
NORTH AYRSHIRE COUNCIL

26th October 2022

Planning Committee

Locality	Garnock Valley
Reference	22/00595/PPM
Application Registered	16th August 2022
Decision Due	16th December 2022
Ward	Garnock Valley

Recommendation	Approved subject to Conditions
-----------------------	--------------------------------

Location	DSM Nutritional Products UK Ltd Drakemyre Dalry Ayrshire KA24 5JJ
-----------------	--

Applicant	DSM Nutritional Products (UK) Ltd Fao Mr Mark Dunn
------------------	--

Proposal	Erection of chemical production and distribution facility for the manufacture of an animal feed additive
-----------------	---

1. Description

Planning permission is sought for the development of a production and distribution facility on vacant brownfield land within the site boundary of DSM Nutritional Products at Drakemyre, Dalry. The site, known as Area 18, is around 2.8 hectares in area, and is bounded by a heat and power plant to the north, production buildings to the west, the wastewater treatment plant to the south and undeveloped open ground to the east, beyond which are other areas of plant. The level site has been used in the past for storage purposes, as a contractor's compound and for fire training purposes. It is currently disused. A further 1.3 hectares of land would be used for ancillary development, including a temporary lagoon (to be removed upon completion of the development), landscaping and pipe racks to existing installations.

The proposed development involves the erection of an industrial facility to manufacture and distribute a product called Bovaer, which is a cattle feed additive that has been formulated by DSM over the past decade. Bovaer reduces methane production in cattle and would be sold on the world market. The product would result in lower carbon emissions from beef and dairy farming when added to the diet of cattle and sheep. The product has been developed in the Netherlands by DSM and is already manufactured in Germany. The company has

chosen its Dalry factory as a further site for the manufacture of the product. Once complete, the development would create around 30 additional jobs at the DSM site. At its peak, the 3-year construction phase would support 350 management and construction jobs.

The manufacturing process involves chemical synthesis during which an organic raw material is mixed with a solvent and converted with acids to form the intermediate product in a rapid exothermic reaction. In a second chemical synthesis, the intermediate product reacts with an alkaline solution to yield the active substance of the final product. During both stages, which would be continuous, residual acids and liquids are recycled for reuse in the process. Both stages are carried out as closed operations. In the final stage, the active substance is absorbed on silica powder to form the end product. The end product is then added to bags which are then placed on wooden pallets for transfer to shipping containers. The end product is dispatched in shipping containers by road hauliers. Approximately 3 trucks per day would dispatch the finished product. The entire operation would be continuous. Off-gases would be passed through a gas scrubber and sent to thermal treatment. Liquid effluents which cannot be recycled would also be sent for thermal treatment in combination with natural gas. Organic and acid residues would be destroyed by the thermal treatment. The heat which is produced would be recovered. Once the process is complete, the residual off-gas would pass through a flue. Liquid effluents which do not require thermal treatment would be sent to the existing wastewater treatment plant prior to discharge to the public sewer.

The development consists of the following main elements:

Production Building

This would be the largest building proposed in the development, consisting of a 5-storey building, almost 32m in height at its highest point with a single storey wing projecting to the west. The building would be L-shaped on plan, measuring 48.5m x 36.8m on the five-storey wing and 37.7m x 23.1m on the other.

The production building would contain the chemical synthesis and formulation processes and the finished product distribution centre. Externally, the building would be clad in composite metal panels finished primarily in white. Feature bands would be added to be finished in dark grey, as would the glazing frames, doors and louvres. Feature glazing would be provided on the western elevation. Solar PV panels would be installed on the roof.

Control Room Building

This building would be square on plan with a footprint of 25m x 25m and a height of 10.4m. External finishes would be white and grey. The building would house a lab, offices, workshop, switch and plant rooms, control room and welfare facilities. Solar PV panels would be installed on the roof.

Off-gas and Liquid Effluent Treatment Plant

The footprint of the plant would extend to 25m x 15m. It would be sited to the east of the production building. The plant would have a height of 15m and would consist of tanks, pipework, pumps and other items. The proposed off-gas stack would rise above the plant and would be 36.5m in height. The stack would be cylindrical in form with a narrow diameter. The off-gas stack would be around 4.5m taller than the nearby production building.

Tank Farms

Two tank farms are proposed, west and south. Each tank farm would serve a different purpose: one for liquid raw materials and intermediates storage; the other for acids. West would have footprint of 49m x 17.5m, with 14 tanks and a maximum height of approximately 10m. South would have a footprint of 20m x 8m and maximum height of approximately 10m. The external colour would be grey.

Reactor Building

This building would be 18m x 18.5m on plan with heights varying from 4.5m to 10m. External finishes would be grey metal cladding. The building would accommodate the plant room and six chambers used for chemical synthesis.

Transformer Building

The building to house the high voltage transformer, switch rooms and emergency diesel generator would be 3.8m in height with a footprint of 19.4m x 5.3m. External colours would also be grey cladding.

Shut Off Tank

This concrete tank would be located to the south of the reactor building, measuring 8m x 10m. The tank would project just 1.2m above the ground level with 2.5m depth. The base would be lined to prevent leaching into the soil.

Ancillary development

This would include:

- Unloading and loading stations
- An overhead pipe bridge between the production building and the existing services to the north of the site
- Pipe bridges to connect the production building to the off-gas plant and the reactor building
- A bin store beside the control room building.

Ground surface treatments

The spaces between the buildings would be hard surfaced with concrete. The internal access roads would be hard surfaced with asphalt, as would the footpaths around the buildings. Pedestrian crossings would also be formed, and block paving laid to the area around the control room building. Soft landscaping within Area 18 would be provided adjacent to the control room building and to the east of the west tank farm. Three car parking spaces would be provided within Area 18 (the existing car parking areas serving DSM would be used for employees and visitors).

Woodland planting

Substantial areas of structure tree planting would take place on land to the northeast and southeast of Area 18. The area to the northeast of the main development area would incorporate a feature mound which would raise the ground prior to trees being planted. Further woodland planting would take place to the southwest of an existing woodland area and infill tree planting would take place on the existing tree corridor alongside the Rye Water to the east and southeast. The trees would be planted to create woodland areas for screening purposes in the same way as a previous planting scheme (dating from the late 1990s) which was created to around the south of DSM's wastewater treatment facility. The tree species within the proposed woodland areas have also been chosen to create new habitats for wildlife, insects and birds.

The application is classed as a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Public pre-application consultation (PAC) was required, and a proposal of application notice was received on 3rd February 2022, giving details of publicity for a public event (details below).

Due to the potential for significant environmental effects, proposals of this type are included within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As such, the preparation of an EIA Report is a mandatory requirement. Prior to the submission of the planning application, a Scoping Opinion was requested by the applicant (ref. 22/00057/EIA) and issued by the Council on 23rd February 2022.

The planning application is accompanied by an EIA Report which has been prepared following the scoping exercise. In support of the application the following documents have been submitted:

Pre-application consultation (PAC) Report

A Proposal of Application Notice was submitted to the Council on 3rd February 2022. Publicity for the pre-application consultation period included direct notification to immediate neighbours, the ward councillors, the constituency MP, constituency and list MSPs and the local community council. An advert was published in the Ardrossan and Saltcoats Herald on 9th March 2022.

A Virtual 'drop in' event was held between Monday 21st March 2022 and Sunday 10th April 2022. During the three week 'live' period there were 71 visits to the virtual consultation with the busiest day being the 21st March 2022. Five feedback forms were completed and submitted. A series of questions were asked by attendees and written answers provided. Questions included topics such traffic routes and transportation times, odour, noise, impacts on footpaths around the site and whether or not a community benefit scheme is envisaged. The PAC report states that feedback received about the consultation event was generally positive.

Design and Access Statement

The document appraises the site in terms of the proposed use of the site, amount of development, layout, scale, landscape/topography, appearance and access. It explains that the proposed layout would be as compact as possible, in order to minimise the amount of land used, in a location that has a well-established industrial context beside existing recycling facilities that would reduce traffic generation to and from the facility. The building design aims to enclose and screen the functional requirements of the process using external materials chosen to limit visual impact whilst having an obvious industrial character, not dissimilar to many of the large buildings nearby, such as the paper mill and GSK.

EIA Report

The EIA process involves identifying significant effects of proposed development on the environment and considers ways to resolve or mitigate them. There are thirteen chapters in the submitted EIA Report. It is structured in two parts: the first is descriptive (chapters 1 - 6), the second is analytical (chapters 7 - 13).

The following topics considered in depth within the second part of the EIA:

- Air Quality;

- Ground Condition;
- Landscape and Visual Impact;
- Noise and Vibration; and
- Water Environment.

(Note: Ecology and transport were scoped out of the EIA on the basis that there would be no significant effects, although both topics are discussed in chapter 12)

The EIA Report also includes a number of appendices which cover a range of topics such as flooding and drainage.

The EIA has helped to shape the siting and design of the proposed development. A key component of EIA is to identify and recommend mitigation measures to address the predicted impacts. These include pollution control measures at the plant (e.g. the control of emissions) as well as external measures around the site (e.g. Landscaping and woodland planting). In addition to addressing design impacts, a range of mitigation measures are proposed for the three-year construction phase. These include, but are not limited to, a Construction Environmental Management Plan, measures to control noise emissions/dust, and pre-construction habitat surveys. For the operational phase a range of pollution control measures have been identified. It should be noted that the regulation of pollution control for DSM is primarily the responsibility of SEPA, rather than North Ayrshire Council. This would remain the case in respect of the proposed development.

Renewable and Low Carbon Technology Feasibility Study

The report assesses the potential for compliance with LDP policies 29 and 31 and proposes the systems and methods by which this will be achieved.

The application site is located within a large industrial complex at Drakemyre on the northern edge of Dalry. The factory was originally established during the 1950s by Roche Products Ltd as a purpose-built location for the manufacture of pharmaceutical products and vitamins. The site underwent significant expansion during the late 1960s and the early 1980s, which included the development of a coal-fired power station and a rail connection to the Glasgow - Ayr railway. During the 1990s, a gas fired combined heat and power plant was developed and operational by 1994. The coal fired power station building remains on site, but coal has not been used at the site for many years. Also in the 1990s, a large wastewater treatment facility was developed to provide improved effluent management before discharging wastewater to the Garnock Valley sewer. The site consists of around 50 buildings and tanks of varying scale, many of which are relatively tall, with some being the equivalent of a ten-storey block of flats. The highest structure on the site is the 1980s powerhouse building, which is around 35 metres high (excluding the flue stack). The flue stack, the tallest structure on the DSM site, rises approximately 72 metres above ground level and is a dominant feature in the surrounding landscape.

The DSM site occupies a large parcel of land on the floor of the Garnock Valley, consisting of flat, level ground at the northern edge of Dalry. It is situated to the north of Dalry Public Park and south of the heavily wooded Pitcon Estate. The main built-up areas of the town are to the south and west of the Public Park. To the east of the site are open fields, beyond which is the River Garnock and Glasgow - Ayr railway line. To the east of the railway, the ground rises steeply. To the west is the B780 (Drakemyre) which links Dalry to Kilbirnie, beyond which the ground rises steeply into uplands. The rising ground to the west and east

provides a degree of containment for the factory, although it is widely visible over long distances due to the heights of the buildings, stacks and plant.

DSM is a major employer within North Ayrshire and provides around 300 jobs directly. The site is also served by a number of sub-contractors which provide additional employment. The main products which the site currently manufactures are Vitamin C, Calcium-D-Pantothenate (vitamin B5) and Panthenol (proVitamin B5).

Prior to the submission of the application, the applicant entered into a Processing Agreement with the Council.

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 our Designated Sites
Policy 18 - Forestry, Woodland, Trees and Hedgerows
Policy 23 - Flood Risk Management
Policy 29 - Energy Infrastructure Development
Policy 31 - Future Proofing for Heat Networks

Relevant Development Plan Policies

SP1 - Towns and Villages Objective
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.

Detailed Policy 7-B&I Employment Location 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.

Detailed Policy 15-Landscape & Seascape

Policy 15:

Landscape and Seascape

We will support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on our designated and non-designated landscape areas and features. In particular, we will consider the following:

a) National Scenic Areas

Development that affects the North Arran National Scenic Area including the need to protect existing sport and recreation interests, will only be supported where:

- i) the objectives of the designation and the overall integrity of the area will not be compromised; or
- ii) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

b) Special Landscape Areas

We will only support development which affects Special Landscape Areas where it would not have an unacceptable impact on their special character, qualities and setting.

c) Wild Land

We will only support development within Wild Land areas where any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

d) Local Landscape Features

Where appropriate, development should take into consideration its individual and cumulative impacts on landscape features, including:

- i) patterns of woodlands, fields, hedgerows and trees;
- ii) lochs, ponds, watercourses, wetlands, the coast and wider seascape;
- iii) settlement setting, including approaches to settlements;
- iv) the setting of green network corridors, such as important transport routes and the cycle and footpath network;
- v) historic, natural and recreational features of interest, skylines and hill features, including important views to, from and within them.

For all development with the potential to have an impact on either Landscape Character or Landscape features (including their setting), appropriate mitigation measures should be considered as part of any planning application. Where there is potential for development to result in significant adverse landscape/visual impact, a landscape and visual impact assessment (LVIA) will be required. The Ayrshire Landscape Character Assessment (SNH, 1998) and North Ayrshire Settlement Development Strategy (Entec, 2008) provide further

information on designations such as Local Landscape Character Areas and the Potential Limit of Development Expansion areas as shown on the map on page 81 and on our online proposals map. These landscape assessment documents, and any new or updated landscape assessments, will be key considerations in determining whether development proposals would be acceptable within the landscape.

Detailed Policy 16- Protection of our 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.

Detailed Policy 18 - Forestry, Woodland 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.

Detailed Policy 23-Flood Risk Management Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.
- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 29 - Energy Infrastructure

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.

Detailed Policy 31 - Future Proofing for 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 where 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).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including piperuns and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

2. Consultations and Representations

Neighbour notification was carried out and the application was advertised in a local newspaper and the Edinburgh Gazette in accordance with statutory procedures. No representations have been received.

Consultations

Health & Safety Executive - no objection.

Response: Noted.

SEPA - No objections. This proposal constitutes a 'Least Vulnerable Use' within a built-up area, on brownfield land. The proposal included a significant amount of land raising within the site boundary. The site lies near to the River Garnock beside the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium risk of flooding from the River Garnock to the edges of the site. A Flood Risk Assessment (FRA) has been submitted. It includes flood levels extracted from the North Ayrshire Council flood study for the Upper Garnock Flood Protection Scheme. Additional information was requested and submitted. Accordingly, SEPA has no objection on the grounds of flood risk following the consideration of additional information supplied on 30th September 2022.

The DSM Dalry site is currently subject to regulation under PPC Regulations as amended. It operates under licence PPC/W/0020037. From the limited information provided to date, SEPA consider the proposal to be potentially consentable. Accordingly, the SEPA Waste and Industry Unit have no objection to the proposal. However, an application for variation to the existing license will be required prior to operation of the proposed new activities. SEPA strongly recommends that the applicant continues to liaise with the SEPA Waste and Industry Unit to discuss the process design and the scope of any variation application.

As defined in the PPC Regulations, the proposed chemical process represents a Chapter 4, Section 4.1 process for the production of organic chemicals. Depending on its thermal capacity, the proposed emergency generator may also represent a Chapter 1 Section 1.1 Part B (d) activity involving the burning of any fuel in a medium combustion plant with a rated thermal input equal to or greater than 1 MW and less than or equal to 20MW. Full process details have not been provided with the planning submission: in any PPC application submitted, the applicant must demonstrate through detailed demonstration that the process deploys Best Available Techniques (BAT) in all respects.

The site is also an Upper Tier COMAH Establishment, and the new process will require to be incorporated into the Establishment Safety Report in due course. This should be discussed with the Joint Competent Authority for COMAH at the appropriate point. Amendment to the site Hazardous Substances Consent is also required to accommodate changes in the inventory of hazardous substances.

A construction operation plan and method statement, or equivalent, will be required. This will need to ensure the construction works are carried out with due regard to the relevant Guidance for Pollution Prevention (GPPs) and the CIRIA publication C715. The applicant will also need to ensure compliance with General Binding Rule 10 of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) which requires, amongst other things, that all reasonable steps are taken to ensure that the discharge of water run-off from a construction site does not result in pollution of the water environment.

Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

The planning authority should be satisfied any subsequent impact on the surrounding road network, and in particular, the cumulative impact of this development during construction and the operational stage does not have the potential to lead to any future air quality issues.

Response: Noted. This outcome follows an objection on flood risk grounds, due to a lack of information about the flood protection scheme recently developed by North Ayrshire Council, which has now been resolved to SEPA's satisfaction by letter dated 11th October 2022. As noted above, the operation of the plant would primarily be regulated by SEPA under a PPC licence. However, conditions could be attached regarding the matters raised by SEPA which fall within the remit of planning. There would be a need for an amended hazardous substances consent, which the applicant is fully aware of, which would require the submission of a further application prior to the proposed development becoming operational.

NAC Environmental Health - no objections to the development subject to a range of recommendations and conditions, where appropriate, in relation to: noise levels from the operation of the proposed development; the provision of further information in relation to the Remediation Method Statement; the suitability of using site-won materials for groundworks; the need to consider any unsuspected contamination found during excavation works; dust controls and the need for ground water contours to determine flow direction.

Response: Conditions could be attached where appropriate. A number of other matters have been raised directly with the applicants by Environmental Health for their consideration under other legislation.

NAC Active Travel and Transport - no transport related objections to this proposal. An existing access will be used for vehicles. An existing access will be re-opened for construction vehicles. Operational access will be via the main gate off the B780. On Site parking will be provided for employees and visitors. A Transport Statement has been provided.

Response: Noted. The site is located beside a bus route and is within walking/cycling distance of Dalry Railway Station for staff. Raw materials and finished products would be transported to/from the site by road, as at present. There is no opportunity, at present, to re-use the railway connection into the site due to the nature of the product to be manufactured and its distribution requirements. The railway connection would however be retained.

NAC Flooding Officer - no objections. Advice has been provided on a number of matters.

Response: The applicant has taken account of the advice provided and a condition could be attached with respect to the temporary and permanent SuDS arrangements.

Scottish Water - no objection to the proposal. There is currently adequate capacity within the public water and public sewers to serve the development. Surface water should be treated using SuDS and will not be accepted to the sewer network via a combined sewer. There may be limited exceptional circumstances where Scottish Water would allow a surface water connection to a combined sewer (for brownfield sites only), however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges. Records indicate that the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact the SW Asset Impact Team directly.

Response: Noted. A condition could be attached with regards the proposed SuDS drainage arrangements. An informative could be attached with respect to potential impacts on Scottish Water assets.

The Coal Authority - No objections. Records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (July 2022, prepared by SLR Consulting Ltd) to accompany the planning application. SLR considers that coal mining and mine gas is not considered to pose a risk to the proposed development and that the investigation works undertaken to date in relation to coal mining provide sufficient evidence that site is minerally stable.

It should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and

public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority considers that the content and conclusions of the Mineral Risk Assessment Report are sufficient for the purposes of the planning system and demonstrate that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. However, additional more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.

Response: Noted. A SuDS condition could be attached, which would address both the construction phase and the operational phase of the proposed development. Further technical information relating to ground conditions would be required at the building warrant stage.

NatureScot - have no comments on the proposal as it does not meet the criteria for consultation.

Response: Noted.

Dalry Community Council, Ayrshire Rivers Trust, The Scottish Wildlife Trust. (Note: the Ayrshire Rivers Trust and Scottish Wildlife Trust are not statutory consultees) - *No comments have been received.*

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.

As noted above, there are a number of relevant development plan policies which require to be considered, 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, with priority given to the re-use of brownfield land. As noted above, the proposed development has the potential to generate around 30 additional jobs, once the plant is operational. 350 jobs would be supported during the three-year construction phase. The site to be developed is also brownfield land, having previously been used for purposes ancillary to the existing industrial uses at DSM. 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 industry is 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 established industrial site at DSM which is listed in the LDP as a business and industry employment location. 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 comprehensive landscape and visual impact assessment, which considers the scale of the development and its effects on the surrounding area. The landscape character type (LCT) of the countryside near the site is defined in the Ayrshire Landscape Character Assessment (1998) as part of the Broad Valley Lowland.

The assessment notes the presence of existing industrial buildings and flue stacks nearby, such as the CHP plant, power station, production buildings and tank farms to the north and west. The development would take place within this long-established industrial context and would not be out of keeping within this setting. Although the immediate surroundings (to the east of the factory buildings) consist of flat, open ground, it is proposed to form a landscaped mound to the northeast using excavated soil. The mound would then be planted with trees. Additional woodland planting areas are proposed around the edges of the site on much of the open land, the effect of which would be to create enclosure which would screen and filter views of the lower levels of the existing and proposed development from the surrounding area. Over time, the planting scheme would reinforce existing woodland and strengthen the landscaped buffer between the site and the wider countryside beyond the edge of Dalry.

The proposal does not involve development within, nor close to, a national scenic area, special landscape area, wild land area, local landscape feature, historic designed landscape nor a conservation area. The nearest conservation area is within Dalry town centre, which is around 1km to the southwest. There would be no adverse visual impacts on the views to or from the conservation area arising from the proposed development, nor would the setting of the conservation area be affected.

In summary, the response to the landscape and visual impacts of the proposed development is considered to be acceptable in terms of Policy 15.

With respect to Policy 16, which relates to the protection of designated wildlife and nature conservation sites, the application includes survey information and an appraisal of wildlife and habitats around the site. The appraisal identified the potential for a number of protected species within the survey area. None were within the area to be developed, but several habitats were located in the surrounding area. Subject to the implementation of the measures identified in the EIA Report, 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. As noted elsewhere in the report, substantial areas of new woodland planting are proposed around the site and within the DSM boundary. This would add significantly to the existing woodland in the vicinity and would have a positive environmental and amenity impact. The woodland areas would be managed by DSM. The proposal would therefore be acceptable in terms of Policy 18.

Policy 23 relates to Flood Risk Management. As noted above, the proposal is supported by a Flood Risk and Drainage Assessment and would feature a SuDS detention basin for the management and treatment of surface water. Foul water would be treated at the existing

wastewater treatment plant then drained to the public sewer. SEPA has no objection to the application, and neither does Scottish Water. 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. As noted above, the applicant has submitted a report entitled 'Renewable and Low Carbon Technology Feasibility Study'. The report states that compliance with Policy 29 has been demonstrated using Air Source Heat Pumps (ASHP) and Photovoltaics (PV) to prove that 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. This is only measured against the Section 6 areas - the remaining area for the Production Building will be served by waste heat recovery which complies with Planning Policy 31 for the site as detailed in the feasibility study. In the above ways, the development would contribute to the requirements of Policy 29.

Turning to Policy 31 - Future Proofing for Heat Networks, the submitted report states that compliance is demonstrated through the proposed installation of a new off-gas unit, which would provide waste heat to serve the main Production Building areas. The waste heat would generate 110kW of peak load to satisfy 89% of the annual demand required for the Production Building. The remaining demand would be met by the existing on-site wide district heating system (which is generated by the gas fired combined heat and power plant). The proposed development would therefore accord with Policy 31.

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

Distinctive

In terms of distinctiveness, the proposed development would be viewed within the context of an established industrial site which contains a large number of buildings and structures of varying heights, sizes and designs. It is considered that the main building proposed, the production building, would be the most distinctive and dominant element of the development. The production building would feature a more contemporary design in comparison with the older buildings on the site. The design is considered acceptable. A condition could be attached to require the submission of a final selection of external finishing materials and colours to ensure compatibility with the existing buildings on the site.

Safe and Pleasant

This quality requires consideration to be given to amenity impacts such as noise, smells, vibrations, traffic generation, parking and ground instability. As discussed above, the above matters have been studied in detail within the EIA Report. Based on the information provided, it is not considered that the proposed development would result in adverse effects, since mitigation measures have been proposed to address them. These measures would be implemented as part of the development. A condition could be attached to ensure the development is implemented in accordance with the recommendations of the EIA Report and supporting information. Conditions have been recommended by consultees in respect of a number of other matters, such as noise limits. As noted above, significant woodland planting is to take place which would enhance the setting of the site and screen much of the lower levels of the development, especially in respect of the proposed tanks and pipework. This would be of benefit to the local landscape character. Views from the

public footpath which follows the edge of the DSM site would benefit from the woodland planting scheme.

Resource Efficient

It is considered that the development would be resource efficient through the use of sustainable heat and power systems, recovery of energy from waste products/materials and the recycling of residual acids and liquids during the production process.

Easy to Move Around and Beyond

Based on the submitted information and consultation response from NAC Active Travel & Transportation, the additional traffic generated by the proposed development is not considered significant. The existing access arrangements would remain as at present, with traffic arriving and departing via the existing factory gate on the B780. Traffic can either travel to the A737 trunk road at Manrahead Roundabout via Kilbirnie/Glengarnock or through Dalry to join the A737 at the Hillend Roundabout south of the town. There are existing footways on the B780 providing access to bus stops, residential areas, Dalry town centre and the railway station (all within walking distance of the site). Finally, there is adequate car parking provision within the DSM site.

Adaptable

The development has not been designed to be adaptable, as it has been specially designed as a bespoke production facility with specialist plant and machinery. However, the development would re-use previously developed land within a long-established industrial site in productive manner.

In conclusion, the application is considered to accord with the LDP. The applicant estimates that the development would generate around 350 construction/management jobs over a three-year period and around 30 permanent jobs once the development is operational. Landscape, visual and other significant environmental effects have been identified and would be addressed as part of the development. Accordingly, the application should be approved subject to the conditions as set out below.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of the EIA Report and associated supporting documentation) 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.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be

informed by the EIA Report. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To implement a recommendation contained in the EIA Report in the interests of environmental protection during the construction phase.

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall agree the Remediation Method Statement contained within Appendix 8-4 of the Environmental Impact Assessment Report with North Ayrshire Council as Planning Authority. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by the Planning Authority prior to any material being used. In addition to this, and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing to be agreed with the Planning Authority, the applicant shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use. In addition, on completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted for the written approval of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection.

Condition

4. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, 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 development of the site (during construction and operational phases) 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 sustainable drainage for the development to safeguard the water environment.

Condition

5. That 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

6. That, notwithstanding the plans hereby approved, 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 to be used (inclusive of colour scheme). 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

7. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and woodland planting. The finalised scheme shall be based on the Indicative Landscape Masterplan hereby approved and shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the 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, biodiversity and habitat creation.

Condition

8. 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 'Renewable and Low Carbon Technology Feasibility Study' prepared by BakerHicks dated 18th July 2022, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

To ensure that the development accords with policies 29 and 31 of the adopted Local Development Plan in the interests of reducing carbon emissions.

Condition

9. The rated noise level, as defined in BS4142:2014 + AL:2019, from the operation of the proposed facility must not exceed the background noise level by 5dB or more at the curtilage of any noise sensitive property.

Reason

To safeguard the amenity of noise sensitive properties within the vicinity of the site.

James Miller
Chief Planning Officer

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 © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

