



**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

**WEDNESDAY 15 JUNE 2016
CORN EXCHANGE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor W Innes
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter

Council Officials Present:

Mr D Proudfoot, Head of Development
Ms M Ferguson, Service Manager – Legal and Procurement
Mr K Dingwall, Principal Planner
Mr D Irving, Senior Planner
Mr M Greenshields, Transportation Planning Officer
Mr D Oliver, Service Manager – Environmental Health
Mr C Clark, Principal Environmental Protection Officer
Mr P Forsyth, Team Manager – Assets & Regulatory
Ms C Molloy, Legal Team Leader
Ms P Bristow, Communications Officer

Clerk:

Ms F Currie

Visitors Present:

Mr N Sutherland, Ms L Hopwood, Mr I Thomson
Mr D Scott, Mr J MacCallum, Mr A DeVenny
Mr T Drysdale

Apologies:

Councillor A Forrest
Councillor J Williamson

Declarations of Interest:

None

1. 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

A report was submitted in relation to Planning Application No. 16/00068/P. Daryth Irving, Senior Planner, presented the report, summarising the background and key points of the application, its previous appearance at Committee and the amendments to the proposed conditions put forward by the Applicant. Mr Irving advised that in May 2016 planning permission was granted for the conversion of Standalane Steading to form 1 house. The impact of the proposed anaerobic digestion plant on the privacy and amenity of the future occupants of Standalane Steading, should it be converted to a house, was an important material consideration in the determination of this application. Mr Irving confirmed that further consultation had taken place and that both the Council's Environmental Health officers and SEPA were satisfied with the suggested conditions. The proposed decision set out in the report was to grant consent for the application subject to the amended conditions.

In response to questions from Members, Mr Irving and Marshall Greenshields, Transportation Planning Officer, advised on issues relating to on-site storage, operating and delivery hours, noise assessments, implications for local road safety and traffic levels and the affect of the proposals on the amenity of neighbouring properties.

In addition, Sean Caswell from SEPA, confirmed that consents had been granted in relation to ground water usage and that SEPA had no concerns in this regard.

Neil Sutherland of Wardell Armstrong, agent for the applicant, explained that the proposed plant would provide low carbon, sustainable energy for up to 7000 homes and would support over 30 East Lothian farms and associated jobs. He referred to independent assessments and scrutiny which supported the proposals and outlined some of the measures which would be put in place, such as planting, to minimise the visual impact of the development. He indicated that, while an Environmental Impact Assessment (EIA) had not been prepared as this was not a legal requirement, sufficient assessments had been undertaken and the results submitted to the Council. A traffic assessment had also been undertaken in keeping with other applications of this size.

Mr Sutherland responded to questions from Members regarding the size and number of vehicles accessing the site each day, the decision not to provide an EIA, procedures for dealing with gas leaks and the provision of on-site storage.

Lucy Hopwood, from the National Non-Food Crops Centre (NNFCC), spoke in support of the application. She advised that there were 300 anaerobic digester plants operating in the UK, 25 of those in Scotland, and that these plants made farms more sustainable and profitable. She confirmed that the plant at Standalane would support 40 jobs during construction and 6 thereafter, as well as those of associated suppliers. It would allow for crop diversity and price agreements with local farmers and provide energy for local homes. She encouraged Members to support the application.

Ms Hopwood explained the role of the NNFCC as an independent adviser on anaerobic digestion and responded to questions from Members on the requirements for on-site storage, the average size of agricultural and industrial plants and VAT advice provided by HMRC.

Iain Thomson, a local farmer, spoke in support of the application. He said he was enthusiastic about the idea of growing crops for sustainable energy production within East Lothian. He referred to the recent depression in farming and said that farmers had to diversify to survive in the current market. He explained that having a contract and an agreed price would allow farmers the opportunity to invest in their businesses. He added that there were environmental benefits to the process and that it was endorsed by the National Farmers Union as a way of sustaining farms and jobs.

Derek Scott, agent acting on behalf of Samantha Henderson, owner of Standalane Steading, spoke against the application. He outlined his client's objections which centred on concerns over increased traffic volumes, the impact of slow moving traffic on road safety, and the loss of amenity to her property through noise pollution and the lack of a reasonable buffer zone. He suggested that the data provided by the applicant was unreliable and the mitigation measures proposed insufficient to address the potential impact of the development. He concluded that, should the application be approved, his client would have no option but to seek a Judicial Review.

Mr Scott responded to questions from Members, expanding on the concerns around the safety of the road junction and the potential noise levels from the plant.

John MacCallum, agent acting on behalf of David Chalmers, spoke against the application. He advised that the proposed plant would remove up to 2 hectares of agricultural land and would be situated on an elevated position visible from the north of the site, which no amount of planting could obscure, all of which was contrary to planning policies. He also referred to the transport and noise concerns and suggested that the applicant had been slow to provide information on these issues. He added that the detail on matters such as ground water usage and on-site storage was still unclear and that the concerns of the local community in relation to road safety had not been adequately addressed.

Alan DeVenny, agent acting on behalf of John Smart, spoke against the application. He said that his consultancy had undertaken a full traffic and transport review which had identified significant concerns. In his view the development was on an industrial scale and could result in very significant level of heavy vehicle traffic to and from the site. Referring to the applicant's transport survey, he said that this had not considered the full impact on local feeder routes and had underestimated the number of traffic movements. The assessment of the impact on the main junction was also deficient and the information gathered by his team suggested that there were already speeding issues on that road as well as a history of accidents within a 10 mile radius. He concluded that substandard access, with insufficient visibility could be detrimental to road safety.

Tom Drysdale, Gullane Area Community Council, advised Members that the application had caused great concern in the local area for a number of reasons. He said that it amounted to an industrial installation on agricultural land which would take crops and agricultural waste from many areas out with East Lothian. There was also great concern regarding the plant's visibility on the landscape and that this would be far greater than had been suggested by the applicant. He indicated that, in the Community Council's view, the traffic assessment was flawed as it had been undertaken out with peak times and it did not mention one of the main commuter routes in the area. He also called into question the Transportation Planning Officer's view that there would be no impact on traffic levels, stating that traffic would likely move to the coastal route leading to increased congestion in the villages.

Local Member Councillor Day said that he had called in this application due to significant public interest and he felt it was important to debate the issues at Committee. He outlined his concerns over the size of the development, the impact on traffic and road safety (which he observed from the site visit was slow moving along a tourist route). He also noted that the

applicant had failed to take account of future developments in the area which would impact on the road capacity. He raised concerns about the lack of an appropriate buffer between it and Standalane Steading. In his view, prime agricultural land was not an appropriate site for this development and he would not be supporting the application.

Local Member Councillor Berry observed that while it could be argued that this development would help farmers and sustainable energy, it was effectively a power station rather than an agricultural plant. He was also concerned that the impact of vehicle movements had been underestimated, that the plant would have a negative impact on Standalane Steading and that an EIA should have been carried out and further details provided on proposed ground water use. As a result, he would not be supporting the report recommendation.

Local Member Councillor Goodfellow supported anaerobic digestion as a means of generating power from waste; however, he did not consider that this was a waste plant as it would take crops specifically grown for power generation. He did not think that the plant could be contained within 2 hectares; it was not an agricultural development in terms of Policy DC1; there was no evidence that alternative sites had been explored and the traffic assessment was not sufficiently robust. He would not be supporting this application.

Councillor McMillan referred to the importance of balancing economic need against local concerns. He said he disagreed with concerns about traffic levels and added that issues around speeding and road safety could be controlled through existing legislation. He pointed to the needs of farmers and the opportunity that this plant would give them to invest in and grow their businesses. He said that there would be little impact on tourism and that the plant would help the Council to meet its goal to support sustainable development and renewable energy. On balance, he would be supporting the report recommendation.

Councillor Currie referred to the positives and negatives outlined by previous speakers and said that the decision must reflect the impact of the development on the local environment and local communities. He shared his colleagues' concerns over traffic levels and road safety (observing that there would be concerns with an HGV turning at a slow pace onto oncoming traffic). He was also concerned at the lack of an EIA and the likely impact on Standalane Steading in terms of noise and amenity. He concluded that this was a case of 'the right application but in the wrong location' and he would not be supporting the report recommendation.

Councillor Trotter said that he had listened carefully to the views both for and against. While he supported renewable energy he said that this had to be balanced in sympathy with the objections raised. He would not be supporting the application.

Provost Broun-Lindsay acknowledged that there were strong views on both sides. However, he took the view that the impact on traffic levels and road safety would not be as significant as some suggested. He observed that there was no such thing as 'unspoilt' scenery and he considered that the visual impact of the plant could be mitigated to an extent and would not be as intrusive as wind turbines. On balance, he felt that the benefits outweighed the negatives and he would be supporting the application.

Councillor McLeod said that although this was a new and exciting business opportunity, public safety was a key issue and the applicant could have done more to address concerns. He would not be supporting the application.

Councillor Grant said he had listened with interest to all of the arguments and had come to the view that he would support the application. He noted that the applicant had sought assurances that an EIA was not necessary; he also noted that while planning policy stated that an application should consider buffers it was not a requirement for planning permission.

He believed that the concerns around road safety could be managed and that the plant would offer benefits for local farmers and the local economy.

Councillor Innes commented that this was a difficult decision with both sides making valid and coherent arguments. However, in his view, the application was not an agricultural development but an industrial one as the function of the plant was to generate energy. He said that there needed to be significant reasons to allow such developments within the countryside and he agreed with Councillor Currie that this was the right application but in the wrong location. Therefore, with reluctance, he would not be supporting the application.

Councillor MacKenzie said he had also found it difficult to come to a view. He agreed with the comments of Provost Broun-Lindsay and although he had listened to the concerns regarding the impact on traffic levels and noise pollution he was not persuaded by these views. He would be supporting the application.

The Convener brought the discussion to a close. He noted that Members were finding this decision difficult. He stated that, in his view, the main consideration was whether prime agricultural land was an appropriate place for this type of development and he referred to the terms of Policy DC1. He concluded that, having heard all of the views, he did not consider this to be a suitable development for this site. He was in agreement with local members; he would not be supporting this application.

The Convener moved to the vote on the report recommendation:

For: 6
Against: 10
Abstentions: 0

The Committee then considered the reasons for refusal and agreed each by a majority vote.

Decision

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed anaerobic digestion plant would be an inappropriate form of industrial development, contrary to Policy DC1 of the adopted East Lothian Local Plan 2008;
2. The proposed development, by virtue of its size, form and position, would be harmful to the visual amenity of the area, contrary to Policy 1B of the South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008;
3. The proposed development, by virtue of the proposed access arrangements and the nature and number of vehicle movements that would be generated, would result in an unacceptable risk to road safety; and
4. It has not been demonstrated that the proposed anaerobic digestion plant would not have an unacceptable impact on the privacy and amenity of the future residents of Standalane Steading, if it were to be converted to a house.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee