



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1. TITLE OF APPLICATION

Proposed waste management facility thermal treatment (gasification) plant & buildings, storage facilities and landscaping at Levenseat Waste Management Site, by Forth.

2. DETAILS

Reference no.	0528/FUL/10	Owner	Levenseat Ltd.
Applicant	Levenseat Ltd.	Ward & local members	Fauldhouse & Breich Valley: Cllrs Findlay, McCarra & Muldoon
Case officer	Gillian Laing	Contact details	01506 775 219 gillian.laing@westlothian.gov.uk

Reason for referral to Committee; Development Management Manager's discretion due to the nature of the proposal and the site history.

3. RECOMMENDATION

Grant planning permission subject to conditions.

4. DETAILS OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The principal of waste management at Levenseat was established in 1994 with the grant of planning permission for landfill in a former quarry void. That permission expires in 2017. The 1994 permission, commenced in 1997, allowed the importation of 150,000 tonnes per year of domestic, commercial and industrial waste. A modification order relating to the conditions for the landfill operations is currently being progressed.
- 4.2 Since 1997 there have been a number of further planning permissions granted at Levenseat. A planning permission was issued in 2001 for the use of the western part of the site for waste recycling and further consents have allowed, amongst other things, the construction of buildings to house recycling operations, the provision of bio-remediation lagoons; the provision of a waste to energy plant; and the provision of aggregate washing facilities. An anaerobic digestion facility was granted planning permission in December 2009. An application to increase the amount of material that can be brought to the site to 400,000 tonnes was granted on appeal in early 2010.

- 4.3 A further application to extend the timescales for the landfill operations at this site was also submitted in September 2008. This application will require an environmental impact assessment and accordingly will be considered separately and reported to committee in due course.
- 4.4 The waste management site at Levenseat lies immediately east of an active quarry where silica sandstone is extracted. A series of planning permissions regulate mineral extraction at the Levenseat quarry site.
- 4.5 The current proposal is for a thermal waste treatment plant (TWTP), to treat the residual waste on the site and reduce the amount of material going to landfill. The physical works involve earthworks to facilitate the development and the erection of 2 industrial style buildings and associated plant, including a 30m high stack. The building containing the TWTP would be 70m by 100m with a ridge height of 16m. The second building, housing an industrial drying plant to make use of the heat from the TWTP, would be 45m by 60m with a ridge height of 13m.
- 4.6 The TWTP employs a process known as gasification. The waste is heated with controlled amounts of oxygen to produce a synthetic gas (syngas). Other by products are bottom ash and residual waste materials. The syngas is then combusted to produce heat, which will be used in the industrial drying plant. The heat can also be used to heat water, creating steam to drive a turbine and consequently electricity to be fed into the national grid. It is anticipated that the development will generate around 6MW of electricity and 14MW of thermal energy. The plant will process around 60,000 tonnes of residual waste per annum.
- 4.7 The air pollution control measures include various filters and chemical processes to remove potential contaminants. The process of gasification is different from traditional incineration processes because rather than burning the waste material, the waste is used to produce syngas which is then combusted. This additional step in the process means that potential contaminants are removed at an earlier stage and the concentration of potential contaminants in the combustion stage is much lower. The modelling in the environmental statement, which is based on 5 years of recently meteorological data, predicts that a plume from the stack would only be visible for one hour within that 5 year period. It is therefore assumed that there will not be a significant visual impact associated with a plume from the stack.
- 4.8 Prior to submitting the application the developer carried out pre-application consultation with statutory consultees and the local community. Three public exhibitions were held in Fauldhouse, Breich and Forth. The events were advertised in the local press and on posters throughout the area. The applicant had meetings with the three local community councils. Leaflets were distributed to the local community and the applicant wrote to residents of Fauldhouse who had commented on previous applications. The report on the community consultation exercise was submitted with the planning application and the comments received were generally positive.
- 4.9 Because of the nature of the proposals, the application was also accompanied by a design and access statement, a flood risk assessment and an environmental statement, which includes reports on noise, air quality and landscape and visual impacts. All of this

information has been sent to consultees, was made available on the council's website and was copied to Fauldhouse Library.

5. PLANNING POLICY

Plan	Policy	Assessment	Conform?
ELSP	ENV11 (waste management)	Proposals meeting Lothians and Borders Area Waste Plan's Best Practicable Environmental Option will, in principle, be supported. Local plans identifying existing and proposed sites or containing policies to meet the AWP capacity and infrastructure requirements should accord with policies ENV1, ENV2 and ENV3.	Yes
WLLP	NWR15 (waste management facilities)	Applications for waste management facilities will be assessed against numerous criteria including: visual and landscape impact; the proximity of adjacent sensitive premises or land uses; the hours of operation and the time period of operations the steps to be taken to prevent nuisance, including noise, air quality, odour, visual impact, litter, vermin, dust deposition and ground vibration; the proposed working method to enable the progressive restoration of the site to take place at the earliest opportunity.	Yes

4.3 The following Scottish Government and local authority documents are also material:

Document	Title	Assessment	Conform?
SPP	Scottish Planning Policy	The planning system guides the future development and use of land in the long-term public interest. The aim is to ensure that development occurs in suitable locations and is sustainable. The planning system must also provide protection from inappropriate development. Highlights the importance of sustainable waste management and makes clear that in order to address the issue there will need to be a significant increase in the number and range of waste management facilities.	Yes
Planning Advice Note (PAN) 63	"Waste Management Planning"	PAN63 provides further advice on waste management matters. It states that care must be taken that planning conditions do not duplicate a condition appropriate to a waste licence issued by SEPA. In particular the reasons for applying conditions should be specific and precise in order that, when necessary, they can be successfully enforced. Planning authorities should not impose planning conditions on issues that are more suitably dealt with by waste management licensing conditions.	Yes
PAN51	'Planning, Environmental	Where a proposal required licensing under the Pollution Prevention and Control Regulations,	Yes

Document	Title	Assessment	Conform?
	<i>Protection and Regulations'</i>	planning authorities should accept that as adequate and suitable for public health protection.	
	National Waste Plan	<p>The plan aims to minimise the impact of waste on the environment, both locally and globally and to improve resource use efficiency in Scotland. It also aims to remedy the environmental injustices suffered by those who have to live with the consequences of a wasteful society.</p> <p>The plan restates the requirement for planning decisions to favour the most sustainable option and to promote development that safeguards and enhances the long-term needs of the economy, society and the environment and in accordance with the development plan, unless material considerations indicate otherwise.</p>	Yes
	Lothian & Borders Area Waste Plan	<p>To contribute to the sustainable development of the Lothian and Borders area by developing waste management systems that will control waste generation, reduce the environmental impacts of waste production, improve resource efficiency, stimulate investment and maximise the economic opportunities arising from waste.</p> <p>Ensure that future waste management systems are developed in accordance with the Best Practicable Environmental Option (BPEO) by following the principles of sustainable development, integrated waste management, and make the maximum possible contribution to reducing society's environmental impact including safeguarding the natural and urban environment at an acceptable cost.</p>	Yes
NPF2	National Planning Framework 2	<p>The effective management and re-use of waste is essential to a sustainable future. The EU Landfill Directive requires the amount of biodegradable municipal waste going to landfill to be reduced by 35% of the total produced in 1995 by 2020. Landfill Tax is increasing substantially. Additional facilities for the treatment and recycling of municipal, commercial and industrial wastes are therefore urgently needed. As the methane produced by landfill sites is a powerful greenhouse gas, reducing the scale of landfill helps to combat climate change. The construction and operation of waste management installations can also offer new economic opportunities.</p>	Yes

6. REPRESENTATIONS

- 6.1 One letter of objection has been received. Since the submission of additional information in relation to SEPA's concerns, the application was readvertised. The period for receipt of

objections expires on the 12th November. Any additional representations received will be presented verbally to committee.

Comments	Response
The operator has breached planning conditions in the past	The promotion of a separate modification order will regulate the entire site with modern planning conditions. There have indeed been breaches of planning control at the site in the past, the majority of which have thereafter been remedied by the developer.
Accumulation of unwanted development in this area	The location within a worked out quarry void adjacent to the boundary of the existing waste management facility will not exacerbate the cumulative visual impact of major developments around Fauldhouse.
The site lies within an Area of Special Landscape Control (ASLC)	The site is outwith the ASLC. Furthermore the development will have a limited visual impact and will be seen within the context of the existing facility and the quarry to the north.

7. CONSULTATIONS

This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
SNH	No	As the development will be seen in the context of existing human activity at the site, the landscape and visual impact will be limited.	Noted and agreed. In addition the site is mostly viewed with rising landform to the rear, further limiting the visual impact of the development.
SEPA	No	Initial objection in relation to lack of information about the potential air quality impacts. Following further discussion with the applicant and the submission of additional information, including an increase in the height of the stack, SEPA does not object, subject to certain conditions. The operation of the TWTP will be regulated by SEPA under the Pollution Prevention and Control (PPC) (Scotland) Regulations 2000.	Noted. Conditions will be attached as requested.
Environmental Health	No	As the site will be regulated by SEPA, no objection as long as SEPA are satisfied with the information provided.	Noted.
Transportation	No	The volume of material being brought to the site is controlled by previous planning permissions. The only additional vehicle movements would	In discussions on the previous planning application to increase the tonnage of material brought

Consultee	Objection?	Comments	Planning Response
		<p>be associated with the industrial drying plant and the volume of traffic is such that it will not have a significant impact.</p> <p>The developer should be asked to consider making a contribution under section 48 of the Roads Scotland Act towards traffic lights on the junction at the Fauldhouse/Stoneyburn crossroads.</p>	<p>to the site, the developer had agreed to make a contribution towards the traffic lights. Committee refused that application contrary to officer recommendation. The application was then granted on appeal and the Reporter took the view that the contribution was not necessary.</p> <p>The request from Transportation has been passed to the applicant, who is not willing to make a contribution. As the traffic lights are not necessary as a result of this development it is not possible to require a contribution through the planning process.</p>
North Lanarkshire Council	No	Raised concerns about potential increase in traffic and suggested that an updated transport assessment should be provided.	See comments from Transportation above.
South Lanarkshire Council	No	No response.	
Fauldhouse Community Council	No	No response.	

8. ASSESSMENT

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Scottish Planning Policy

8.2 As set out above, Scottish Planning Policy is very clear that there must be an increase in the number and type of waste management facilities. It is supportive of proposals which increase recycling, minimise the amount of waste going to landfill and those which generate energy from waste. PAN 63 is clear that impact on public health is a matter for SEPA and not for planning authorities. However, it does recognise that siting, design and layout can be used to try to address perceived impacts. In this case the application site is remote from sensitive properties and located within an existing waste management facility. The proposals have been amended in light of comments from SEPA. The application is therefore supported by national policy and advice.

Development Plan: Edinburgh & the Lothians Structure Plan 2015

- 8.3 The structure plan is supportive of sustainable approaches to waste management. The proposal would divert waste away from landfill, increase the amount of material being recycled and allow energy to be generated from the waste that cannot be recycled. The application is therefore supported by the structure plan.

Adopted West Lothian Local Plan

- 8.4 The site is identified in the West Lothian Local Plan as a waste management site. Policy NWR15 requires that applications for waste management facilities be assessed against certain criteria. The development will be sited within an enclosed area and any limited views will be seen in the context of the existing development. As such the landscape and visual impact will be minimal. The application site is remote from sensitive properties. There will be no significant increase in vehicle movements. The environmental statement that accompanied the application, and the subsequent information provided at the request of SEPA, have satisfactorily addressed issues of noise, amenity, air quality and impacts on the water environment. The operation of the site, including stack emissions, will be controlled by SEPA as the licensing authority. The application is therefore considered to comply with local plan policy.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The site in question is an existing waste management facility. Generating energy from residual waste and reducing the amount of material to be landfilled will directly aid the government's aims expressed in national planning policy, relating to sustainable waste management. The plant will be located within a quarry void and will not give rise to an intrusive visual impact nor will it conflict with existing uses in the immediate area. Authorisation and licensing arrangements regulated by SEPA will address site-specific waste management issues including emissions and air quality. Accordingly it is recommended that planning permission be approved.

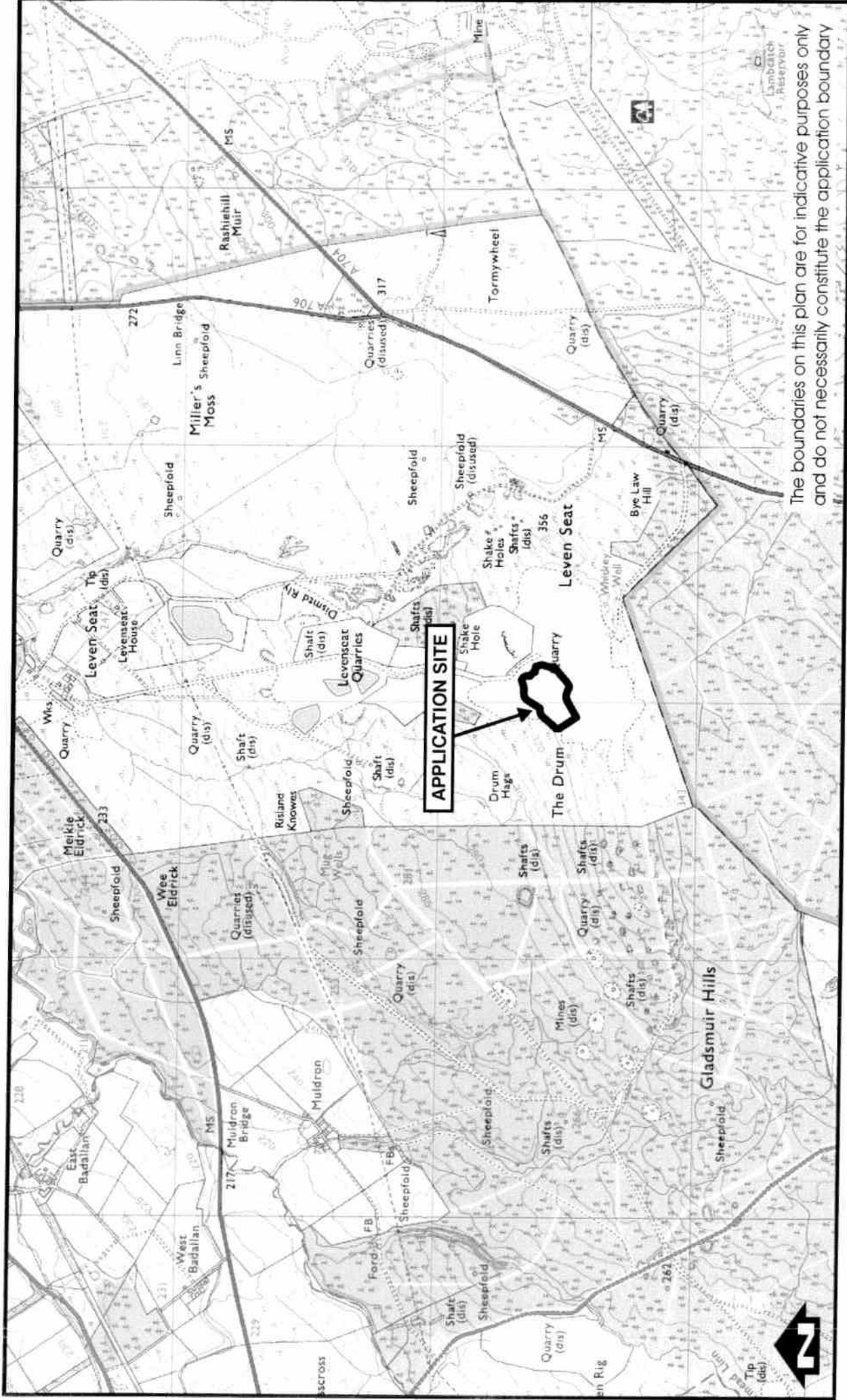
10. BACKGROUND REFERENCES & ATTACHMENTS

- Letter of representation
- Location plan

Redacted - personal
information

CHRIS NORMAN
Development Management Manager

Date: 17th November 2010



The boundaries on this plan are for indicative purposes only and do not necessarily constitute the application boundary

DM COMMITTEE LOCATION PLAN

Date : 17/11/10

Application No. : 0528/FUL/10

Scale : 1 : 20000



West Lothian Council

Laing, Gillian

From: Findlay, Neil (Councillor)
Sent: 10 August 2010 11:03
To: Laing, Gillian
Subject: FW: Levenseat gasification plant

Gillian see below this is my submission on the gasification plant

From: Findlay, Neil (Councillor)
Sent: 15 June 2010 12:45
To: Norman, Chris
Subject: Levenseat gasification plant

Dear Chris - I write regarding the application for a gasification plant to recycle waste at Levenseat landfill.

My observations are as follows-

1. I support increased recycling
2. I believe there may be a place for such technology to deal with the global waste issue however in the UK this is very much new technology and its longevity and the effects of it over time are unknown
3. The real issue for my community is the poor track record of the operator of the Levenseat site. There are still regular and ongoing problems with odour, litter, birds, poor site management etc. These have not been addressed by the developer, SEPA, or WLC to the satisfaction of the community.
4. The application is in an area of Special landscape control - a policy routinely ignored by the Council - Why have a policy if it is to be ignored?
5. This again adds to the cumulative impact of negative development of the area - 3 Wind farms, Landfill, phone mast, sand quarrying, rail terminal etc.

On grounds 3, 4 and 5 I object to the application.