outwith the hours of 07.30 - 18.30 on Mondays to Fridays and 08.00 - 15.00 on a Saturday; and at no time on a Sunday or local Public Holiday. This restriction does not apply to other traffic, nor does it apply to leachate tankers attending the landfill site, which use the same access road. The condition does not restrict what HGVs actually do within the site, nor the times they can operate within the site. Whilst the above condition does not define what a Heavy Goods Vehicle actually is, it can be taken that the standard definition as used throughout Europe would apply, which is a vehicle of greater mass than 3.5 tonnes.

The applicant advises that, on average, there are currently 15 HGV vehicle movements into the site per day (which equates to 30 two-way trips on the C19). As noted above, the Routing Agreement requires that HGVs arrive from the C19 east of the site and depart using the same route. HGVs are not permitted to travel from the west on the C19, nor leave westbound on the C19. There is signage in place to remind drivers of this requirement.

Condition 1 does not prohibit other traffic to and from the site during the restricted periods, such as light goods vehicles, vans, and cars. Furthermore, there are no conditions which require the plant to be non-operational during night-time periods, nor during weekend periods when HGV deliveries are not permitted to access or leave the site.

Condition 1 also needs to be understood within the context of the other conditions, especially in relation to the Routing Agreement (which is governed by condition 4), Wheel Washing (condition 5), Road Improvements (conditions 6 and 7) and the Noise Limits (condition 8).

The Routing Agreement for the AD plant was approved in April 2010. It is explicitly designed for HGV vehicles and their operators. It states that the 'average' size of a vehicle delivering to the site would be 10 tonnes. The average vehicle size exporting liquid would be 25 tonnes and 15 tonnes for fibres. It is not proposed to amend any aspect of the Routing Agreement.

An hours of operation and routing condition was attached to the 1995 planning permission for the landfill site, requiring all access for landfill traffic to be taken from the road between the B706 leading past Defence Munitions. It is understood that this condition remains extant for transporting leachate from the landfill site, which at one time, was up to 15 vehicle movements per day according to NAC planning archives. Whilst there was an hours of

operation condition for landfill operations, there was no equivalent condition restricting the times of HGV traffic movements.

The reason for attaching an HGV routing condition, on road safety grounds, is evident. The standard of the C19 west of the junction with the site access is single track and has restricted forward visibility due to a series of tight bends and undulations. There are no passing places. In addition, there are five houses with a frontage onto the road west of the site access junction, and another with its access leading off it. More distant from the site (and further west) are other houses that are sited close to the C19 road, leading to either Highfield or The Den.

In comparison, the standard of the C19 east of the site access junction provides for two-way traffic, with reasonably good forward visibility for the most part. The only exception is at a former railway overbridge, where there is a 'give and take' arrangement in place due to restricted road width and forward visibility caused by a 'blind summit'. This section of the C19 leads past the Defence Munitions site onto the B706 near the Marshallands Playing Fields on the outskirts of Beith. Much of its sub-base was substantially reconstructed during the late 1990s due to increased use by HGVs accessing the Barkip Landfill Site. There is evidence of some settlement in places, but for the most part, the surface is intact. The road standard progressively improves towards Defence Munitions and the junction with the B706.

The proposed removal of condition 1 would still not permit HGV traffic to use the narrow section of the C19 west of the site access. Condition 4, which governs HGV routing, would remain extant and unaltered.

The Analysis of the 2009 planning application stated that "subject to a condition controlling the hours and days which HGVs may enter and leave the site, it is not considered that there would be unacceptable disturbance by reason of vehicular traffic."

Given that the applicant does not anticipate any increase in the average number of HGV movements to/from the AD plant, the main difference would be the timing and distribution of trips on the public road network. In addition, the capacity of the plant would not be increased by the proposed change to the time periods when HGV deliveries could take place.

Turning to the six tests for planning conditions - and bearing mind that conditions should only be attached where it would otherwise have been necessary to refuse an application for planning permission - a review of condition 1 requires to take place:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects.

Whilst it is considered that condition 1 satisfied some of the above tests at the time the application was granted in 2009, this may have been in anticipation of a greater number of HGV movements than has actually transpired over the years since. The C19 is a lightly trafficked rural road, and it is not considered by the Roads Authority to be unsuitable for the

anticipated number of HGV movements which use the route between the B706 and the AD plant. It is also the case that other HGV traffic using the route (e.g. going the landfill site for leachate removal) remains permissible at any time. There are no objections to the proposal from the Council's Roads officers.

However, there are several concerns regarding other aspects of the condition. Its wording is imprecise, since it does not define the scope of "HGV", nor does it limit HGV operations once inside the site, leaving it open to challenge. This makes the condition difficult to enforce, given that the C19 can be used by other HGV vehicles at any time and for any purpose. There are no weight restrictions or prohibitions on the C19 under the Roads (Scotland) Act 1984, which includes the bridge over the former railway within the Defence Munitions site.

As such, it is still necessary to have a vehicle routing agreement in place, both in the interests of road safety and also to protect the amenity of residents whose homes front onto the C19 west of the site access. As noted above, the site operator already has in place signage to remind drivers to drive at a maximum speed of 5mph on the concrete road leading into the site, and that it is a "quiet area."

To summarise, in terms of the relevant tests for the use of planning conditions, it is considered that the condition does not meet the tests for conditions.

Turning to Strategic Policy 1 (The Countryside Objective), it is stated that the Council will support proposals outwith towns and villages for expansions to existing rural businesses and developments with a demonstrable specific locational need. In this case, it is not proposed to expand the Barkip AD plant - which has a specific locational need due to the methane being released from the landfill site. It is proposed to remove a planning condition that the applicants claim is making Barkip less competitive than other sites in the country. There is no evidence to suggest that the removal of condition 1 would lead to additional HGV traffic (nor indeed other forms of traffic) on the C19 to and from the site, and it is not proposed that the sub-standard section of the C19 to the west of the access is used by HGVs. It is also considered that there is a significant ongoing need to support employment in the area, especially within a sector of the economy which plays an important role in harnessing energy from waste materials and will continue to do so. As such, it is considered that the application can be supported in terms of Strategic Policy 1.

With respect to Strategic Policy 2 (Placemaking), it is considered that the two qualities that are of most relevance to this proposal are 'Safe and Pleasant' and 'Easy to Move Around and Beyond.'

In terms of the Safe and Pleasant quality, the representations submitted by local residents have made it clear that the proposal is unwelcome to them, and that it would harm the quiet character and the environment of this rural area. Many of the points expressed are based on the assumption that the proposal would automatically lead to a greater number of HGV vehicle movements than has been the case in the past and that vehicle movements would take place during the night, possibly causing disturbance to sleep patterns when the area would otherwise have virtually no through traffic.

Whilst these concerns are understandable, there is a need to ensure that planning conditions meets the six tests. The existing condition was attached to a planning permission as a precautionary, safeguarding measure in advance of the development, and was not

evidence-based. Now that the site has operated for around a decade, and whilst noting that there have been instances where, it is alleged, HGVs may have not travelled to the site using the agreed route, it is also evident that the Barkip AD plant has not proved to be a major trip generator in the locality. Notably, there are no objections to the proposal from the Roads Authority.

The actual process which takes place within the site itself when HGV vehicles arrive is not dissimilar to a road tanker attending a filling station and re-filling the fuel tanks. The condition does not specify when vehicles can unload only when they "enter and leave the site." Given the measures already in place to mitigate the impacts on nearby residents, it is not considered that the retention of condition 1 can be justified.

With regard to the Easy to Move Around and Beyond quality, the applicants have reaffirmed their commitment to the previously approved Routing Agreement and will continue to work with drivers and hauliers to ensure this condition is adhered to. Whilst noting that significant upgrading works are planned to take place on the Beith bypass in the coming years, it is not considered that this would have any adverse impact on the Routing Agreement nor increase the risk of displacing traffic onto other routes. In the wider area, the completion of The Den Realignment in 2019 has reduced the attractiveness of the link road from the C19 to The Den now that the A737 bypasses that settlement.

Regarding Policy 7 (Business and Industry Employment Locations), the applicants note that there are no restrictions on the HGV delivery times for other business locations in the area, such as DSM. Whilst references to business locations within built up areas are not directly comparable to the Barkip AD plant, Policy 7 recognises that there are circumstances where business and industry can be supported outwith the range of sites and locations that are identified in the LDP. In this regard, the Barkip AD plant has a site-specific locational requirement due to the nearby landfill site which provides a source of methane gas for use in the production of electricity. It has been established for over 10 years. Due to its rural location, the site may not otherwise have been granted planning permission for an AD plant and a suite of conditions were attached to reflect this and protect the amenity of the area and its environment. However, it is not considered that the proposed removal of condition 1 would conflict with Policy 7, nor undermine the protections afforded by the other planning conditions, given that its removal is unlikely to lead to additional traffic on the C19 leading to the site. As such, the proposal can be supported in terms of Policy 7.

There are no other material considerations. It is therefore recommended that planning permission is granted for the removal of condition 1 of planning permission 09/00444/PPM. The other conditions attached to the permission would continue to have effect. **4. Full**

Recommendation

Approved with no Conditions

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office
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