

REPORT TO: Planning Committee

MEETING DATE: 15 June 2016

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Planning Application No. 16/00068/P – Construction of an anaerobic digester plant, combined heat and power plant, erection of buildings, formation of vehicular access and associated works at Land At Standalane, Near Ballencrieff, East Lothian

1 PURPOSE

- 1.1 At the meeting on the 19 April 2016 the Planning Committee agreed to continue their consideration of planning application 16/00068/P to allow consideration of the applicant's request to seek an amendment to recommended condition 3 and the removal of recommended condition 5 set out in the previous report on the application and to allow the submission of a revised landscaping plan.

2 RECOMMENDATION

- 2.1 That planning permission be granted subject to the conditions set out in Appendix 1.

3 BACKGROUND

- 3.1 Members will recall that at their meeting on the 19 April 2016 they considered a report submitted by the Depute Chief Executive (Partnership and Services for Communities) on planning application 16/00068/P. A copy of that report is attached to this report as Appendix 2. This application seeks planning permission for the construction on the site of an anaerobic digester plant, combined heat and power plant (CHP), the erection of associated buildings, the formation of a vehicular access and for associated works on an area of agricultural land in a countryside location at Standalane, southwest of Ballencrieff.
- 3.2 The report submitted by the Depute Chief Executive (Partnership and Services for Communities) set out why the proposed development was

considered acceptable. It recommended that planning permission be granted subject to the imposition of 13 conditions.

- 3.3 At the meeting on the 19 April 2016 the Council agreed to continue their consideration of planning application 16/00068/P to allow consideration of the applicant's request to seek an amendment to recommended condition 3 and the removal of recommended condition 5 set out in the previous report on the application and to allow the submission of a revised landscaping plan.
- 3.4 Due to the proposed amendment and removal of conditions and the submission of a revised landscaping plan a further period to allow for public representation to these changes was given. A total of 37 written objections have been received to the proposed changes.

The main grounds of objection to the amendment to condition 3 can be summarised as follows:

- *the requirement for water abstraction should have been made clear from the outset;
- * queries over how much water will be used in the process, how the water will get to the site, how the water will be stored at the site and where the water would end up after use;
- * the water abstraction process could affect the water table, the local environment, a watercourse and the public water supply;
- * there is no guarantee the applicant can satisfy their water requirements;
- * there will no longer be a fixed definable maximum capacity for the anaerobic digestion plant;
- * question over what happens in times of drought, this could lead to water deliveries to the site or an impact on the local water supply;
- * a hydrology report should be submitted;
- * SEPA should be consulted on water abstraction.

The main grounds of objection to the removal of condition 5 can be summarised as follows:

- * it would lead to an increase in hours without any justification;
- * would lead to 24/7 operation of the anaerobic plant which would cause additional noise, pollution and disturbance harmful to the amenity of nearby residential properties, in particular from traffic movements;
- * it would be necessary to control the hours of deliveries as well as the number, type and frequency of delivery vehicles which the planning conditions do not control;
- * there is no proposed condition to restrict the hours of delivery of feedstock and digestate to and from the site;
- * it would be a health and safety risk;
- * this further change demonstrates the application was initially deficient and inaccurate;
- * a restriction should be imposed on manned hours to compensate for the removal of operational hours.

The main grounds of objection to allow the submission of a revised landscaping plan can be summarised as follows:

* it would lead to the reduction in the ability to effectively screen the anaerobic digestion plant meaning it would be more visible.

A further four written objections have been received but were not related specifically to the proposed amendments and thus their content cannot be taken into consideration.

3.5 The previous report on the application advised that through separate application ref: 15/00902/P, planning permission was sought for alterations and extensions to the derelict agricultural buildings of the former Standalane Steading to form 1 house and associated works. Application 15/00902/P at that time remained undetermined. The buildings of the former steading the subject of that separate application are some 85 metres away from the northeast corner of the main part application site and some 30 metres east of the proposed access road. On 27 May 2016 planning permission 15/00902/P was granted. That approved development has not yet commenced. Nonetheless, the impact of the proposed anaerobic digestion plant on the privacy and amenity of the approved house is a material consideration in the determination of this planning application.

3.6 Recommended condition 3 states:

‘The capacity of the anaerobic digestion plant hereby approved shall not exceed 62,724 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area.’

The applicant’s agent advises that in order for the anaerobic digestion process to work, water is required to be added to the feedstock. The water is to be abstracted from the site. The water would add to the feedstock being digested and hence the “capacity” could be seen as being either the feedstock delivered or the feedstock and the water within the anaerobic digestion process. Therefore the applicant’s agent proposes a slight modification of recommended condition 3 to read:

‘The capacity of the anaerobic digestion plant hereby approved shall not exceed 62,724 tonnes of feedstock per annum, excluding water abstracted on site.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area.’

The Scottish Environment Protection Agency (SEPA) has been consulted on the proposed amendment to the condition and confirms that under the provisions of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, SEPA regulate water abstraction from the site. The water is to be abstracted from an underground aquifer and SEPA advise that a license to abstract water from the site has been granted to the applicant. In terms of the water to be used on the site including the amount and its source, SEPA confirm this is controlled through that licence which is reviewed annually following the submission of annual returns. SEPA further advise that the abstraction licence granted confirms that 10m³ of water per day 365 days of the year will be drawn for use in the anaerobic digestion plant and 300m³ per day for irrigation which will be a variable requirement based on weather conditions but is estimated to be 20-30 days per year. SEPA also confirm the disposal of any water and on-site water storage would be controlled through their separate regulatory function, the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). In all of this SEPA raise no objection to the proposed amendment of condition 3.

Moreover it should be noted that recommended condition 5 in Appendix 1 requires full details of the proposal for water supply and drainage (including surface and foul drainage) for the site to be submitted to and approved by the Planning Authority following consultation with the Scottish Environment Protection Agency. Recommended condition 9 in Appendix 1 requires the submission of a Transport Management Plan which should detail the times between which deliveries should be made to and from the site and the amount of vehicle movements per day. Recommended condition 9 also requires the submission of the detail of the routes to be taken to and from the site.

On the basis of the above assessment it is acceptable to agree the applicant's proposal to amend recommended condition 3.

3.7 Recommended condition 5 states:

'The anaerobic digestion plant hereby approved shall only operate between the hours of 8.00am - 6.00pm Monday to Friday and 8.00am - 1.30pm on Saturdays only.

Reason:

To restrict the operational hours of the plant to that applied for, in the interests of the amenity of the area.'

The applicant's agent advises that anaerobic digestion process is a biological process and cannot be turned off without killing the bacteria and thus it would not therefore be possible to comply with the proposed condition. The applicant therefore proposes that this condition be removed.

The condition was recommended to restrict the operational hours of the plant to that applied for, in the interests of the amenity of the area.

The Council's Environmental Health Service have been consulted on the proposed removal of condition 5. They advise that with the imposition of the additional conditions recommended by them as set out in paragraph 3.9 below and the imposition of recommended condition 13 from the previous report they have no objection to the removal of condition 5, as the plant could be operational at all times without harm to the amenity of any nearby residential property. The Scottish Environment Protection Agency (SEPA) also raise no objection to the proposed removal of condition 5.

As the site operations themselves (subject to the controls embodied in recommended condition 12) would not have a harmful impact on the privacy and amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading) as demonstrated above it is reasonable to remove the restriction on the hours of operation.

- 3.8 The revised landscaping plan merely omits a small area of land outwith the ownership of the applicant. This area of land was shown to be grassed and thus did not form part of the strategic planting proposal for the site. Thus the removal of this small area of land as shown in the revised landscape plan would have no impact on the effectiveness of the proposed landscaping to help screen the proposed anaerobic digestion plant.
- 3.9 On 1 June 2016 a further written objection was received to the application. It is made on behalf of the owner of Standalane Steading. The objection is accompanied by noise measurement information and a desktop review of the applicant's submitted noise assessment. This accompanying information has been undertaken by RMP Acoustic Consultants. This written objection and additional information assert that, (i) the measurements taken by the applicant's agent in their submitted noise assessment, the location from which they were taken and the noise levels recorded are not representative of the conditions found by RMP to exist in the vicinity of the house approved by planning permission 15/00902/P (Standalane Steading) , (ii) the recommended controls on noise within condition 13(i) of the original report cannot be met, (iii) Scottish Planning Policy states that Planning Authorities should consider the need for a buffer zone of 250 metres between sensitive receptors such as houses and anaerobic digestion operations; the house approved by planning permission 15/00902/P (Standalane Steading) is some 85 metres from the proposed anaerobic digestion plant (iv) the assessment of vehicle noise is not robust, (v) background noise measurements seem anomalous, (vi) there is inadequate information to assess the likely presence of tones, (vii) it is not clear how the prediction of noise from delivery vehicles has been undertaken, (viii) fails to take

into account cumulative noise, and (ix) no uncertainties associated with noise impact method have been quantified.

The objection also includes a recent appeal decision in respect of the proposed erection of an anaerobic digestion plant at Ravelaw Farm in the Scottish Borders. In dismissing that appeal, the Reporter found that there was a lack of information that had been provided on the existing noise environment and the likely noise generated from all different elements of that development. This meant it was not possible to assess the change in the acoustic environment that would result once the anaerobic digester was operational.

The Council's Environmental Health Service previously appraised the applicant's noise assessment and were satisfied with it. They advised that noise arising from the operation of the proposed anaerobic digester plant and other associated development, as well as from traffic movements to and from the site on the new site access road would not have a harmful noise impact on the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading) subject to their previous recommendations, which are embodied in recommended condition 13 of the previous report.

In their submission made on behalf of the additional objection, RMP Acoustic Consultants question the position from where the applicant's noise consultants took their noise measurements. The position was immediately adjacent to the boundary of the site the subject of planning permission 15/00902/P, some 60 metres to the northwest of the steading building the subject of the conversion (Location A). RMP Acoustic Consultants argue that this location is not representative of the rear facade of the proposed house, which they say is the most exposed to noise from the proposed anaerobic digester plant. The position RMP Acoustic Consultants took their measurements from is also immediately adjacent to the boundary of the site the subject of planning permission 15/00902/P, in a position some 40 metres to the southwest of the steading building the subject of the conversion (Location B).

Guidance on noise monitoring locations is given in paragraph 2.59 of the Scottish Government's Technical Advice Note on the Assessment of Noise (March 2011). It advises that any noise limits associated with a proposed development are chosen, so far as is practicable, to protect the nearest noise sensitive premises exposed to the specific noise source. Therefore, in general, the appropriate noise monitoring location(s) will be outside the sensitive premises.

The original assessment location (Location A) used by the applicant's noise consultant was initially accepted by the Council's Environmental Health Service to be representative of background noise levels at steading building the subject of the conversion. They considered there would be no marked difference in background noise levels anticipated at

this locus compared to Location B, as they are both located within the vicinity of the steading building the subject of the conversion. However, the information subsequently provided by RMP Acoustic Consultants questions the validity of the background measurement results obtained by applicant's noise consultant.

The findings of RMP Acoustic Consultants is that the background noise levels are quieter than those measured by the applicant's noise consultants. This, they say, is due to screening from the road and the absence of noise from a nearby stream. In light of this difference in findings, the Council's Environmental Health Service visited the application site and undertook their own noise measurements from both the noise monitoring location used by the applicant's noise consultants and the location used by RMP Acoustic Consultants. These measurements taken by the Council's Environmental Health Service differ from those of both the applicant's noise consultants and RMP Acoustic Consultants. Notwithstanding this, from assessment of their own measurements the Council's Environmental Health Service advise that the recommended condition 13(i) of the previous report cannot be met without mitigation measures being undertaken, as in the late evenings and during night time hours (2300 – 0700 hours) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the anaerobic digester plant (when measured 3.5m from the façade of any neighbouring residential property) would be more than 5dB (A) above the background noise level (or more than 10dB where the noise source does not have a tonal element).

The Council's Environmental Health Service is satisfied that an integrated package of mitigation measures can be put in place which would ensure the recommended condition 13(i) in the previous report will be met. These measures could include, but not be limited to, acoustic louvers, reflective surfaces covered with durable absorptive cladding and fencing erected at the boundaries of the site. Subject to an additional condition being imposed on a grant of planning permission requiring that, (i) prior to the commencement of development, the detail of the required mitigation measures be submitted and approved by the Planning Authority, (ii) the approved mitigation measures are implemented prior to any operation of the anaerobic digester plant, and (iii) the implemented mitigation measures are thereafter maintained, the Council's Environmental Health Service is satisfied noise arising from the operation of the proposed anaerobic digester plant and other associated development would not have a harmful noise impact on the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading). Environmental Health also advise that validation monitoring should be carried out once site operations have commenced to demonstrate compliance with the requirements of recommended condition 13(1) in the previous report. These recommendations can be imposed as conditions of a grant of planning permission for the proposed development.

On the assessment of the likely presence of tones highlighted by RMP Acoustic Consultants the Council's Environmental Health Service advises that an objective assessment contained within the applicant's submitted noise assessment has been carried out on tonal noise in accordance with BS4142 and Environmental Health are satisfied the terms of condition 13 in the previous report can be complied with.

On the matter of how the prediction of noise from delivery vehicles has been undertaken, the Council's Environmental Health Service advises that as stated in the planning application documentation it is proposed that delivery vehicles would only access and egress the site between 8.00am and 4.30pm. Moreover the location within the site where vehicles unload into the hopper contained within a building is positioned away from Standalane Steading, with buildings and structures in-between. In this the Council's Environmental Health Service consider that noise from delivery vehicles would not have a harmful noise impact on the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading).

On the matter of the assessment of vehicle noise highlighted by RMP Acoustic Consultants the Council's Environmental Health Service are satisfied that an assessment of vehicle noise has been carried out satisfactorily.

On the matter of cumulative noise highlighted by RMP Acoustic Consultants the Council's Environmental Health Service advises that a subsequent cumulative assessment was carried out during the daytime and night-time by the applicant, which can be compared to the Ambient Noise at Receptors outlined by RMP. The assessment has shown that at worst and without any mitigation measures being applied, that the absolute level of noise from the proposed anaerobic digestion plant, and deliveries is above the existing ambient noise level at Standalane Steading. However, the incorporation of mitigation measures as outlined in the above text, in conjunction with the condition 13 in the previous report, would, ensure that the impact of cumulative noise at Standalane Steading is acceptable such that the amenity of future occupiers of it would not be harmed from noise arising from the operation of the proposed plant.

On the matter of uncertainties associated with noise impact method highlighted by RMP Acoustic Consultants the Council's Environmental Health Service advises that this is addressed by condition 13 in the previous report.

In all of the above assessment Council's Environmental Health Service raises no objection to the proposed development, satisfied that subject to the imposition of the additional recommended conditions, noise arising from the operation of the proposed anaerobic digester plant and other

associated development, would not have a harmful noise impact on the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P.

The objection draws attention to paragraph 191 of Scottish Planning Policy: June 2014. Paragraph 191 states that planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

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

There is no requirement in the development plan for such a buffer zone. Notwithstanding this, it is important to consider whether such a buffer zone is necessary in terms of the proposed development. As stated above, there would be some 68 metres between the proposed development and the house approved by planning permission 15/00902/P. There would be some 115 metres between that approved house and the nearest tank of the proposed anaerobic digestion plant. There is no existing house within 250 metres of the proposed anaerobic digestion plant.

In support of their argument, the objector also refers to a recent appeal decision (Ref: PPA-140-2051) relating to an anaerobic digestion plant proposed at Ravelaw Farm, in the Scottish Borders. In that appeal decision, the Reporter states:

“The appellant draws attention to the lack of objection from what it refers to as the “key statutory consultees”. SEPA and the Council’s Environmental Health Department (Regulatory Services). It is apparent from my assessment above that I do not consider the lack of objections to be reliable in the circumstances of this case. There is no evidence for the appellant’s assertion that the 250 metre buffer figure should relate to more large scale facilities”.

In the appeal, the Reporter considered that the lack of specific information on likely odour and noise impacts and how they would be perceived at nearby houses, meant that she was unable to assess with any certainty what the impact on nearby residents would be. This is not the case in terms of this application. In this case, the technical assessments undertaken by SEPA and the Council’s Environmental Health Service demonstrate that, subject to the imposition of conditions, including the requirement for an integrated package of mitigation

measures, noise arising from the operation of the proposed anaerobic digestion plant would not harm the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading). In this, both consultees are satisfied that sufficient information has been submitted to demonstrate an exception to the guidance on buffer zones set out in paragraph 191 of Scottish Planning Policy: June 2014.

The Scottish Environment Protection Agency (SEPA) advise that their technical specialists have reviewed the report and information from RMP Acoustic Consultants submitted with the objection and have again reviewed the applicant's submitted noise assessment. SEPA consider that the applicant's submitted noise assessment included the measurement of background noise alongside detailed noise modelling against Noise Rating Curves, demonstrates that the noise generated by the proposed anaerobic plant would be acceptable in terms of the impact on the amenity of any nearby residential property, including any future occupants of the house approved by planning permission 15/00902/P (Standalane Steading) subject to the terms of the imposed noise condition (recommended Condition 13 in the previous report). Notwithstanding this, SEPA suggest that validation monitoring is undertaken once the proposed anaerobic digestion plant is constructed and operational in order to be satisfied that the plant operates within the specified noise conditions. This requirement can be imposed as a condition on a grant of planning permission.

- 3.10 Thus it is recommended that planning permission be granted subject to the conditions that are set out in Appendix 1.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - None
6.2 Personnel - None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 Appendix 2 (attached) – Planning Committee report dated 19 April 2016, Report by the Depute Chief Executive (Partnership and Services for Communities) on planning application 16/00068/P.

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Appendix 1

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed structures and buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and any boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development.

The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 3 The capacity of the anaerobic digestion plant hereby approved shall not exceed 62,724 tonnes per annum, excluding water abstracted on site.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area.

- 4 No consumer waste foodstuffs or animal by-products shall be transported to, or processed within the anaerobic digester plant hereby approved.

Reason:

In the interests of the amenity of the area.

- 5 Prior to the commencement of development full details of the proposal for water supply and drainage (including surface and foul drainage) for the site shall be submitted to and approved by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The water supply and drainage scheme for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory drainage scheme for the application site.

- 6 A visibility splay of 2.5 metres by 215 metres shall be provided and maintained on each side of the new vehicular access junction with the B1377 public road and no obstruction within the visibility splay shall be above a height of 1.05m measured from the level of the adjacent carriageway of the public road;

At the new vehicular access junction with the B1377 public road corner radii of 10.5 metres shall be provided on either side of the junction, the detail of which shall be submitted to and approved in advance by the Planning Authority;

At least the first 10 metres of the vehicular access road from its junction with the B1377 public road shall be constructed to East Lothian Council Standards for Development Roads in accordance with that shown on docketed drawing no. 4257-D2- 0015 Revision 5.

Reason:

In the interests of road safety.

- 7 A Travel Plan for workers at the site to reduce reliance on staff single occupancy car use and to encourage the use of alternative forms of travel shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Plan shall include a timetable for its implementation and details of the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development and in the interests of road safety.

- 8 A Transport Management Plan to minimise the impact of operational site traffic on the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. It shall detail the times between which deliveries shall be made to and from the site and

the amount of vehicle movements per day (a movement equates to one vehicle entering the site or leaving the site, thus one vehicle entering and leaving the site equates to 2 movements) and also detail the routes to be taken to and from the site, and shall also include a timetable for its implementation and details of the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of the amenity of the area and in the interests of road safety.

- 9 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic, including the routes to be taken to and from the site, and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 10 Prior to the commencement of operation of the anaerobic digester plant and associated development as hereby approved showering facilities shall be provided within the site as well as at least 4 undercover and secure cycle parking spaces, in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

To promote the use of a sustainable form of transport to the development.

- 11 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall be based on the landscape proposals shown on docketed drawing no.ED11615/Fig 15. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which

within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the landscape character and visual amenity of the area.

12 The anaerobic digester plant and associated development all as hereby approved shall at all times operate in compliance with the following requirements:

(i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the anaerobic digester plant hereby approved and any other part of the proposed development (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound". The difference between the Rating Level and Background Level can be increased to 10dB where the noise source does not have a tonal element;

(ii) noise associated with the operation of any associated plant or equipment serving the anaerobic digester plant hereby approved and any other part of the proposed development shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring or nearby residential property. All measurements to be made with windows open at least 50mm;

(iii) noise associated with vehicle movements emanating from use of the new access road serving the site from the B1377 road as hereby approved shall comply with the upper limit for daytime garden noise levels of 55dB LAeq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" within any neighbouring or nearby residential property;

(iv) noise associated with vehicle movements emanating from use of the proposed new access road serving the site from the B1377 road as hereby approved shall comply with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" within any neighbouring or nearby residential property.

Reason:

In the interests of the amenity of any neighbouring or nearby residential property.

- 13 Prior to the commencement of development, details of the mitigation measures required to ensure that the anaerobic digestion plant can operate in compliance with Condition 12 above shall be submitted to and approved by the Planning Authority.

The approved mitigation measures shall be put in place prior to any operation of the anaerobic digestion plant.

The approved mitigation measures shall thereafter remain in place, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of any neighbouring or nearby residential property.

- 14 Prior to the anaerobic digestion plant hereby approved becoming operational, details of validation monitoring to be carried out to demonstrate compliance with the requirements of Condition 12 above shall be submitted to and approved by the Planning Authority. Within one month of the anaerobic digestion plant becoming operational the validation monitoring shall be carried out in accordance with the details so approved.

Reason:

In the interests of the amenity of any neighbouring or nearby residential property.

REPORT TO: Planning Committee

MEETING DATE: Tuesday 19 April 2016

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Day for the following reason: This application has generated significant levels of public interest and debate; therefore I believe it should be considered by the Planning Committee.

Application No. **16/00068/P**

Proposal Construction of an anaerobic digester plant, combined heat and power plant, erection of buildings, formation of vehicular access and associated works

Location **Land At Standalane
Near Ballencrieff
East Lothian
EH32 0PH**

Applicant J Haig Hamilton & Sons

Per Wardell Armstrong LLP

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site is comprised of an area of agricultural land in a countryside location at Standalane, southwest of Ballencrieff. The main part of the site lies some 415 metres to the south of the B1377 Ballencrieff to Longniddry road, with a narrow strip of land stretching north towards the road.

To the east of the site is a linear stretch of mature woodland which varies in width from some 10 metres at its northern end, some 70 metres in the centre and some 40m wide at its southern end. Within the mature woodland are the derelict buildings of the former Standalane Steading. There are other areas of mature woodland nearby. The site is surrounded by undulating agricultural land.

The closest residential properties to the site are Garleton Farm's managers house some 425 metres to the southeast, the property of Cornhill some 509 metres to the northeast

and the properties within Lochhill Farm some 652 metres to the west.

Through separate application ref: 15/00902/P, planning permission is sought for alterations and extensions to the derelict agricultural buildings of the former Standalane Steading to form 1 house and associated works. Application 15/00902/P remains at this time undetermined but is a material consideration in the determination of this application.

Planning permission is sought through this application for the construction on the site of an anaerobic digester plant, combined heat and power plant (CHP), the erection of associated buildings, the formation of a vehicular access and for associated works. These include a weigh bridge, lighting columns, gates, fencing and hardstanding areas.

The proposed development would partly comprise of a centrally located tank farm consisting of:

- 3 digestate storage tanks each 36 metres in diameter with 12.5 metre high sides;
- 4 primary anaerobic digester tanks each 19 metres in diameter with 12 metre high sides and capped by a dome to a total height of some 14 metres high;
- 2 secondary anaerobic digester tanks each 19 metres in diameter with 12 metre high sides and capped by a dome to a total height of some 14 metres;
- 2 pasteurisation tanks each 5 metres in diameter with 4.5 metre high sides and capped by a dome to a total height of some 5.9 metres;
- 2 acid hydrolysis tanks each 10 metres in diameter with 12 metre high sides and capped by a dome to a total height of some 12.5 metres;
- 1 digestate buffer tank 12 metres in diameter with 12 metre high sides and capped by a dome to a total height of some 12.6 metres; and
- 1 liquid storage tank 8 metres in diameter with 10 metre high sides.

All of the tanks within the tank farm would be clad in green coloured sheet metal. The tank farm area would be enclosed within a concrete bund wall. The land within the bund wall would be sunk to an extent into the ground.

As the surrounding land is not even (but the base of the tank farm area would be), the sunk in ground level of the tank farm within the bund wall relative to the surrounding land varies between 0.5 metres and 2 metres below the surrounding land level.

The proposed bund wall of the tank farm would extend a varying height above the surrounding ground level from some 0.4 metres above it at its north side to 2.9 metres above it at its south side.

On the northeast side of the proposed tank farm it is proposed to form an area surfaced in crushed limestone on which would be erected:

- a circular gas storage tank some 17 metres in diameter and a maximum of 13.4 metres in height;
- a rectangular gas to grid unit comprising of associated infrastructure a maximum of some 10 metres high;
- a rectangular grid entry unit some 3 metres high by 5.2 metres wide; and
- a cylindrical flare stack some 8 metres high.

On the northwest side of the proposed tank farm would be formed a hardstanding area of concrete slab which would be used for feed stock storage. Also erected on the proposed concrete slab area would be:

- a rectangular dry feed storage building some 18.4 metres long by 8.6 metres

wide by 8 metres high which would be constructed of galvanised sheeting with a steel clad roof. Surrounding the building would be a feed stock area;

- ferric dosing equipment; and
- a small odour control building with associated stack some 13 metres high.

On the north side of the proposed tank farm it is proposed to form an area surfaced in crushed limestone surface on which would be erected:

- two buildings abutting one another in which would be located a CO₂ recovery room, a lab, a control room, an office, engineering rooms and workshops and an operations room as well as various plant equipment. The larger of the two buildings would be some 26.5 metres long by 14.5 metres wide by 7.5 metres high. The smaller of the two buildings would be some 16 metres long by 15 metres wide by 7.5 metres high. They would both have walls and pitched roofs constructed of green coloured plastisol steel cladding;
- gas cleaning equipment comprised of pieces of plant the tallest of which would 7 metres high;
- a transformer and intake sub;
- a CHP engine with a stack some 12.5 metres high;
- a CO₂ storage area;
- propane storage tanks;
- a bicycle shelter;
- a car parking area; and
- a weighbridge.

A 2 metre high green coloured metal mesh fence would be erected around three of the plant compounds. Around the perimeter of the application site would be erected a 1.1 metre high post and wire fence. Also, ten 4 metre high lighting columns would be erected within the site.

Access to the site would be taken by way of the formation of a new vehicular access from the B1377 road. From this proposed new vehicular access, an access road would be formed leading to the anaerobic digester plant. The proposed access road would be surfaced in tarmac for its first 68 metres and thereafter would be surfaced in crushed limestone. A set of gates and an intercom system would be erected on the access road some 42 metres south from the new vehicular access junction with the B1377 road.

In the applicant's submitted planning assessment it is stated that the proposed anaerobic digester plant uses microbes to breakdown crops, referred to as "feedstock". The main source of the feedstock would be locally grown whole crop rye, potatoes and energy beet supplemented by a mix of locally sourced pot ale syrup and grains. This produce would be sourced locally from local farmers and brewers. The feedstock would not include any animal by-products or waste and would not include food waste. It is anticipated that the proposed anaerobic digester plant would process a total of some 62,724 tonnes of feedstock per year when fully operational. The applicant's agent confirms that feedstock would be stored on farms away from the application site and delivered as required. Feedstock would be unloaded and fed into the digester plant within the feedstock area identified in the planning application drawings as Area 3.

The anaerobic digestion process produces gas which would be cleaned and conditioned prior to injection into the local gas network. The combined heat and power plant within the facility would use this created biogas to generate electricity and heat for the operational use of the plant with any surplus exported to the local grid. The gas producing process of the proposed anaerobic digester plant leaves left over digestates which are a liquid fertiliser and a solid called 'cake', both of which can be used as soil

conditioner. It is stated the proposed anaerobic digester plant would produce some 67,000 tonnes of liquid digestate and 17,000 tonnes of cake per year which would be returned to local farmers for use by them, replacing the need for expensive conventional fertilisers. An innovative part of proposed anaerobic digestion plant is the capture of CO₂ during the conversion of biogas to biomethane for export. The CO₂ is a natural constituent of biogas but is not normally economic to capture. The CO₂ captured will then be used in the food and drink industry displacing CO₂ produced from fossil fuels.

In the applicant's submitted non technical overview it is stated that the anaerobic digestion plant would produce in the region of 7.34MW of biogas which is used in part for electricity and heat for the plant but will also export electricity and biomethane to the respective local grids. Producing 700m³/hr of biomethane for export at 97% efficiency the plant would export around 67 GWh (i.e. 67million kWh) per year. Latest Ofgem figures suggest average household gas usage is 16,500kWh per year (10,000kWh for small houses). Therefore the plant would be capable of supplying gas for an equivalent of 4,100 – 6,700 homes per year. Adding in electricity export from site, the site could be capable of generating sufficient energy for an equivalent of more than 7,000 homes per year.

It is stated that the site would be manned from 8.00am – 6.00pm Monday to Friday and 8.00am – 1.30pm on Saturdays. It is anticipated that the site would receive deliveries of feedstock by HGV and by tractors with trailers between 8.00am – 4.30pm Monday to Friday and 8.30am – 12.30pm on Saturdays. During the winter months it is anticipated that there would be 24 to 27 vehicle movements per day and during the summer months there would be up to 53 vehicle movements per day (a movement equates to one vehicle entering the site or leaving the site, thus one vehicle entering and leaving the site equates to 2 movements). The movements have been calculated on the basis that 60% of rye would be delivered by HGV and 40% would be delivered by tractor and trailer, and that 100% of beet would be delivered by tractor and trailer. Movements would comprise delivery of feedstock into the site and the transportation of digestate out of the site to surrounding farms. The feedstock would be stored remotely and delivered as and when required.

The applicant's agent confirms that the submitted Transport Statement assessed a maximum of 58 vehicle movements per day during the summer months as a 10% contingency to demonstrate a robust assessment of the potential impact, which is explained within the first paragraph on the second page of the Transport Statement, where it states that a 10% factor has been applied. The Transport Statement concludes that the development proposals would have no material effect on the local road network considering the current levels of daily traffic fluctuation and low number of flows estimated from the site; a review of the development impact was undertaken during the busiest background peak period with results indicating there is no technical or road safety reason for restricting delivery hours.

The applicant's submitted non technical overview advises that the applicant has farmed in East Lothian for many years, currently farming 823 acres and employing 9 staff (including 2 seasonal workers). The family also own and run Hamilton Waste & Recycling Ltd which employs 68 staff and Drem landfill which employs 1 member of staff. They are an important employer in East Lothian and they continue to invest in the region. The proposed anaerobic digestion plant has been designed to take locally grown crops and to inject the gas into the local gas grid for use within East Lothian. This sustainable source of energy is therefore very local in its nature.

The applicant's non technical overview continues that the proposed anaerobic digestion plant is supported by many of the local farmers with over 30 so far having agreed to

supply crops. The main reason for this large farming community support is that they are under severe pressure from the supermarkets. The proposed anaerobic digestion plant provides an opportunity for local farmers to agree a price for local crops for a period of 5 years. That in turn means that they have certainty of income for a portion of their farm business which means they have the opportunity to raise finance and invest in their local farm business. The proposed anaerobic digestion plant is therefore a sustainable energy development that would benefit the local farming community as well as providing a renewable source of gas for East Lothian.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 16 February 2016 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

Through separate application (ref: 15/00776/P) planning permission is sought by the same applicant for the construction of an anaerobic digester plant, combined heat and power plant, erection of buildings, formation of vehicular access and associated works on the application site. This application proposes a slightly different form of development than that proposed in separate application 15/00776/P. The main difference in the form of the development consists of the erection of a concrete bund wall that would enclose the proposed tank farm as an alternative for a previously proposed earth bund. This change was deemed by the Planning Authority to be a material variation to the proposed development such that it required the submission of a new application for planning permission.

Planning application 15/00776/P remains at this time undetermined.

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policies 1B (The Spatial Strategy: Development Principles) and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), DP1 (Landscape and Streetscape Character), DP2 (Design), DP13 (Biodiversity and Development Sites) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation (PAN51).

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. In this, there is potential for communities and small businesses in

urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning authorities should support the development of a diverse range of renewable energy technologies whilst guiding development to appropriate locations. Factors relevant to the consideration of applications for planning permission will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

PAN51 advises that its central purpose is to support the existing policy on the role of the planning system in relation to the environmental protection regimes. In Paragraph 38 it states that planning decisions should be made on planning grounds in the public interest and should not be used to secure objectives achievable under other legislation or powers. However, the issues controlled under other legislation may be material considerations, for example the impact of a proposal on air or water quality, even though the regulation of emissions or discharges fall to be dealt with under other legislation. Likewise, when SEPA comments on a planning application and is also the environmental regulator, it should assess the land use aspects of the planning application to clarify whether, on the information available at the time, the proposed development is potentially capable of being consented under the [SEPA] licensing regime.

Also material to the determination of the application are the written representations received to it.

A total of 584 written representations have been received to this application. Of those, 342 object to the proposed development and 242 are in support of it.

The main grounds of objection can be summarised as follows:

- *the proposed development would lead to increased traffic from HGVs and tractor trailers on an already busy road leading to congestion and a major impact on the road network, all of which would constitute a road safety hazard to drivers, pedestrians and cyclists alike;
- *the proposed access to the site would be dangerous and be a road safety hazard;
- * the number of vehicle movement in the submitted Transport Statement are underestimated, misleading and questionable;
- * the additional traffic would be further compounded by traffic arising from future housing sites in the area;
- * the additional traffic would lead to increased emissions from the vehicles;
- * the proposed development would not be of an appropriate scale or character for a countryside location and thus would have a harmful adverse impact on the landscape and visual amenity of the area;
- * the proposed development would include structures of a type and scale entirely disproportionate for the site and the consequential visual and environmental impacts would be significant;
- * the proposed development would result in harmful air pollution, noise pollution, odour pollution and light pollution;
- * the proposed development would harm the residential amenity of nearby residential properties through loss of privacy and noise, odour and air pollution;
- * the proposed development would result in a loss of amenity to future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading);
- * the proposed development would have a harmful impact on the biodiversity of the area including on protected species, wildlife and designated areas;
- * the proposed development would lead to flooding and problems with surface water drainage and thus would have a harmful impact on the local watercourses;

- * the proposed development would have a harmful impact on cultural heritage features and buildings in the area;
- * the proposed development would result in a loss of prime agricultural land which shouldn't be built on as the proposed development is not related to agriculture;
- * the proposed development should be located on an identified business or industrial site and not in the countryside;
- * the proposed development is contrary to Policies DC1 and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy;
- * the proposed development would have a harmful impact on East Lothian's tourism industry;
- * feedstock would have to be stored on or adjacent to the site;
- * the site area is greater than 2 hectares and thus should be classed as a major development;
- * the proposed development should be subject to Environmental Impact Assessment;
- * the trees to the east of site could be felled thus exposing the proposed development;
- * the proposed development could pose a risk to human health from potential explosions;
- * there are inaccuracies in the submitted information;
- * the gas pipe connection from the proposed anaerobic digester should be included in the planning application as it would constitute development – however if this work is done by a statutory undertaker under permitted development rights this only applies to land under their control or within a highway boundary;
- * the proposed development would suppress rental income for nearby residential properties;
- * the proposed development would have a harmful impact on the viability of existing businesses;
- * United Utilities have a bad environmental record;
- * there has been a lack of public consultation on the application;
- * if planning permission were to be granted there could be a prospect of future expansion;
- * if planning permission were to be granted it could set a precedent for allowing similar proposals;
- * the proposed development would have a harmful impact on house prices; and
- * work has already commenced on site.

It has been confirmed in writing by the applicant's agent that the site area is 1.98 hectares. A measurement taken from the application drawings confirms the site area as 1.91 hectares, slightly less than that stated by the applicant's agent.

As stated above it is the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of Environmental Impact Assessment.

The applicant's agent confirms that Scottish Gas Networks would undertake underground gas pipe works and therefore any future gas pipe connection work could be covered by statutory undertaker permitted development rights under the provisions of Part 13 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and thus the pipe connection is not included as part of this planning application.

This application has been notified and advertised in accordance with statutory requirements.

If any future application was submitted to the Council for a further anaerobic digestion facility either as an expansion of this current proposal or a new facility in a different location such application(s) would be assessed on their own merits.

Whether or not the proposed development would suppress rental income for nearby residential properties or have an impact on house prices, or whether United Utilities have a bad environmental record are not material considerations in the determination of an application for planning permission.

From a site inspection by an Officer of the Council it is confirmed no works have commenced on the application site.

The main grounds of support for the application can be summarised as follows:

- * the proposed development would support the local farming community;
- * the proposed development would provide a much needed alternative extra market for farming produce;
- * the produced digestate would be a valuable addition to farmers looking to improve soil structure and fertility and would provide a green source of fertiliser produced at a lower cost;
- * local farming businesses can diversify into rotational crops;
- * with low world commodity process and high stocks the proposed development would be beneficial to East Lothian farmers;
- * there has been collaboration with over 30 local farmers;
- * the proposed development would provide a stable income stream;
- * businesses should be supported by the planning department;
- * the proposed development would lead to a reduction in road miles as many crops leaving local farms, whether grown for food or energy, currently travel long distances;
- * roads would be no busier than at present as all crops currently leave farms;
- * local employers and businesses have a right to use public roads;
- * there are few options to site such a facility as the proximity to a gas main of suitable pressure is a requirement and the application site has been specifically chosen because of the close proximity to a medium pressure gas grid connection as well as electricity and water;
- * the proposed development would create jobs for the local area;
- * the proposed development would inject money into the local economy;
- * the proposed development would not impact on scenery with limited landscape impact not dissimilar to agricultural buildings in East Lothian;
- * there would be less of a visual impact than wind turbines;
- * the proposed development would not lead to noise or odour issues;
- * as this is a countryside location there are already smells created from agricultural activities;
- * the Scottish Government encourage and support renewable energy projects;
- * green renewable sustainable energy is a good thing for Scotland;
- * anaerobic digestion is one of the best renewable energy technologies with steady energy production reducing the reliance on fossil fuels;
- * secure sources of renewable energy are needed as an alternative to wind; and
- * current housing demand upon East Lothian coupled with the closure of Cockenzie Power Station requires the provision of energy from a renewable source.

Since the statutory period to make representation to the application ended on 4 March 2016 a further 9 written representations have been received, however their content cannot be taken into consideration in the determination of this application. However it can be noted that of those 9 representations 4 object to the proposed development and 5 support it.

As a point of note, through separate application ref: 15/00776/P (currently pending consideration) a total of 631 written representations have been received to that

application. Of those, 561 object to that proposed development, 56 are in support of it and 12 neither object to or support it but give comment on it. The matters raised in the written representations are similar in their terms to the ones received to this current application and which are summarised above.

Gullane Area Community Council, as a consultee on the application, objects to the proposed development stating that they are aware that the application has caused considerable concern among many of their constituents, including those throughout the area who regularly use the B1377 road and residents in the Ballencrieff and Lochhill areas to the east and west of the site, and of Aberlady, which lies only three kilometres to the north of it. They are also aware that there was significant concern in the community about the earlier application, ref 15/00776/P, in respect of a similar development proposed for the same site. The Community Council have considered the documents lodged with this planning application and in particular the non-technical overview, the planning assessment, the transport statement and the additional information.

The Community Council advise their main concerns regarding the proposed development relate to the categories of:

1. Land Use;

The plant is to be located on prime agricultural land which is not zoned for development and if planning permission is granted it will result in the loss of some two hectares of such land. It is apparent from section 1 of the planning assessment lodged with the application that the operation of the plant will be effectively an industrial process and for this reason it would seem to be appropriate to locate it in an industrial environment and not in unspoilt countryside. While arguments are put forward in section 2 of the assessment to justify its location, we suggest that much of what is said there is speculative and general in nature and we do not have the impression that the applicant has seriously investigated alternative sites. For instance we have noted points from the following paragraphs, quotations from them being shown in italics:-

2.2.2 – the proposal will provide a renewable source of gas that will be used locally for heat. The proposal therefore falls within the renewable energy policy and is encouraged subject to relevant local considerations. These statements are not explained. Local considerations, such as the possible effect on the surrounding countryside and the road network (on which we comment fully below), seem to have been ignored.

2.3.2 – The emerging [renewable energy] policy [referred to in the SESplan strategic development plan (SDP) 2015 main issues report] is not yet detailed however it would be reasonable to state that the policy will support the principle of renewable development such as AD plants. This is purely speculative and a matter of opinion. The SDP is still at the consultative stage and there is no evidence that it will encourage industrial development of this kind or of this scale in unspoilt countryside. Indeed it includes various suggested safeguards against such development.

2.4.4 – as for paragraph 2.3.2 above. The comments are purely speculative and matters of unsupported opinion.

2.4.5 – With reference to the East Lothian Local Development Plan (LDP) 2008, which is still current pending adoption of the up to date local plan, Policy DC1 “Development in the Countryside and Undeveloped Coast”development will be acceptable where it is directly related to agriculture, horticulture, forestry and countryside recreation. The draft of the new LDP has been approved by East Lothian Council since the previous application was lodged. We understand that, although it is still subject to finalisation, it

should nevertheless be taken into account as a material consideration in the present application and we are not aware of its containing any variations as regards development in the countryside which would justify the sort of encroachment likely to result if the application is granted.

While it is accepted that much of the feedstock will comprise agricultural crops, it is apparent from paragraph 1.1.5 of the planning assessment that over 23% of the feedstock will comprise industrial bi-products of brewing and distilling. This is a much higher percentage than was indicated in the previous application and there seems to be no assurance that it will not be increased in the future. See further on this in our comments on paragraph 2.4.6 immediately below.

2.4.6 – The same considerations apply as for paragraph 2.4.5 above. The agricultural produce [to be digested at the plant] would all be sourced locally from local farmers and brewers...The AD plant must be located in close proximity to the farms that will serve it. Anecdotal evidence suggests that only a few farmers in the immediate locality of the plant will be participating and that the participants are spread over a much wider area than is indicated in the documents, including as far away as Dunbar, some 25 kilometres distant from the site, and Pathhead and Rosewell, in Midlothian, some 25 and 30 kilometres respectively distant from it. We have been told that brewers' grain, included as a significant proportion of the typical mix of feedstock, will be transported to the plant from outwith the area. We also note from paragraph 1.1.5 of the planning assessment that a significant volume (4000 tonnes) of pot ale syrup, not mentioned in relation to the previous application but which we understand to be a bi-product of the distilling industry, has been introduced into the typical mix of feedstock. Its source has not been disclosed. In the light of these considerations we suggest that the impression given of a rural idyll, in which a local entrepreneur will provide a valuable facility to the local farming community, is misleading and that the likelihood is that, once the industrial process inherent in the application has been established, feedstock will be accepted from far and wide, regardless of its nature or its source.

2.4.10 – There are no other sites within East Lothian that the client is aware of that meets [sic] all these criteria [ie access to the gas grid at a suitable pressure, having an available electrical grid connection and the site being accessible and available for purchase]. No information is given as to what enquiries, if any, the applicant or his advisers have made to establish the availability or suitability of alternative sites.

We suggest that taking all these comments into account, it is not appropriate to site the development in the chosen location.

2. Transport and traffic;

In consultations with our constituents we have found that traffic implications have emerged as the greatest cause of anxiety in relation to the application. We suggest that a number of statements about transport, tonnages and traffic in the application documents are open to question. It is stated in paragraph 1.1.3 of the non technical overview that when the plant is fully commissioned it will process around 220 tonnes of feedstock per day. As it is stated that the plant will run continuously, this amounts to 80,300 tonnes per annum. The total feedstock listed in paragraph 1.1.5 however amounts to only 62,742 tonnes per annum, which equates to only 172 tonnes per day. Thus the actual daily consumption of feedstock when the plant is fully commissioned would appear to be nearly 30% greater than indicated in the application documents. It would seem to follow that the applicant's assessment of traffic movements are therefore under-calculated by the same percentage and must be treated with suspicion. Even if initial restrictions in volumes are agreed between the Council and the applicant, what mechanism will be

available to the Council to monitor compliance with this in the future?

It is further stated in paragraph 1.1.7 that deliveries would be made only on Mondays to Fridays (8.30 am to 4.30 pm) and 8.30 am to 12.30 pm on Saturdays. With the Saturday hours amounting to half those on weekdays, we calculate this to total the equivalent of 286 full days, breaking down to an average of 280 tons per day when the plant is running at full capacity.

It is not clear, and has not been specifically stated, whether the transport figures referred to in paragraph 1.1.7 of the non technical overview take into account the volume of digestates which will be transported back to farms from the site, as referred to in paragraph 1.1.8 of that overview. These amount in total to 84,000 tonnes per annum. Even if the cake (stated at 17,000 tonnes) is transported back to farms on the vehicles which deliver feedstuff, which again is not made clear, that would still leave 67,000 tonnes of liquid fertiliser, which we assume would have to be transported in tankers. There is not sufficient information in the application documents to enable us to check whether the claimed number of traffic movements is accurate and we urge you to ensure that they are checked.

It has also indicated in paragraph 1.1.7 that traffic movements in the summer months will be about twice as frequent as in the winter months. It been suggested to us that the difference is likely to be significantly higher than this during the peak harvesting months of July and August. This increase would coincide with the peak tourist/golf/school holiday period, when the area is already at its busiest and the roads most crowded. We have also noted that the measurement of traffic volumes referred to in the transport statement was carried out at the end of September, well outwith this busy period.

The information about traffic volumes, tonnages, etc, in the transport statement lodged with the application appears to be predicated on the figures contained in the non technical overview. As indicated above, we are doubtful as to the accuracy of those figures and as a result we question the soundness of the conclusions given in the transport statement.. While the assessment of the B1377 Drem to Longniddry road may be theoretically correct, we do not think it accurately reflects the characteristics of that road as known to, and experienced by, members of the public who use it regularly. It is not stated that in practice it is the main road between Edinburgh and North Berwick; that almost its whole length between the Ballencrieff roundabout and Drem has double white lines and central hatching to prevent overtaking or that the short stretch of straight road immediately to the west of the roundabout, on which the access to the site will be located, is effectively the only point between Longniddry and Drem where there is any chance of overtaking a slow moving vehicle (though invariably overtaking there is not possible because of oncoming traffic). The statement also fails to mention that, as local farmers will be undertaking much of the delivery of feedstock to the site, this will involve their using several local roads which are much narrower than the B1377. The implications of their doing so have not been assessed.

We would observe that some years ago the Planning Department rejected an application to develop a nearby farm steading, on the grounds that the desired access to the site from the B1377 was far too dangerous because of the volume of traffic on that road.

We fear that if the application is granted, much of the traffic which at present uses the B1377 will instead divert onto the A198 coast road, resulting in further congestion within the coastal villages, particularly in Aberlady, where the volume and nature of the traffic is a danger to local residents. It has always been the view of the Community Council that efforts must be made to encourage traffic along the inland road, rather than the coast road. This development would do the opposite. Again, the implications of this have not

been considered in the transport statement.

3. The environment and biodiversity;

Although laying hen litter or poultry manure, which was included amongst the feedstock in the previous application, has not been included in the present one, experience in the Dirlerton area has shown that such litter produced at Ferrygate farm is liable to cause significant odour if not correctly handled and we fear that its future use at the site could cause a problem. We would therefore ask that if, despite our objections, the application is granted an absolute prohibition against its use, and the use of similar material, as feedstock should be imposed.

A number of our constituents have expressed concern that if food waste is processed at the plant, this will result in an unacceptable level of odours. The applicant has stated that the plant is not designed to accept such waste, that no such waste will be processed and that he is willing to accept a planning restriction against such processing. We would therefore also ask that if, despite our objections, the application is granted an absolute prohibition against its use as feedstock should be imposed.

It is stated in paragraph 3.4.1 of the non technical overview that the site sits in a natural bowl in the landscape and that adjacent trees provide natural screening for the development. We question these assertions. From an inspection of the site we consider that it lies on a plane inclined slightly to the north, with a drop of not more than two or three metres from south to north and open views to the north, across the east coast railway line to the farmland beyond. We have been informed that the tree belt lying to the east of the site was planted over fifty years ago and comprises oak, beech and sycamore species. At the time of our inspection, in the autumn, most of the leaves were still on the trees, yet traffic using the Ballencrieff-Haddington road just to the east of the tree belt was readily visible. It was apparent from a recent further inspection that with no leaves on the trees there is an almost clear view from the site through the tree belt to that road and to the houses in Ballencrieff, just beyond it. We therefore suggest that the tree belt is unlikely to provide any effective screening of the site during the winter months.

Hardly any mention is made in the application documents of the possible effect of the proposed development on wildlife, only a brief and general comment being included in paragraph 3.5.1 of the non technical overview. We consider the comments made there to be dismissive of this potentially important aspect of any proposed development in the countryside and we have the impression that the applicant has given little, if any, consideration to this question. The site lies only three kilometres south of Aberlady Bay, which forms part of the Firth of Forth Special Protection Area (SPA). Aberlady Bay hosts populations of over-wintering pink footed geese, stated on the ELC website at http://www.eastlothian.gov.uk/info/379/countryside_and_wildlife/1511/countryside_sites/7 to be up to 30,000 in number and listed as being of European and international importance. We have been advised by local residents and a local farmer that the field in which the site is located and those to the south of it are regularly visited during the winter by large numbers of geese for feeding and as an assembly point en route to their roosting grounds at Aberlady Bay. We suggest that if the development is allowed it is likely to have a seriously adverse effect on this wildlife and thus on the integrity of the SPA. It is our understanding that, because of the proximity of the site to the SPA, before making a decision on the application the Council should require an assessment of the possible impact of the development on the SPA to be undertaken – for instance to cover such matters as geese feeding on, and over-flying, the site.

4. Drainage;

The site is at present drained via a small burn that runs northward, under the B1377, through Ballencrieff Farm and into the Gosford estate. The dimensions of this drainage are sufficient to handle the volume of water that naturally drains off the farmland it serves. But it is proposed that an area of say 18,000m² (1.8 hectares) will be concreted over. East Lothian enjoys an average rainfall in the region of 70cms per annum, or 700 litres per m². Thus 12.6 million litres of rainfall per annum will flow very rapidly and directly into the burn instead of draining into the ground and finding its way north slowly through the burn. The potential danger of flooding is self-evident. We ask that the Council satisfies itself not only of the capability of the culvert under the B1377 to handle a significant increase in runoff, but also of the risk of flooding on Ballencrieff Farm and Gosford Estate.

5. Site extent and storage of feedstock;

The site is stated in the additional information dated 11 February lodged with the application to extend to 1.98 hectares (and we have been advised by the applicant's consultant that this measurement includes the area of the access road). We accept that if this measurement is correct and that if the site genuinely measures less than 2 hectares there was no obligation on the applicant to give notice of his intention to submit a planning application or to hold a public consultation event. The stated measurement however falls short of this threshold by only 0.02 hectare, or 200 square metres, an area equivalent to that of a modestly sized domestic lawn. We therefore ask that you carefully check the measurement of the site rather than rely on the applicant's statement of it, with a view to establishing whether the required statutory procedure has been followed.

We are also concerned about statements made in the documents about storage of materials at the site. It is stated at paragraphs 1.1.7 and 3.2.1 of the non technical overview that feedstock will be stored remotely and delivered [presumably to the site, though this is not stated] as and when required. It is also stated however at paragraph 3.4.2 of the same document that the development would result in landscape or visual impacts which, quoting the document, would be contained within or very close to the site boundary...(our underlining). More worryingly, it is stated in the additional information referred to above that some crops may be kept in fields at Standalane. The additional information document goes on to show photographs of massive "agbags", presumably of the kind likely to be used in this instance, and states that the use of such bags does not constitute development. We suggest that it is clear from these comments that it is the applicant's intention to store feedstock on land adjacent to the site and not forming part of it. We would accept that the use of ordinary sized agbags on farms is a normal incident of agriculture in East Lothian and would not constitute development. We think it is clear however that once such bags are delivered to and stored at or adjacent to the site they will become an incident of the industrial process to be carried on there. It should follow that any such land on which they are stored adjacent to the site (which we understand would be within the applicant's ownership) should be incorporated within the application site and would thus be likely to bring it to more than 2 hectares in extent. Additionally, we would ask that if the application is granted in its present form, an absolute prohibition against storage of material associated with it on adjacent land should be imposed and that this prohibition is monitored and enforced.

The Community Council conclude that they are sympathetic to the needs of the farming community and to initiatives which will protect its viability in an age of fierce competition and are on record as having often said that agriculture is one of the main economic drivers in their area, noting that many farmers have themselves installed small scale anaerobic digestion units to handle the waste from their own farms, which are sensible and environmentally friendly measures. The Community Council also accept the principle of anaerobic digestion as a sensible means of generating sustainable energy,

but state this proposal is for what amounts to an industrial process on a significant scale and it should therefore be located in a more appropriate location, ideally a brownfield site that is already zoned for industrial use.

The Community Council therefore suggest that the application should be refused, or failing that, that more detailed information on the points raised in their response should be called for, considered and consulted upon before a decision is made.

Longniddry Community Council make comment on the application regarding matters of site access and visibility and that traffic movements associated with the operation of the proposed anaerobic digester plant and other associated works would impinge on the morning and evening peak traffic flows on the B1377 and the surrounding road network and thus the proposed delivery hours should be reduced.

Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan) seeks to promote sustainable energy sources. Local Development Plans should set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.

It is stated in paragraph 9.6 of the adopted East Lothian Local Plan 2008 that the Council is supportive of Government policy to secure greater energy generation from renewable sources. The benefits will be weighed against the impact on the local environment and features of interest.

It is stated in Part 1(a) of Policy DC1 of the adopted East Lothian Local Plan 2008 that infrastructure type development will be acceptable in principle in the countryside of East Lothian provided it has a clear operational requirement for a countryside location that cannot reasonably be accommodated within an existing urban or allocated area.

With its purpose to generate and supply renewable gas and electricity the proposed anaerobic digester plant and associated development can reasonably be defined as being an infrastructure type development.

The applicant's agent informs in the submitted Planning Assessment that the application site is specifically located to be able to connect into the gas grid and would have an available electricity grid connection, which other sites do not afford. It is also strategically located to receive the required feedstock for the operation of the plant grown locally by nearby farms, is accessible and the land was available.

In terms of this consideration, Gullane Area Community Council and many of the objectors have suggested that the proposed anaerobic digestion plant should be located on land allocated for industrial development.

The applicant's agent advises there are a range of site criteria needed for the proposed anaerobic digestion plant, including, (i) proximity to the crops that feed it, (ii) a site that is accessible, (iii) a site that is available, (iv) gas grid and electricity capacity and availability (the gas connection needs to be to the correct pressure and have sufficient vacant capacity to make the proposal viable), (v) not in an urban area, (vi) of sufficient size, and (vii) an area that would be visually acceptable.

The applicant's agent further advises that a range of sites were assessed, including Alderson Farm where the landscape impact was considered harmful, Bangleigh Quarry

where the site was not large enough and at West Fortune Farm, where there is a gas pipeline running through it but it's a main line transmission pipe and cannot accept connections. The applicant is not aware of any other available existing employment sites that meet all the necessary locational criteria. It is for this reason the applicant purchased the application site which does meet all the criteria required for the operation of the proposed anaerobic digestion plant.

Whilst there may be land in East Lothian that is both allocated for industrial development and perhaps large enough accommodate the proposed development, it is the case that such locations may not be strategically located to both have a gas and electricity connection and receive deliveries of feedstock from local farms.

The proposed development has an operational requirement to be in this general location and thus the anaerobic digester plant and associated development can be justified as a form of new build infrastructure development capable of providing a renewable energy source of gas and electricity, consistent with the terms of Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008.

In terms of land use Scottish Planning Policy states that where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land may be permitted where it is essential as a component of the settlement strategy or necessary to meet an established need. Scottish Planning Policy also states that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving 30% of overall energy demand from renewable sources by 2020. Moreover Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan) and paragraph 9.6 of the adopted East Lothian Local Plan 2008 encourages the development of renewable energy proposals to facilitate the transition to a low carbon economy. In this it is considered that the proposed development would go some way to meeting the target of deriving 30% of overall energy demand from renewable sources by 2020.

Part 5(d) of Policy DC1 states that proposed development must minimise the loss of prime agricultural land. This is not the same as stating that there must be no loss of prime agricultural land. Rather, if prime agricultural land has to be developed, the amount of such land taken out of agricultural use must be the least possible. Given the size of the site, less than 2 hectares, and the amount of undeveloped agricultural land in the surrounding area it is considered that the proposed development would, given its nature, minimise the loss of prime agricultural land.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The Council's Biodiversity Officer has considered the proposals and is satisfied that the proposed development would not have any adverse biodiversity impacts. The Council's Biodiversity Officer is further satisfied that there would be no harmful impact on any local nature reserves or internationally protected areas.

Accordingly, the proposed development is not contrary to Policy DP13 of the adopted East Lothian Local Plan 2008.

In terms of heritage assets in the form of listed buildings and scheduled monuments due the positioning within the landscape and location of the proposed development it would not have a harmful impact on any designated building or natural feature.

The applicant's agent has submitted an Air Quality and Odour Assessment in support of the proposals.

The Council's Environmental Health Service has reviewed the applicant's submitted Air Quality and Odour Assessment and is satisfied that subject to the requirement that no consumer waste foodstuffs or animal by-products would be transported to, or processed within, the proposed anaerobic digestion facility (which is not proposed in this application) then they are satisfied there would no harmful impact on the amenity of any nearby residential property, including any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading) from odour arising from the operation of the proposed anaerobic digester plant, or any other part of the proposed development.

The Scottish Environment Protection Agency (SEPA) are also satisfied that the submitted Air Quality and Odour Assessment demonstrates that there would no harmful impact on the amenity of any nearby residential property, including any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading) from odour arising from the operation of the proposed anaerobic digester plant, or any other part of the proposed development.

However SEPA did object to the proposed development on the basis that it had not been demonstrated that the impacts from the operation of the proposed anaerobic digester plant and associated development on the air quality enjoyed by future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading) would not result in a loss of amenity to future occupiers of that residential property. SEPA are satisfied however that there would no harmful impact on the air quality enjoyed by any other nearby residential property.

In response to SEPA's objection the applicant has submitted an Addendum Air Quality and Odour Assessment to supplement the originally submitted Air Quality and Odour Assessment.

SEPA have reviewed this further submitted document and confirm that it demonstrates to their satisfaction that, due to the height of the proposed odour control stack within the site, there would be no harmful impact on the air quality enjoyed by any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading). Therefore on this matter of air quality the proposed anaerobic digester plant and associated development would not harm the amenity of any nearby residential property, including any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading).

The Council's Environmental Health Service initially raised concerns that noise associated with the operation of the proposed anaerobic digester plant and associated development, including from vehicle movements to and from the site using the new site access road, may result in a loss of amenity to occupiers of residential properties in the wider area and future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading).

In response to this the applicant's agent has submitted a Noise Assessment.

On this matter of noise, the Council's Environmental Health Service have appraised the submitted Noise Assessment and is satisfied that noise arising from the operation of the proposed anaerobic digester plant and other associated development, as well as from traffic movements to and from the site on the new site access road would not have a

harmful noise impact on the amenity of any nearby residential property, including any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading) subject to the following recommendations:

(i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the proposed anaerobic digester plant and any other part of the proposed development (when measured 3.5m from the façade of any neighbouring residential property) being no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 “Methods for rating and assessing industrial and commercial sound”. The difference between the Rating Level and Background Level can be increased to 10dB where the noise source does not have a tonal element;

(ii) noise associated with the operation of any associated plant or equipment serving the proposed anaerobic digester plant and any other part of the proposed development not exceeding Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring residential property. All measurements to be made with windows open at least 50mm;

(iii) noise associated with vehicle movements emanating from use of the proposed new access road serving the site from the B1377 road complying with the upper limit for daytime garden noise levels of 55dBLAeq,t specified in paragraph 7.7.3.2 of BS8233:2014 “Guidance on sound insulation and noise reduction in buildings” within any neighbouring residential property; and

(iv) noise associated with vehicle movements emanating from use of the proposed new access road serving the site from the B1377 road complying with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 “Guidance on sound insulation and noise reduction in buildings” within any neighbouring residential property.

The Council’s Environmental Health Service confirms the submitted Noise Assessment demonstrates the above requirements can be met.

SEPA also initially raised objection to the application on the basis that it had not been demonstrated that noise arising from the operation of the proposed anaerobic digester plant and associated development would not result in a loss of amenity to occupiers of residential properties in the wider area, in particular future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading).

SEPA have also appraised the submitted Noise Assessment and are satisfied that it demonstrates the recommended conditions of the Council’s Environmental Health Service can be met and subject to those being imposed on a grant of planning permission, were that to be the decision, they advise that noise arising from the operation of the proposed anaerobic digester plant and associated development would not result in a loss of amenity to occupiers of residential properties in the wider area and future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading).

SEPA further confirm that the proposed anaerobic digester plant does require to be permitted under their separate regulatory regime, namely the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC) (Part A). SEPA advise that from the information submitted with the planning application they consider that it should be possible to issue such a permit, which would be subject to their separate regulation.

Given the location of the proposed development and its resultant distance from the nearest residential properties, it would not give rise to any harmful loss of daylight, sunlight or lead to any harmful overlooking of any nearby residential property, including potential future occupiers of the house proposed in separate application 15/00902/P (Standalane Steading).

On these foregoing considerations of air quality, odour and noise and subject to the imposition of the above mentioned conditions, the proposed development would not have a harmful impact on the privacy and amenity of any nearby residential property, including any future occupants of the house proposed in separate application 15/00902/P (Standalane Steading). In this it is consistent with Policies DC1 (Part 5) and DP2 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation.

SEPA raises no objection to the proposed development on the grounds of potential flood risk. In terms of site drainage SEPA is satisfied it should be possible to discharge surface water run off via a soakaway and to a watercourse including partial soakaway. SEPA therefore raise no objection to the application on the grounds of site drainage, subject to the imposition of a condition on any grant of planning permission, that full details of the proposal for water supply and drainage (including surface and foul drainage) be agreed with the Planning Authority in consultation with them prior to the commencement of development.

The application site is set within an undulating landscape of fields contained by hedgerows and trees, areas of woodland, watercourses and dispersed existing farm complexes. Although the land of the application site is relatively flat, the land to the north slopes gently downwards towards the B1377 road and the land to the south rises upwards away from the site. To the east of the site is an existing linear stretch of mature woodland that runs in a north to south direction, the trees of which are some at 15 metres high. This treed strip doubles in width around the former Standalane agricultural buildings to the east of the site then tapers to a point where it meets the B1377 adjacent to the proposed site access.

On the matter of landscape impact, the Council's Landscape Projects Engineer has appraised the applicant's submitted Landscape and Visual Impact Assessment, and the accompanying photomontages.

He advises that the proposed development would be reasonably screened to the east by the existing linear stretch of mature woodland on the east side of the site. However, he notes that during the months of the year when the deciduous trees within this strip and other wooded areas in the wider area are not in leaf, the site would be more visible.

He considers that views into the site from the south and west would be minimised by the topography of the landscape of the area, the surrounding dispersed built environment and existing vegetation. The proposed development would, however, be clearly visible from a short section of both the B1377 and the adjacent rail line, to the north and northwest of the site. In general, the topography of the site lends itself reasonably well to accommodating the proposed development in respect of the wider views which have been considered in detail within the applicant's Landscape and Visual Impact Appraisal (the Appraisal) dated January 2016. The Landscape Projects Engineer advises that this is visually evident in the submitted viewpoints and photomontages taken from the surrounding area. He advises that the Appraisal has been carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition, published by the Landscape Institute and Institute of Environmental Management and Assessment.

In respect of the surrounding landscape character the Landscape Projects Engineer advises that there are cylindrical silo type structures similar to parts of the proposal associated with local farms, as well as large sheds which are akin to the agricultural landscape that is the site's context. However, he acknowledges that the proposed development is of a larger physical size and number than the smaller structures located within local farm settlements, therefore creating a greater visual impact of an industrial nature such that the proposal does not read in a similar context as it is not attributed to any existing farm buildings other than the disused Standalane Steading buildings within the treed area to the northeast of the application site.

In this respect the Landscape Projects Engineer confirms that the application site is in an area where the topography and vegetation would reasonably screen or soften the proposed development's visual appearance and impact from a number of viewpoints but that it would appear incongruent to the landscape composition due to its massing. This advice is qualified in respect that within the Appraisal is a 'Proposed Planting' plan (drawing number ED11615/Fig 15), which shows a comprehensive detailed landscaping scheme comprising the creation of new woodlands, hedgerows and individual tree planting. He confirms that if this proposed planting is successfully managed it would mitigate, in time, against the level of visual impact that the development has from the viewpoint receptors that have been assessed through their levels of magnitude and overall effect. He further advises that the timescales for this planting to make a significant impact on the development are approximately five to ten years for the hedging, fifteen to twenty years for the woodland trees and ten years for the individual trees. This will only be successful if all planting stocks are of good quality, planted and protected and carefully managed until fully established. The planting should provide a level of screening/softening from views into the site along the B1377 and rail line to the north/north-west, amongst others assessed in the Appraisal. There is an additional strip of mixed woodland planting proposed that includes evergreen varieties of trees, shown to be planted between the site and the existing wooded strip to the east of the site. This would further decrease the visual permeability of the site when viewed from the east along the A6137 north and south bound. The proposed planting layout is in keeping with the landscape character assessment for this area which was determined in the Ash Consulting Group 1998 'The Lothians Landscape Character Assessment', Scottish Natural Heritage review No. 91, (LCA) 24 North Berwick Plain.

The Landscape Projects Engineer advises that this planting scheme should create an enclosure to the development within the open field, thus improving its setting within the wider context, noting that although the planting will take a number of years to establish it should, year on year, begin to soften/screen the development. In this he acknowledges that there are a number of viewpoints where elements of the development would remain visible, from the B1377 road to the north of the site and to a lesser extent in longer distance views from the north and south.

In all of the above the Landscape Projects Engineer does not object to the proposed development, advising that although it would result in a significant new landscape feature, the surrounding topography in the wider area lends itself reasonably well to accommodating the proposed development. Moreover, with a requirement for the submission of a detailed landscaping plan based on the principles shown in the Appraisal this would mitigate, in time, against the level of visual impact from the most public viewpoints to the north and northeast.

In conclusion, given the location of the proposed development in the context of its landscape setting, with the surrounding undulating topography interspersed by mature woodlands and farm complexes, the magnitude of change to the landscape character of

the area would not be so significant or of such a degree that would have a lasting harmful impact on the landscape setting and visual amenity of the area. The proposed development can be successfully accommodated in this particular location in the East Lothian countryside.

On these considerations of landscape impact the proposed development is capable of being appropriately accommodated within its landscape context. Whilst it would be a significant scale of development it could be successfully and appropriately visually contained within the site as described above. In this it does not conflict with Policies DC1 (Part 5), DP1 and DP2 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and Planning Advice Note 51: Planning, Environmental Protection and Regulation.

In terms of the impact of the proposed development of tourism, there is no evidence to substantiate the assertion of some of the objectors that the proposed development would harm tourism in East Lothian. Moreover given the above landscape assessment it has been concluded the proposed development can be accommodated without having a lasting harmful impact on the landscape setting and visual amenity of the area.

The Council's Road Services have appraised the applicant's submitted Transport Statement. Road Services advise that they are supportive of its findings, with particular regard to the localised transport impacts of the operation of the proposed development in its operational phase. Road Services are also satisfied that the predicated level of vehicle trips to and from the site as identified in the submitted Transport Assessment is a reliable basis on which to assess such a proposed development. Road Services further state that the submitted traffic count data has identified ample reserve capacity in the local road network to accommodate additional movements associated with trips to and from the site and note that even with the worst case scenario of all vehicles trips happening within the peak hour (which is highly unlikely to occur), the existing road network can accommodate the additional traffic movement satisfactorily, particularly with many of the sources of the trips already originating locally (i.e. with East Lothian).

Road Services raises no objection to the application, being satisfied that traffic likely to be generated by the proposed development could be satisfactorily accommodated on the local road network and thus it would not result in a road or pedestrian safety hazard. Road Services do, however, recommend that:

- * a visibility splay of 2.5 metres by 215 metres be provided and maintained on either side of the proposed new vehicular access with the B1377 road so that no obstruction lies within the splay above a height of 1.05 metres measured above the adjacent carriageway surface;
- * at the proposed new site access junction with the B1377, corner radii of 10.5 metres be provided on either side of the junction;
- * at least the first 10 metres of the vehicular access road from its junction with the B1377 public road be constructed to ELC Standards for Development Roads. The principles of this are shown on submitted drawing number 4257-D2-0015 rev 5;
- * a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area be submitted to and approved by the Planning Authority prior to the commencement of development;
- * a Travel Plan for workers and a Transport Management Plan for deliveries to and from the site be submitted to and approved by the Planning Authority prior to the

commencement of development; and

* in order to promote sustainable methods of travel to and from the site for employees, showering facilities should be provided as well as at least 4 undercover and secure cycle parking spaces.

Road Services confirm the recommended visibility splay and corner radii are achievable.

Subject to the appropriate use of conditions to cover these recommendations of Road Services, the proposed development of and operation of the site as an anaerobic digester plant and associated development does not conflict with Policies DP20, T1 and T2 of the adopted East Lothian Local Plan 2008.

In all of the above considerations the assessment of the proposal is that, whilst it would result in the presence of a significant infrastructure development in this countryside location, the proposed use complies with Policy DC1 of the adopted East Lothian Local Plan 2008, and its visual and landscape impact, subject to appropriate planting to better integrate it with its landscape and woodland context, is capable of being accommodated in this particular landscape context. In this location it would be acceptably served by the proposed new vehicular access, and traffic movements as a result of it can be accommodated within the existing road network. It would also not result in a harmful loss of amenity to any existing or proposed residential property. It would also be capable of providing energy generation from renewable sources. There are no other material planning considerations which would justify a refusal of planning permission.

CONDITIONS:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 A schedule of materials and finishes and samples of such finishes for all components of the development, including ground surfaces and any boundary enclosures shall be submitted to and approved by the Planning Authority prior to the material and finishes being used in the development.

The materials and finishes used in the development shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

3 The capacity of the anaerobic digestion plant hereby approved shall not exceed 62,724 tonnes per annum.

Reason:

To restrict the capacity of the plant to that applied for, in the interests of the amenity of the area.

4 No consumer waste foodstuffs or animal by-products shall be transported to, or processed within the anaerobic digester plant hereby approved.

Reason:

In the interests of the amenity of the area.

5 The anaerobic digestion plant hereby approved shall only operate between the hours of 8.00am - 6.00pm Monday to Friday and 8.00am - 1.30pm on Saturdays only.

Reason:

To restrict the operational hours of the plant to that applied for, in the interests of the amenity of the area.

6 Prior to the commencement of development full details of the proposal for water supply and drainage (including surface and foul drainage) for the site shall be submitted to and approved by the Planning Authority following consultation with the Scottish Environment Protection Agency.

The water supply and drainage scheme for the application site shall thereafter be fully implemented in accordance with the details so approved.

Reason:

To ensure the provision of a satisfactory drainage scheme for the application site.

7 A visibility splay of 2.5 metres by 215 metres shall be provided and maintained on each side of the new vehicular access junction with the B1377 public road and no obstruction within the visibility splay shall be above a height of 1.05m measured from the level of the adjacent carriageway of the public road;

At the new vehicular access junction with the B1377 public road corner radii of 10.5 metres shall be provided on either side of the junction, the detail of which shall be submitted to and approved in advance by the Planning Authority;

At least the first 10 metres of the vehicular access road from its junction with the B1377 public road shall be constructed to East Lothian Council Standards for Development Roads in accordance with that shown on docketed drawing no. 4257-D2- 0015 Revision 5.

Reason:

In the interests of road safety.

8 A Travel Plan for workers at the site to reduce reliance on staff single occupancy car use and to encourage the use of alternative forms of travel shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Plan shall include a timetable for its implementation and details of the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development and in the interests of road safety.

9 A Transport Management Plan to minimise the impact of operational site traffic on the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. It shall detail the times between which deliveries shall be made to and from the site and the amount of vehicle movements per day (a movement equates to one vehicle entering the site or leaving the site, thus one vehicle entering and leaving the site equates to 2 movements) and also detail the routes to be taken to and from the site, and shall also include a timetable for its implementation and details of the system of management, monitoring, review, reporting and duration of the Plan.

Reason:

In the interests of the amenity of the area and in the interests of road safety.

10 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic, including the routes to be taken to and from the site, and shall include hours of construction work and details of wheel washing facilities to be provided. Wheel washing facilities must be provided and maintained in working order during the period of operation of the

site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Reason:

- 11 To minimise the impact of construction activity in the interests of the amenity of the area. Prior to the commencement of operation of the anaerobic digester plant and associated development as hereby approved showering facilities shall be provided within the site as well as at least 4 undercover and secure cycle parking spaces, in accordance with details to be submitted to and approved in advance by the Planning Authority.

Reason:

- 12 To promote the use of a sustainable form of transport to the development. No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall be based on the landscape proposals shown on docketed drawing no.ED11615/Fig 15. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

- 13 In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the landscape character and visual amenity of the area. The anaerobic digester plant and associated development all as hereby approved shall at all times operate in compliance with the following requirements:

(i) the Rating Level, LArTr, of noise emanating from any associated plant or machinery serving the anaerobic digester plant hereby approved and any other part of the proposed development (when measured 3.5m from the façade of any neighbouring residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound". The difference between the Rating Level and Background Level can be increased to 10dB where the noise source does not have a tonal element;

(ii) noise associated with the operation of any associated plant or equipment serving the anaerobic digester plant hereby approved and any other part of the proposed development shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any neighbouring or nearby residential property. All measurements to be made with windows open at least 50mm;

(iii) noise associated with vehicle movements emanating from use of the new access road serving the site from the B1377 road as hereby approved shall comply with the upper limit for daytime garden noise levels of 55dBLAeq,t specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" within any neighbouring or nearby residential property;

(iv) noise associated with vehicle movements emanating from use of the proposed new access road serving the site from the B1377 road as hereby approved shall comply with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" within any neighbouring or nearby residential property.

Reason:

In the interests of the amenity of any neighbouring or nearby residential property.