



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Karen Black, a reporter appointed by the Scottish Ministers

- Case reference: PPA-260-2055
- Site Address: 865 South Street, Glasgow, G14 OBX
- Appeal by W.H. Malcolm Ltd against the decision by Glasgow City Council
- Application for planning permission 15/00549/DC dated 6 March 2015 refused by notice dated 29 February 2016
- The development proposed: Alteration and diversification of existing waste recycling facility to incorporate an energy recovery facility and associated flue and infrastructure
- Date of site visit: 6 July 2016

Date of this report and recommendation: 20 January 2017



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Alteration and diversification of existing waste recycling facility to incorporate an energy recovery facility through use of and extension to existing building and with incorporation of an associated flue and infrastructure

• Case reference	PPA-260-2055
• Case type	Appeal against refusal of planning permission
• Reporter	Karen Black
• Appellant	W.H. Malcolm Ltd
• Planning authority	Glasgow City Council
• Other parties	See weblinks in main report and Appendix 3 to consultees, submissions to the planning application and representations to DPEA on the appeal
• Date of application	6 March 2015
• Date case received by DPEA	6 May 2016
• Method of consideration and date	Accompanied site inspection on 6 July 2016
• Date of report	20 January 2017
• Reporter’s recommendation	Allow the appeal and grant planning permission subject to conditions, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement

The site

The site is located on the north side of the River Clyde within an area allocated for industrial and employment uses in the adopted City Plan 2 and as an ‘economic development area’ in the emerging city development plan. The site currently operates as a waste recycling and transfer station for the recycling of construction and demolition waste. The site is accessed from South Street on the north-eastern boundary of the site. The A739 and A814 (Dumbarton Road / Clyde Expressway) are located to the north and east of the site.

The existing recycling and processing operations are housed in a large grey industrial warehouse storage shed. The site and its immediate surroundings comprise a mix of industrial uses, fabricator yards, offices and commercial warehousing. A bus depot and asphalt plant are located immediately to the west of the appeal site. A car body repair business is located immediately adjacent to the north. The majority of the immediately surrounding uses are industrial and commercial in nature, with the exception of residential properties at Harland Cottages, located on South Street to the north west of the proposed site.

Appeal proposal

The proposed development would involve the provision of an energy recovery facility. In short, the existing residual waste currently sent to landfill would be used to generate heat and power. The existing warehouse shed currently in use for recycling and processing waste materials on the site would house a fuel preparation plant and thermal treatment facility. The fuel preparation plant would shred incoming waste, recover recyclable materials for export off-site to re-processing facilities, and prepare the residual waste as a refuse derived fuel for treatment in the thermal treatment facility. Heat and energy would then be extracted from the refuse derived fuel.

The proposal would include a single storey extension which would incorporate a turbine and condensing unit on the south elevation of the existing recycling building. The extension would be constructed in materials to match the existing building. Four silos, each at an approximate height of just under 18 metres to their highest point, for the storage of air pollution control residues would also be constructed on this elevation. A control room and substation would be located on the north elevation frontage facing onto South Street. A 70 metre high flue stack would also be erected on the roof of the existing recycling and processing shed.

Consultation responses

Prior to the determination of the planning application the council consulted a number of external agencies and various council departments and teams. The Scottish Environment Protection Agency (SEPA) confirm that the proposal is potentially consentable in principle, in terms of the Pollution Prevention and Control (Scotland) Regulations 2012 (or PPC). Further comments on matters relating to energy efficiency, air quality, odour, noise, human health, habitats, zero waste objectives, site selection, residual waste and flood risk are also provided.

None of the external agencies, council departments and teams raised objections to the proposal.

Representations

Around 960 representations were received by the council in response to the planning application. All of the representations submitted are in opposition to the proposed development. The representations included objections from MSPs, councillors, community councils, residents associations, parent council and other local environmental groups. The remaining representations were submitted by private individuals. Concerns related to inadequate public consultation, potential health issues from air pollution, odour, dust and noise, pollution of River Clyde, energy production, location and proximity to residential areas and community facilities, lack of district heating system, landscape and visual impacts, increase in traffic, waste source, flood risk, need for facility, impact on property values and aircraft safety.

Case for the appellant

The appeal proposal will cause no material change on the operations of the existing plant, with the internal energy recovery facility being operated within the terms of the existing waste management licence and current operational practices. The appellant considers that

the modernisation and diversification of the existing facility, through the appeal proposal, will bring improvements to the existing mitigation procedures for potential impacts such as noise, dust, and odour. In terms of visual impacts, the stack will add an additional industrial feature to existing views that are of an industrial character/setting.

SEPA's Pollution Prevention Control (PPC) permitting process will examine and control the specific details on the operation and monitoring of the proposed technology, maintaining required environmental standards. The PPC process will help to ensure that no significant adverse impacts on amenity are caused through the operation of the appeal proposal.

The appeal proposal will not cause an increase in traffic movements from above those assessed at the time of the original planning application in 2004 and the terms of its waste management licence, and are estimated to remain under the number of vehicle movements associated with the facility during 2006-2007. Traffic counts included in the Transport Assessment indicate that the proposed development will create an increase of 0.47-0.55% of total movements on South Street from those at present.

Overall, the appellant considers that the proposed development fully accords with national policy and the development plan.

Case for the council

The council acknowledge that although many aspects of the proposal are in accordance with the development plan, the appellant has failed to adequately address the visual and residential amenity impacts that the proposed development would have on the residents of those properties in the direct vicinity of the facility. The amenity impact on those properties would be such that the proposal could not be considered to be in accordance with the development plan.

The council consider that the proposal is not in accordance with city plan policies DES 1, DES 11, and ENV 11 in respect of its relationship and impacts on the visual and residential amenity of surrounding buildings and the area in general. Specific concerns relate to overlooking, loss of privacy, daylight or sunlight, overshadowing, noise and disturbance, and increased traffic.

Reporter's conclusions

The site is designated 'Industry and Business' under policy principle DEV 3 in the City Plan 2 and as an 'economic development area' in the emerging city development plan. Policy DEV 3 describes such areas as being the focus for industrial and business activity in the city and that the council will support proposals that modernise the industrial or business floorspace or enhance the physical environment and infrastructure within these areas. Such areas will be retained for use classes 4 'Business', 5 'General Industrial' and 6 'Storage or Distribution' as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997. The proposal would therefore meet these requirements.

A number of other policies in the adopted city plan are also relevant. These policies require consideration of visual and residential amenity impacts.

I found that subject to appropriate conditions there would be no adverse visual impacts arising as a result of the proposed development. The proposal would therefore meet the

objectives of policies DES 1, DES 11 and ENV 11 of the adopted city plan and policy CDP 5 in the emerging plan insofar as they relate to visual impacts.

I also considered the substantial number of objections relating to potential air pollution and other residential amenity matters. I found that subject to appropriate regulation by SEPA and imposition of reasonable planning conditions in the event that Ministers allow the appeal, the proposal would have no adverse impact on residential amenity arising from air pollution, odour, noise and dust. The proposals are therefore compliant in this respect with city plan policies DES 1, DES 2, ENV 11, IB9 and policy CDP 5 in the emerging city development plan.

I have also taken account of the support for the proposal in Scottish Planning Policy, and the Zero Waste Plan. Both the council and SEPA also acknowledge that the proposal meets national policy objectives. Taken together with my findings in relation to the development plan policies above, I consider that the proposal meets the objectives of SPP and the Zero Waste Plan and therefore accords with national policy and guidance.

In addition to the issues relating to visual and residential amenity impacts, I also considered the wide ranging concerns and issues raised in relation to traffic and parking, the location of the proposal, impacts on listed buildings and conservation areas, gasification technology, and recovered energy. My view is that overall, the proposal would meet the requirements of city plan policies DES 1, DES 2, DES 3, ENV 5, ENV 11, ENV 15, TRANS 4, DG/TRANS 1, DG/TRANS 4 and TRANS 8 and policies CDP 5, CDP 9 CDP 11 in the emerging city development plan.

Recommendation

I recommend that planning permission is granted subject to the conditions in Appendix 1 and the signing of a Section 75 planning obligation as set out in Appendix 2. In the event that Ministers are minded to allow the appeal and grant planning permission for the proposed development, I also recommend that a 'notice of intention' is issued so that the obligation as outlined above is first of all agreed between the parties before planning permission is granted.

Scottish Government
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

DPEA case reference: PPA-260-2055

The Scottish Ministers
Edinburgh

Ministers

In accordance with my minute of appointment dated 17 June 2016, I conducted an accompanied site inspection of the appeal site at 865 South Street, Glasgow, its surroundings and other locations referred to in evidence on 6 July 2016.

On 4 October 2016 Ministers recalled the appeal for their determination because of the sensitivities of this particular type of development, the residential characteristics of the area and the significant level of public interest.

My report, which is arranged on a topic basis, takes account of all the written evidence presented to me, including the appeal submissions, the council's appeal statement, and supporting documents. It also takes account of the Environmental Statement, and other environmental information submitted by the parties, the written representations made in connection with the proposal and all of the consultation responses and representations made to the council on the planning application and to the DPEA on the appeal. Hyperlinks to key documents are included in my report.

CHAPTER 1 BACKGROUND AND POLICY CONTEXT

The proposal

1.1 The site is located on the north side of the River Clyde within an area allocated for industrial and employment uses in the adopted City Plan 2. Planning permission was granted for the current on-site operations in 2004 and a waste management licence was issued by SEPA in 2006. The site currently operates as a waste recycling and transfer station for the recycling of construction and demolition waste. The site is accessed from South Street on the north-eastern boundary of the site. The A739 and A814 (Dumbarton Road / Clyde Expressway) are located to the north and east of the site. The appellant confirms that the site operates 7 days per week, 52 weeks per year. The hours of operation would remain the same and the new facility would operate within the current waste management licensed tonnage of 495,000 tonnes per year.

1.2 The existing recycling and processing operations are housed in a large grey industrial warehouse storage shed. The site and its immediate surroundings comprise a mix of industrial uses, fabricator yards, offices and commercial warehousing. A bus depot and asphalt plant are located immediately to the west of the appeal site. A car body repair business is located immediately adjacent to the north. The majority of the immediately surrounding uses are industrial and commercial in nature, with the exception of residential properties at Harland Cottages, located on South Street to the north west of the proposed site.

1.3 The proposed development would involve the provision of an energy recovery facility. In short, the existing residual waste currently sent to landfill would be used to generate heat and power. The existing warehouse shed currently in use for recycling and processing waste materials on the site would house a fuel preparation plant and thermal treatment facility. The fuel preparation plant would shred incoming waste, recover recyclable materials for export off-site to re-processing facilities, and prepare the residual waste as a refuse derived fuel for treatment in the thermal treatment facility. Heat and energy would then be extracted from the refuse derived fuel.

1.4 The [site plan](#) which accompanied the planning application indicates the development would include a single storey extension measuring approximately 41 metres x 10.5 metres on the south elevation of the existing recycling building. This would incorporate a turbine and condensing unit and the extension would be constructed in materials to match the existing building. Four silos, each at an approximate height of just under 18 metres to their highest point, for the storage of air pollution control residues would also be constructed on this elevation. A control room and substation would be located on the north elevation frontage facing onto South Street. A 70 metre high flue stack would also be erected on the roof of the existing recycling and processing shed.

Previous planning applications

1.5 In addition to the planning consent granted in 2004 for the existing use (referenced below), further planning applications have been approved as follows:

- 03/02411/DC – Use of site for recycling of building materials with associated service yard and lorry/car parking

- 04/04016/DC – Alterations to existing buildings including demolition, extension, re-cladding, creation of new openings and erection of roller shutters with creation of retaining walls and re-grading of land at river's edge
- 05/02384/DC – Erection of security gatehouse
- 05/03836/DC – Erection of cabin within recycling facility

Pre-application consultation

1.6 The application is categorised as “major” in terms of the Planning etc. (Scotland) Act 2006. A Proposal of Application Notice was submitted in October 2014 (reference no. 14/02268/DC) and a public consultation exercise was undertaken by the applicant from October 2014 until February 2015. As required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, a [Pre-Application Consultation Report](#) was submitted with the application outlining the methods of consultation undertaken and summarising the comments received. A summary of the outcomes is also included in the [committee report](#).

1.7 Prior to the submission of the planning application, the proposal was also subject to a scoping exercise under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, in order to agree the scope and content of the [Environmental Statement](#) submitted with the planning application.

Planning application

1.8 The [planning application](#) was submitted to the council on 6 March 2015. The application (reference no. 15/00549/DC) was accompanied by a considerable volume of supporting material. As well as the Pre Application Consultation Report and Environmental Statement referenced above, the submission also included a [planning statement](#), [location plan](#), [shed layout plan \(existing\)](#), [shed layout plan 1 \(proposed\)](#), [shed layout plan 2 \(proposed\)](#), [site layout plan \(existing\)](#), [site layout plan \(proposed\)](#), [proposed substation](#), and a plan of [existing drainage outfalls](#). The Environmental Statement included a [Design and Access Statement \(revised\)](#), [Transport Assessment \(revised\)](#), [Air Quality Odour and Human Health Impact Assessment \(revised\)](#), [Human Health Risk Assessment \(revised\)](#), [Flood Risk Assessment](#) and a number of appendices relating to the [visual assessment](#), [noise monitoring results](#), [listed buildings](#), [heritage designations](#), [ZTV](#) and [photomontage methodologies](#), [aviation protection](#), [topography](#), [heat and power plan \(text\)](#), [heat and power plan \(drawings\)](#), [preliminary cooling water dispersion assessment](#), [landscape character areas](#), [access network](#), and an [indicative comparison](#) of the stack height.

1.9 The appellant states that the revised documents referenced above were submitted in response to comments by the Scottish Environment Protection Agency (SEPA) and other parties during the consultation period for the planning application.

Consultation responses

1.10 Prior to the determination of the planning application the council consulted a number of external agencies and various council departments and teams. Scotstoun Community Council and Whiteinch Community Council were also consulted on the planning application. A summary of the responses is provided below and I pick up on the main points raised in the remaining chapters of this report.

External agencies

1.11 The [Scottish Environment Protection Agency \(SEPA\)](#) has no objections to the planning application. They comment that the proposal in principle is potentially consentable in terms of the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). They highlight that on receipt of an application for a PPC permit, several issues may have an impact on planning and could result in changes to the design of the facility which may necessitate submission of a new planning application. Examples include adjustments to air impact modelling which may require adjustments to the stack height, odour control facilities and potential impacts on Air Quality Management Areas. Further comments are provided on licensing matters relating to the European Industrial Emissions Directive, SEPA Guidelines on Thermal Treatment of Waste, the air dispersion model, odour and noise abatement, human health matters, flood risk, site selection and compliance with Scotland's Zero Waste Plan.

1.12 [Historic Scotland](#) (now Historic Environment Scotland) do not object to the proposed development and confirm that as no heritage assets lie within the development boundary, there does not appear to be the potential for any direct impacts. They do highlight however that there are a number of nationally important heritage assets in the vicinity of the proposed development. Given the nature of the proposed development, and the existing land use in the area, Historic Environment Scotland consider it unlikely that there would be significant alterations to the baseline settings of heritage assets and are content that there would be no significant impacts upon any of these assets. They recommend that the council's conservation and archaeological advisors be consulted on potential impacts on unscheduled archaeology and category B and C listed buildings.

1.13 [Scottish Natural Heritage](#) note that long and short-term modelled air concentration and deposition rates at designated nature conservation sites are below the relevant thresholds. If Glasgow City Council is satisfied with these figures, air quality impacts are not considered significant at these sites. Consideration should be given to identifying and addressing any localised landscape impacts from the chimney stack.

1.14 [Renfrewshire Council](#): no objection

1.15 [MOD](#): no objection

1.16 Glasgow Airport: No objections subject to the imposition of a condition relating to the addition of lights on the proposed flue stack in order to ensure the safe movement of aircraft.

1.17 NERL/ NATS (air traffic control): no response

1.18 Scottish Water: no response

1.19 Clyde Port Authority: no response

1.20 Scottish Government: no response

Council departments

- 1.21 [Land and Environmental Services Strategic Flood Manager](#): the proposal does not represent an increased flood risk to the River Clyde catchment. It is recommended that the developer consults fully with SEPA with regard to water treatment levels, water quality and attenuation in relation to any discharges to the river.
- 1.22 [City Design team](#): planting will not be able to visually offset or screen the scale of the new chimney or other works unless positioned well outside the site towards those affected. Large scale planting/landscape works would have a positive ecological effect along the Clyde by providing habitat for mammals, birds etc to traverse the edge of the site.
- 1.23 [Land and Environmental Services \(Public Health\)](#): no objections provided suitable noise attenuation measures are implemented.
- 1.24 [Land and Environmental Services \(Sustainable Glasgow\)](#): The emissions reduction, treatment and monitoring specified within the air quality assessment are standard for a facility of this nature and would be legally required as part of the PPC Permit. Comments are also made on the potential for developer contributions to be used for the reduction of emissions or other pollutant reduction measures in Glasgow.
- 1.25 [Land and Environmental Services \(Recycling\)](#): no issues with waste/storage collection arrangements.
- 1.26 [Transport Planning team](#): no objections in relation to impacts on the local road network, parking provision and vehicular access arrangements. In line with city plan policies and guidance TRANS 8 and TRANS 4, a developer contribution of £9,000 should be sought for the council's Clyde Fastlink bus based transit system by means of a legal agreement.

Representations

- 1.27 [Scotstoun Community Council](#) and [Whiteinch Community Council](#) both objected to the planning application. Reference was made to toxic emissions, spread of chemicals, potential for odour, fumes, dust, increased traffic and visual impacts of the chimney stack.
- 1.28 In addition, around 960 representations were received by the council in response to the planning application. The majority are in opposition to the proposed development. The representations included objections from MSPs, councillors, community councils, residents associations, parent council and local environmental groups. The remaining representations were submitted by private individuals, the vast majority (over 90%) using a pro-forma template letter. The main concerns can be summarised as:

- Inadequate public consultation and information on process within proposed facility
- Potential health issues from air pollution, odour and dust
- Potential noise pollution
- Potential pollution of River Clyde
- Energy production
- New technology should not be proposed close to residential areas
- No district heating system for recovered energy
- Proposed location is contrary to guidance within Scottish Planning Policy

- Adverse impact on riverside landscape and contrary to Policy DES1
- Increase in traffic using surrounding streets
- Proximity to residential areas, schools, community facilities
- Waste should be delivered to site by boat instead of road transport
- Proposed stack would detract from improved landscape of surrounding area
- Waste potentially coming from outwith Greater Glasgow area
- Flooding risk
- The need for scale of facility at this location
- Operations within facility
- No provision to carry out continuous monitoring within proposal
- What happens to the ash
- Proposal would undermine efforts to increase recycling
- Adverse impact on property values
- Similar proposal at this site was previously refused
- Existing similar facility located at Polmadie and proposed facility at Bogmoor Road
- Proposed stack could be hazardous to aeroplanes and helicopters

1.29 In response to the appeal submission a further 26 representations have been submitted directly to the DPEA. A number reiterate the issues outlined above and also include comments and objections relating to national waste policy, the waste hierarchy and the proposed gasification technology. I will address these matters in Chapter 5.

Council decision

1.30 The application was the subject of a [report](#) to the council Planning Committee on 12th January 2016 at which the application was continued for a hearing. The hearing [report](#) was considered at the Planning Applications Committee on 23 February 2016. In both cases the officer recommendation was to approve the application subject to conditions and a Section 75 Agreement.

1.31 The council subsequently refused the application for the following reasons as set out in the [decision notice](#):

- The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan;
- The proposed stack, by virtue of its height and appearance, would detract from the overall amenity of the area; and
- Due to the location of the proposal the operation of the proposed facility would adversely affect residential amenity.

1.32 A copy of the [minutes](#) of the meeting is also provided in the appeal submissions.

1.33 This [appeal](#) against the refusal of planning permission was lodged on 6 May 2016. Following receipt of the [council's appeal statement](#) and further representations in response to the appeal from residents, the appellant submitted further appeal statements in [June](#) and [July 2016](#).

1.34 A [direction](#) that the appeal would be determined by the Scottish Ministers was made on 4 October 2016. The formal notice of direction indicates that it was made because of the

sensitivities of this particular type of development, the residential characteristics of the area and the significant level of public interest.

Policy context

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

1.36 The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan 2012 (SDP) and Glasgow City Plan 2 2009 (LDP). There is an emerging Glasgow City Development Plan and, although not referred to by parties, Ministers will also be aware that the proposed replacement SDP is currently subject to Examination. I am also required to have special regard to the desirability of preserving the nearby category A listed Barclay Curle industrial works, including the category A listed former North British Engine Works building and Barclay Curle Titan Crane, their setting and any special features of historic or architectural interest they possess.

The SDP

1.37 Spatial Framework 4 in the SDP sets out the development principles for proposals for infrastructure, including waste management facilities. Such uses will generally be acceptable in industrial and storage or distribution locations and at existing waste management facilities, particularly where there exists the opportunity to maximise the potential for the reuse of waste heat through co-location with potential heat users. Specifically the SDP notes that additional waste management infrastructure capacity is required in the SDP area. Strategy Support Measure 13 also states that the provision of appropriate infrastructure to meet the Zero Waste Plan will support the SDP's spatial development strategy.

The LDP

1.38 The site is designated 'Industry and Business' under policy principle DEV 3 in the City Plan 2. The policy describes such areas as being the focus for industrial and business activity in the city and the council will support proposals that modernise the industrial or business floorspace or enhance the physical environment and infrastructure within these areas. Such areas will be retained for use classes 4 'Business', 5 'General Industrial' and 6 'Storage or Distribution' as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997.

1.39 Although no specific policy is referenced in the council's decision notice to refuse the application, the following policies have been referenced by the appellant, council and other parties who submitted representations to the planning application and appeal submission:

- [DES 1 Development Design Principles](#) sets out the design criteria against which proposals should be assessed. These include a requirement that proposed development should demonstrate the highest standards of urban design which respects context, setting, local townscape and landscape character. The policy also states all new development should relate well to existing settlements, protect important public views, embrace the principles of sustainable design and construction, avoid conflict with adjacent land uses and does not detract from the

visual amenity of the surrounding area. The policy also sets out a requirement for planning applications to be accompanied by a Design Statement illustrating how these matters have been addressed.

- [DES 2 Sustainable Design and Construction](#) requires proposals to demonstrate mitigation against pollution to air, water and land by using best practice guidance on pollution prevention available from SEPA.
- [DES 3 Protecting and Enhancing the City's Historic Environment](#) seeks to preserve and enhance the character and appearance of the city's conservation areas and protect their settings; to protect the special architectural and historic interest of the city's listed buildings; to protect ancient monuments and their settings and to protect and preserve archaeological remains.
- [DES 11 Tall Buildings](#) states that tall buildings should be located to avoid areas of sensitive urban character (e.g. adjacent to conservation areas and/or listed buildings), should be located in a Sustainable Area (defined as exhibiting an existing high density and relatively tall building form, located within wide visibility corridors, and having excellent access to sustainable and emerging transport infrastructure), and should avoid interruption of strategic views or competition with significant or prominent buildings.
- [IB 9 Low Amenity Industrial Operations](#) aims to minimise the environmental impact of low amenity industrial operations which include waste recycling and waste transfer centres, and incinerators. Such uses will generally only be supported on relatively isolated and well screened sites within 'Industry and Business' areas. The potential environmental, amenity and transport impact on surrounding uses will be considered when assessing such proposals. Where appropriate, existing low amenity industrial operations will be encouraged to relocate to such sites.
- [ENV 15 Energy](#): states that developers are particularly encouraged to consider the options for shared and/or combined heat and power, or energy from waste installations, subject to the appropriate discussions with the regulators.
- [Policies TRANS 4, TRANS 8, DG/TRANS 1, and DG/TRANS 4](#) provide guidance on parking standards, developer contributions for transport infrastructure and transport assessments.
- [Policy ENV 11 Treatment of Waste and Recycling Materials](#) sets out policy requirements specifically for the treatment of waste and recycling materials and includes locational requirements and consideration of visual, environmental and residential impacts.
- [ENV 5 Flood Prevention and Land Drainage](#) aims to safeguard development from the risk of flooding.
- [ENV 17 Protecting the Water Environment](#) aims to ensure new development does not have an adverse impact on the water environment.

Emerging LDP

1.40 Following submission of the modified plan by the council, the Glasgow City Development Plan was approved by Scottish Ministers in December 2016. Although the emerging plan is still to be adopted at the time of writing my report, its advanced stage towards adoption is an important material consideration in this appeal.

1.41 The site allocation and policies in the city development plan largely reflect the allocations and policy requirements in the adopted city plan. The site is allocated as an 'economic development area' where industry and business uses are supported. The site is also located within an indicative 'River Clyde Development Corridor' where a 'Strategic Development Framework will be prepared by the council which will set broad design parameters to be taken forward in Local Development Frameworks. An indicative 'Clyde Walkway Link' is also identified along the southern boundary of the appeal site.

1.42 The appellant refers to the relevant policies in the emerging plan in their planning statement of April 2015 and these are summarised below:

- Policy CDP 1 The Placemaking Principle: the overarching policy aim is to achieve high quality design and amenity for residents.
- CDP 2 Sustainable Spatial Strategy: supports the regeneration of the River Clyde Development Corridor and Strategic Development Frameworks will be prepared which will set broad design parameters.
- Policy CDP 3 Economic Development: the site is allocated as an 'economic development area' in the city development plan. The policy supports development proposals for industry and business uses in such areas.
- Policy CDP 5 Resource Management provides policy guidance for energy planning, district heating networks/heat mapping (in progress and detailed outcomes to be set out in supplementary guidance). The policy includes reference to existing waste treatment facilities and is supportive of existing waste treatment facilities at Polmadie, Blochairn and Govan. The aim is to manage waste to minimise landfill and meet Zero Waste Plan targets. Proposals for new waste management/recycling operations will be considered against locational, design, amenity, transport, noise and air quality considerations and other environmental matters, including potential for energy recovery.
- CDP 7 Natural Environment aims to safeguard ecosystems and the natural environment.
- CDP 8 Water Environment relates to the protection and improvement of the water environment, and provides guidance on sustainable drainage and reducing flood risk.
- CDP 9 Historic Environment aims to protect, conserve and enhance the city's historic environment.
- CDP 11 Sustainable Transport supports sustainable use of public transport infrastructure and reducing pollution associated with vehicular traffic.

1.43 I also note that policy CDP 12 Delivering Development in the emerging plan sets out a requirement for all developments within specified zones to contribute to the Clyde Fastlink Proposed Route. As part of the site is located within the identified zone, appropriate levels of contribution may apply.

National policy

1.44 A number of other national policy guidance and advice are relevant, in particular:

1.45 [National Planning Framework 3](#) recognises that waste is a resource and an opportunity rather than a burden. It supports the creation of a decentralised network of processing facilities and it expects planning authorities to work with the market to identify viable solutions and leave a sustainable legacy for future generations.

1.46 Paragraph 188 of [Scottish Planning Policy 2014 \(SPP\)](#) states that planning authorities, in considering waste installation proposals, should only consider whether the proposal is an appropriate use of land and to leave the regulation of installations to SEPA which licenses such facilities under the Pollution Prevention and Control (Scotland) Regulations 2012.

1.47 SPP also sets out four policy principles for zero waste. All are relevant to this appeal proposal, namely; to promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials; support achievement of Scotland's zero waste targets (recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025); support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing; and to help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy.

1.48 The Scottish Government in the [Zero Waste Plan 2010](#) has adopted a zero waste policy in accordance with the European Waste Framework Directive. The aim is to minimise waste and to recognise the value in resources that would, in the past, have been sent to landfill. Planning authorities are expected to deal with waste as a resource as opposed to a burden. The plan acknowledges that energy from waste has an important role to play in meeting renewable energy targets. The Zero Waste Plan is an important material consideration in this appeal.

1.49 Scottish Government advice in [PAN 51](#) and more recent [Planning & Waste Management Advice](#) published in July 2015 which has the same function as the previous PAN 63, also confirm that planning authorities should not impose planning conditions on matters subject to regulation by SEPA under pollution prevention or environmental protection legislation. A valid planning consent must be in place, however, before a waste management licence or pollution prevention and control permit can be issued. The 2015 advice also confirms that the planning system has a role to play in moving towards Scotland's goal of a zero waste society. It advises that a network of waste management installations will be necessary to implement the 2012 Waste (Scotland) Regulations measures to drive re-use and recycling. The policy advice also provides specific information on how planning authorities should deal with energy from waste proposals. It encourages developers to reuse and recycle waste generated during demolition and

construction and confirms that established and licensed waste management facilities can also form part of the network. It highlights that energy from waste plants can contribute to the achievement of Scottish Government targets for renewable heat and electricity.

1.50 SEPA's [Thermal Treatment of Waste Guidelines 2014](#) provides a practical framework for applying the waste hierarchy. The guidelines describe what is expected from developers in order to comply with the PPC regulations and provides advice on the type of information the agency requires when determining permits. The guidelines specifically state that they only permit waste to be used for energy generation where this would not impede waste re-use or recycling or efforts to prevent the production of waste in the first place.

1.51 Taking all the appeal documents and representations into account I consider the main issues in this case to be:-

(a) the impact on the visual amenity of the area; in particular matters relating to the height of the proposed flue stack; and

(b) the impact on the residential amenity of the surrounding area and adjoining properties; in particular matters relating to air quality, odour, dust, noise, and traffic.

1.52 I have considered the key development plan policies and guidance as well as national policy guidance in Chapter 2. Matters relating specifically to issues (a) and (b) are addressed in more detail in Chapters 3 and 4 respectively. My report also addresses other matters raised by objectors in Chapter 5.

CHAPTER 2 POLICY MATTERS

Introduction

2.1 This chapter of my report summarises the case for the appellant, the council and objectors to the proposed development. The case summaries below have been taken from the initial planning application submissions, the appeal statements and subsequent responses to appeal statements.

2.2 The main policy areas in dispute relate to the visual and residential amenity impacts of the proposed development on the immediate and surrounding area. These matters are considered in more detail in Chapters 3 and 4 respectively.

Case for the appellant

Development Plan

SDP(Glasgow and Clyde Valley Strategic Development Plan)

2.3 Strategy Support Measure 13 of the approved Glasgow and Clyde Valley Strategic Development Plan 2012 acknowledges the targets of the Zero Waste Plan, stating that, “the provision of the appropriate infrastructure to meet the Zero Waste Plan targets will support the Spatial Development Strategy. Development proposals for waste management facilities will generally be acceptable in industrial and storage or distribution locations and at existing waste management facilities particularly where there exists the opportunity to maximise the potential for the reuse of waste heat through co- location with potential heat users”. The appellant states that Strategy Support Measure 13 is the most relevant policy with regards to the proposed development, and emphasise that the proposal is both at an existing waste management facility and within an industrial location. The proposal therefore complies with the approved Strategic Development Plan.

LDP (City Plan 2)

2.4 The appeal site is designated within City Plan 2 as an ‘Industry and Business’ area, covered by Policy DEV 3. It is an established waste management site and is adjacent to the industrial thoroughfare of South Street, which has previously shown itself suitable to accommodate the levels of predicted traffic generation. South Street is also in close proximity to the Clyde Expressway and has strong links to the wider motorway network.

2.5 City Plan 2 Policy ENV 11 Treatment of Waste and Recycling Materials is particularly relevant. The first part of the policy states that proposals for waste management operations “should, wherever possible, be located within areas designated for ‘Industry and Business’ use, preferably on derelict and degraded sites or existing waste management sites, where these have not been converted or are planned to be converted to other uses; and to accord with sustainable transport principles.”

2.6 The appellant also states that the proposal complies with policy ENV 11 in a number of respects, in that the ability to diversify the existing facility, which already meets all of the locational requirements of Policy ENV 11, further strengthened the appeal site’s position as the most appropriate location to accommodate the proposed waste management and

energy recovery facility. There is a very large industrial building already on the site inside which the modular gasification technology can easily be installed and operated as required without increasing the existing licensed capacity of 495,000 tonnes per annum, using the processes and impact mitigation measures in place for the current waste recycling facility.

2.7 The overall process of seeking to draw a benefit from the appropriate treatment of residual waste streams, in terms of reducing the amount of waste sent to landfill, ensuring that recyclable source materials are separated from residual wastes and producing usable electricity and heat from the residual wastes is considered to be in compliance with the Glasgow and Clyde Valley Area Waste Plan as required by policy ENV 11.

2.8 The Environmental Statement provides the explanation of where the residual waste streams that will be used in the proposed development fit in the waste hierarchy and why the ability to recover embedded energy is the Best Practical Environmental Option (BPEO) over its disposal at landfill or treatment outside Scotland. The proposal will also comply with this policy in that activities will be carried out within the existing shed, minimising visual and environmental impact.

2.9 The proposed development can be incorporated into the current operational practices of the existing facility with no additional impacts and without adversely affecting the amenity of the surrounding area or nearby residents. The appellant considers therefore that the proposed development complies fully with policy ENV 11.

2.10 Policy IB 9 aims to minimise the environmental impact of these types of low amenity industrial operations. It states that these proposals will, generally, only be supported on relatively isolated and well screened sites, within areas designated DEV 3 Industry and Business. Consideration is to be given to potential environmental, amenity and transport impact on surrounding uses. The appellant states that the proposal meets these requirements.

2.11 In addition to the above policies the appellant in their [planning statement](#) of April 2015 also provides a summary of the policies against which they state the proposed development would be compliant. These are listed as TRANS 1, TRANS 2, TRANS 3, TRANS 4, TRANS 9, ENV 4, ENV 5, ENV 7, ENV 15, ENV 17, DG/DES 6 and DG/DEV 6. The policies relate to transport infrastructure, parking standards, air quality, water quality, flooding, drainage, natural environment and energy.

City Development Plan

2.12 The site is located within an Economic Development Area where policy CDP 3 applies. It is not subject to any specific proposals. There is a general identification of a Clyde Walkway link adjacent to the River Clyde, around the southern edge of the site, and a road proposal (T007) is shown along South Street at the northern boundary. Further to the north, on the former railway embankment is the Fastlink Proposed Route. The site is also within an indicative boundary for a River Clyde Development Corridor where a Strategic Development Framework will be prepared in the future.

2.13 The appellant also provides a summary of other relevant policies against which they state the proposed development would be compliant in the April 2015 planning statement. These are listed as CDP 1, CDP 2, CDP 5, CDP 7, CDP 8, CDP 9 and CDP 11. These

relate to design, industry and business, energy planning, natural and historic environment and transport.

National policy

National Planning Framework 3 (2014)

2.14 National Planning Framework 3 (NPF3) highlights the need for all of our resources, including waste, to be sustainably managed to deliver climate change commitments and realise opportunities for business and employment. It adds that planning authorities are expected to work with the market to identify viable solutions to providing a decentralised network of waste processing facilities and to leave a sustainable legacy for future generations.

2.15 NPF3 also identifies the national target to meet at least 30% of overall energy demand from renewable sources by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewable sources. A further target is to source 11% of heat demand from renewable sources by 2020.

Scottish Planning Policy 2014 (SPP)

2.16 The appellant contends that the proposal is supported by SPP and highlights that SPP stresses that waste is an opportunity and a resource rather than a burden. It supports the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing. There is support for Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; helping to deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy i.e. waste prevention, reuse, recycling, energy recovery and waste disposal.

2.17 Paragraph 180 highlights that development plans should enable investment opportunities in a range of technologies and industries to maximise the value of waste, including thermal treatment plants. It adds that the industry should engage with planning authorities to help identify sites which would enable co-location with end users of outputs, where appropriate.

2.18 SPP indicates that although local authorities should have regard to the annual update of required capacity of source segregated and unsorted waste, it should not be considered as a cap and that planning authorities should generally facilitate growth in sustainable resource management.

2.19 Paragraph 182 states that, "the planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity".

2.20 Paragraph 203 states that, "planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural

environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development”.

2.21 The appellant also states that diversification of its existing facility to include the processing of non-hazardous commercial and industrial waste and in using residual waste will generate up to 12.2MW of electricity and up to 9.7MW of usable heat. This will complement Polmadie’s position as the key recycling and waste management facility for the treatment of Glasgow’s municipal waste.

Waste (Scotland) Regulations 2012

2.22 In terms of energy recovery facilities, the Regulations require that no separately collected waste capable of being recycled is incinerated or co-incinerated and that the plant will be equipped and operated in such a manner as is practicable to ensure that no waste including non-ferrous metals or hard plastics is incinerated or co-incinerated.

Zero Waste Plan Scotland (2010)

2.23 Key actions of the Zero Waste Plan (ZWP) of particular relevance to the proposed development, include: a target to recycle 70% of all waste arising in Scotland by 2025; introduction of progressive bans on the types of materials that may be disposed of in landfill, to exclude any resource with a value for reuse or recycling by 2020; identification of key waste streams with sector-specific ZWP delivery programmes, to progress from existing commitments, such as that made by the construction industry to halve waste sent to landfill; and the Scottish Government will introduce regulatory measures to support the delivery of landfill bans, by ensuring energy from waste treatment is only used to recover value from resources that cannot offer greater environmental and economic benefits through reuse or recycling.

2.24 One of the Strategic Directions of the ZWP includes “recover and utilise the electricity and/or heat from resources which cannot be reused or recycled for greater environmental or economic benefit, in line with Scotland’s renewable energy goals”. The plan also states that “energy from waste has an important role to play and could contribute to 31% of Scotland’s renewable heat target and 4.3% of our renewable electricity target. For energy from waste to be truly sustainable it should only be used for resource streams which cannot practicably offer greater environmental and economic benefits through reuse or recycling. The Scottish Government will develop a new regulatory approach to energy from waste, based on categories of resources which may be treated in this way. This new approach will apply to all resource streams, not just municipal waste”. A further statement adds that energy from waste in Scotland could generate enough heat for 110,000 homes and power for 170,000 homes.

2.25 The proposal will help towards meeting the aims and objectives of the Zero Waste Plan by reducing the amount of residual construction and demolition waste and commercial and industrial waste streams being sent to landfill. The proposed development will be the only dedicated facility in Glasgow that deals only with these specific waste streams.

2.26 In respect of the waste hierarchy as set out in the Zero Waste Plan, the appellant contends the operational, technological and implementation considerations of the appeal proposals would form part of the PPC consenting process and SEPA will control whether these are sufficient. They do acknowledge however that calculations have not been

undertaken to demonstrate that the plant will achieve R1 (energy efficiency formula) status. They state that there is no requirement to do so under UK legislation. The primary aim of the R1 calculation is to assess whether the facility can accept municipal solid waste imported from another EU country. They consider the proposed development would recover energy from residual waste which would otherwise be disposed of to landfill. It is therefore higher up the waste hierarchy than disposal to landfill.

2.27 The appellant also states that the consultation response from SEPA makes no mention towards the need for R1 considerations at this stage, nor any requirement for this to influence the planning decision. They add that the consultation response confirms the proposal meets ZWP objectives by supporting the attainment of Scotland's zero waste targets i.e. reducing landfill waste generation, helping the delivery of waste infrastructure in accordance with the waste hierarchy principles i.e. waste re-use, recycle, recovery.

Planning Advice Note 63

2.28 PAN 63 highlights that, in general, the most appropriate locations for waste management facilities will be those with the least adverse impacts on the local population. However, general site selection considerations are given, including: industrial areas; degraded, contaminated or derelict land; existing or redundant sites which could be used for incineration or materials reclamation facilities; sites previously occupied by other types of waste management facilities; and other sites located close to railways, water transport wharves or major road junctions.

2.29 In conclusion, the appellant considers that the proposed development, complies fully with the principles of national, regional and local planning policy.

Case for the council

Development Plan

2.30 Whilst the council agrees in the appeal submissions that the proposal complies with many aspects of the development plan, it considers that the proposal does not comply with policies DES 1 Development Design Principles, DES 11 Tall Buildings and ENV 11 Treatment of Waste and Recycling Materials of the adopted City Plan 2.

2.31 In terms of policy DES 1 the council highlights four criteria which they consider have not been met. These are:

- relate well to existing settlements, infrastructure, local services, reinforce connectivity to the green network and safeguard the local historic and natural environment;
- avoid conflict (e.g. by reason of undue environmental or amenity impacts) with adjacent land uses;
- ensure that the siting, form, scale, proportions, detailed design and use of materials do not detract from the visual amenity of the existing or surrounding buildings and wider area; and
- ensure that there is no undue impact on the amenity or development potential of adjacent land and that there is no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, daylight or sunlight, overshadowing, noise or disturbance.

2.32 Policy DES 11 states that “Tall buildings will usually be acceptable only in areas where topography, existing urban scale, height, transport infrastructure and land values make them sustainable”. The council also note that the application site is designated as DEV 3 Industry and Business in Glasgow City Plan 2, and that areas designated ‘Industry and Business’ are the focus for industrial and business activity in the city. Notwithstanding, the application site is in close proximity to a residential area (the Harland Cottages, to the north of the site beyond South Street), which is designated as DEV 2 Residential and Supporting Uses. The council states that there is a need to carefully assess the impact that the proposals will have on this sensitive receptor. The council consider that the proposal would not comply with DES 11.

2.33 The council also state that given the visual and residential amenity issues, the proposed development is not in accordance with ENV 11. The policy states that: “waste management/recycling facilities should not adversely affect the amenity of the surrounding area, including views from nearby road frontages; and they “should be sited where they will not detract from the residential amenity of neighbours”.

2.34 Additionally, whilst the council acknowledge that the increased vehicle movements of 15,000 per annum from current levels is in accordance with DG/TRANS 1 and complies with the existing SEPA licence for the site, there will be an increase in vehicle movements nonetheless. Combined with the imposing presence of the stack on the view from the Harland Cottages, the increase in vehicle movements will increase the perception of industrial activity for the residents of those properties.

2.35 The council contend that the appellant has failed to adequately address the visual and residential amenity impacts that the proposed development would have on the residents of those properties in the direct vicinity of the facility. It was the committee’s view that the amenity impact on those properties would be such that the proposal could not be considered to be in accordance with the development plan, and accordingly refused the application.

National policy

2.36 The council also make reference to SPP in the appeal submissions and highlight the impact that waste management facilities in particular can have on nearby sensitive receptors such as residential areas.

2.37 The council makes specific reference to the SPP ‘recommendation’ of a buffer zone of 250 metres between sensitive receptors (such as dwellings) and mixed use processing / thermal treatment plants. The Harland Cottages are located 25 metres from the closest point of the appeal site and around 105 metres from the proposed site of the stack. This is well within the 250 metre buffer zone which SPP suggests should separate such developments.

2.38 However, the planning officer’s [report](#) to the Planning Committee also provides a summary of the relevant national policies including NPF3, Zero Waste Plan, SPP, 2015 Planning and Waste Management Advice, PAN 51 and SEPA’ s Thermal Treatment of Waste Guidelines 2014. The planning officer concludes that having assessed the proposal against national policy, it is considered that the proposed energy-from-waste facility would not conflict with any relevant policy.

Representations

2.39 A number of representations state that the proposal is not an energy recovery facility according to the waste hierarchy (as set out in the European Waste Framework Directive) but a low order form of waste disposal. They contend that the appellant has failed to demonstrate that their proposed gasification facility would operate within the definition of 'other recovery' within the Waste Framework Directive. The facility should be treated as disposal and not recovery for the purpose of interpreting local, national and European waste policies, and should therefore be seen as located at the very bottom of the waste hierarchy, alongside landfill. The proposal therefore conflicts with the waste hierarchy and runs contrary to local, national and European waste policies and objectives.

2.40 A number of objections from community councils, residents associations, and private individuals have also been submitted prior to the council's consideration of the planning application and in response to the appeal submission. A pro forma letter was submitted by the majority of respondents to the planning application.

2.41 The [Harland Cottages Residents Association](#) also comment that they are concerned that the appearance and scale of the proposals will result in overlooking of their properties and detract from the residential area.

2.42 The [joint submission](#) from Jordanhill Community Council and Victoria Park Residents' Association of 14th June 2016 in response to the appeal provides a summary of the policy objections as they relate to the adopted LDP and includes the main points raised by many of the objections from other parties. The statement confirms the support for the council's refusal of the planning application.

2.43 The submission states that the development does not meet the policy requirements of policy DES 1 to demonstrate the highest standards of integrated urban design which respects context, setting, residential adjacencies, local townscape and landscape character while relating to the existing locale through scale, massing, design and appearance.

2.44 In addition, the proposal:

- fails to embrace the principles of inclusive design to formulate the project's purpose, inspiration, innovation, operational efficiency, security and transparency with the community;
- fails to demonstrate an understanding of the natural character and topography of the site, including water features, orientation, to enhance biodiversity;
- hinders public perception of the important relationship between architecture and place to meet with a range of policy areas which contribute to sustainable outcomes;
- delivers poor design that will be paid by the community living in the proximity of a facility whose designers have given no thought to the quality and distinctiveness of the proposal. This results in further degradation of an ugly building in an environmentally chaotic and managed site;
- has neglected the opportunity to enhance the setting by opening up sight lines to the river front by formulating a coherent design response to the adjacent Barclay Curle, West Yard, Scotstoun heritage site;

- results in significant negative aesthetic and visual impact, since the proposal will be visible from the surrounding area with observation distance and visual magnitude increased by proximity of residential amenities;
- exhibits poor and vulgar aesthetics that by disorder do not engage in any visual and sensory appeal. Abuse of scale, form and proportion by conversion of an existing industrial shed designed with bolt-on component extensions and construction of a 70 metre single stack to accommodate energy recovery technologies;
- omits investment in either facade treatments, orientation nor the provision of office and visitor centre areas to benefit public understanding and perception of the building's purpose, and
- fails to embrace the principles of sustainable design and construction, namely the provision of energy efficient buildings and sustainable drainage.

2.45 The development does not meet the requirements of policy DES 2 Sustainable Design and Construction which seeks to ensure that the development and regeneration of the city is undertaken in a manner that embraces the principles of sustainable design and construction, thereby helping deliver sustainable development. The proposal does not make best use of sustainable design and construction techniques. There are inefficiencies in the existing building's structural, acoustic and thermal envelope to contain 'best available techniques' (BAT) to reduce the potential threats to public health and safety. These are:

- obstruction of effective building management and environmental control tolerances (positive pressure ventilation);
- potential for structural failure originating from hazards identification and consequences;
- unsuitability of converting an existing building to accommodate a gasification reactor, thermochemical conversion, exhaust gas cleaning and associated processes including automation and control that are complex and potentially hazardous;
- potential release of significant emissions to air, namely the cumulative effects of undesired products: particulate matter, dust, soot, inorganic and organic pollutants, and
- deficiencies in containment of noise and vibration that would be expected to arise outside the site boundary to impact on the residential amenity.

2.46 The development does not meet the policy requirements of policy ENV 11 that ensures that wherever possible the development will not adversely affect nor detract from the amenity of any neighbouring occupiers as a result of noise, traffic movements and dust, particularly when outside normal business hours.

2.47 Ambitious but misleading district heating concepts have been submitted. No consideration has been given to ground conditions and associated contamination or conflicts with existing infrastructure. Based on the information presented, the proposal does not demonstrate the feasibility of energy recovery, and provide data to support efficient operations within the definition of 'other recovery' within the Waste Framework Directive. As such the claimed benefits are unlikely to be delivered in whole or in part. Interpretation of the Planning etc. (Scotland) Act 2006 requires that the feasibility of 'other recovery' be dealt with in terms of policy principles ENV 11 and not be passed as a problem for SEPA to assess as part of the Pollution Prevention and Control (Scotland) Regulations permit application process.

2.48 Policy IB 9 states that proposals for low amenity industrial operations (such as waste recycling facilities) will generally, only be supported on relatively isolated and well screened sites, within designated DEV 3 areas. The development does not meet the policy requirements of IB 9 to adequately embrace improving on the current visual appearance of the site. The proposal provides no environmental screening to protect sensitive receptors.

2.49 The proposal would therefore not meet the requirements of policies DES 1, DES 2, DES 11, ENV 11 and IB 9.

Reporter's conclusions

Development Plan

2.50 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires Scottish Ministers to determine the appeal proposal in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.51 In this case the development plan consists of the Glasgow and Clyde Valley Strategic Development Plan approved in 2012, and the City Plan 2 adopted in 2009. Although not referred to by parties, Ministers will be also be aware that the proposed replacement SDP is currently subject to Examination. The appellant also refers to the emerging city development plan which was approved by Scottish Ministers in December 2016. Although the emerging plan is still to be adopted, its advanced stage towards adoption is an important material consideration in this appeal. The relevant development policies have therefore been identified in both the appellants' and the council submissions as summarised above.

2.52 A number of the development plan policies referenced by parties above, include criteria relating to consideration of design and residential amenity matters. These are discussed in more detail in Chapters 3 and 4 respectively.

SDP

2.53 The policies in the SDP provide a spatial element to the guidance contained in NPF 3, SPP and the Zero Waste Plan. Spatial Framework 4 and Strategy Support Measure 13 in particular confirm that proposals for waste management facilities will generally be acceptable in industrial and storage or distribution locations and at existing waste management facilities particularly where there exists the opportunity to maximise the potential for the reuse of waste heat through co-location with potential heat users. The existing and proposed site is located within an area designated for 'industry and business' in the LDP. The proposal is therefore compliant in principle with the SDP.

LDP

2.54 The site is located in an area designated for 'industry and business' in the LDP. Policy DEV 3 outlines support for the modernising of industrial and business activity in these areas. The proposed development would comply with the adopted city plan by virtue of the site being identified for business and industrial uses. Parties are not in dispute over this point. However a number of other policies in the LDP are relevant in this case and are summarised in Chapter 1, paragraph 1.39 of my report. Key issues relate to the design, environmental, residential and visual impacts. These are considered in more detail in

Chapters 3 and 4 respectively. Consideration also has to be given to traffic and impacts on the historic environment and these matters are considered in Chapter 5.

Emerging plan

2.55 As outlined in paragraph 1.40 of my report, the Glasgow City Development Plan is approaching adoption and is therefore an important material consideration. The key policy of relevance to this proposal is Policy CDP 5 which largely reflects the policy objectives of the adopted LDP in that it is supportive of proposals which aim to manage waste to minimise landfill and meet Zero Waste Plan targets. The policy also emphasises that consideration should be given to design, amenity, transport, noise, air quality and other environmental matters, including potential for energy recovery. These matters are discussed in more detail in Chapters 3, 4 and 5 of my report.

Material considerations

National policy

2.56 NPF3 identifies the need for a decentralised network of processing facilities. The Zero Waste Plan identifies specific targets for waste recycling and composting, and promotes the reduction in the use of landfill. The Zero Waste Plan also acknowledges that energy from waste has an important role in meeting renewable energy targets.

2.57 The Zero Waste Plan seeks the minimisation of resource use, valuable resources are not disposed of in landfills, and most waste is sorted into separate streams for reprocessing, leaving only limited amounts of waste to go to residual waste treatment, including energy from waste facilities. The plan also states that energy from waste has an important role to play and could contribute to 31% of Scotland's renewable heat target and 4.3% of our renewable electricity target.

2.58 Both the council and the appellant refer to the 2011 figures on the additional operational waste management infrastructure capacity required to meet the Zero Waste Plan targets in Scotland, published by SEPA. I note however that SPP includes the updated figures from 2013. For Glasgow and the Clyde Valley, there is an identified requirement for an additional waste management capacity of 980,000 tonnes. From that total figure, 400,000 tonnes of additional capacity is required to manage source-segregated recyclables and 580,000 tonnes of capacity to manage unsorted waste.

2.59 I also note that SEPA confirms that the proposal meets Zero Waste Plan objectives by reducing landfill waste generation; helping the delivery of waste infrastructure in accordance with the waste hierarchy principles; providing alternative waste management infrastructure and encouraging landfill avoidance (to address forthcoming landfill bans for unsorted waste by 2020).

2.60 There is some dispute between parties regarding compliance with the four principles in SPP. These include the waste hierarchy principles and energy recovery. The principle of the waste hierarchy as set out in the European Waste Framework Directive is carried forward in the Scottish Government's Zero Waste Plan. In short, the hierarchy identifies the prevention of waste as the highest priority. When waste is created, it gives priority to preparing it for reuse, then recycling, then other recovery, with disposal as the least desirable option.

2.61 The proposal would generate energy from residual waste materials which is clearly preferable to sending such material to landfill. Given that the proposals will maintain the current recycling function of the business and the residual waste would be used to generate power, I agree that the proposal would be supportive of the waste hierarchy and in turn, with the objectives of the Zero Waste Plan. The consultation response to the planning application from SEPA also confirms their support for the proposal in this respect.

2.62 National Planning Framework 3, SPP and the Zero Waste Plan all support the principle that energy from waste has an important role to play in meeting renewable energy targets. The proposed development also meets the terms of a number of SPP objectives in that it promotes the efficient use of secondary materials, re-uses secondary resources and supports zero waste targets. In my view the proposal would meet the objectives of national policy guidance in that it would contribute to zero waste targets, supports the diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing; and helps deliver infrastructure at an appropriate location.

2.63 PAN 51 and more recent Planning & Waste Management Advice published in July 2015 also confirm that a network of waste management installations will be necessary to implement the 2012 Waste (Scotland) Regulations measures to drive re-use and recycling. The guidance also highlights that energy from waste plants can contribute to the achievement of Scottish Government targets for renewable heat and electricity.

2.64 Whilst, in my view there is national policy support for the proposal in principle, a number of other considerations set out in the development plan policies relating to the assessment of proposals for energy infrastructure are required. These include impacts on communities and individual dwellings, visual impact, residential amenity, noise, effects on the natural heritage, impacts on the historic environment, aviation, road traffic, hydrology, the water environment and flood risk. These matters are considered in more detail in Chapters 3, 4 and 5 of my report.

CHAPTER 3 VISUAL AMENITY

Introduction

3.1 One of the key issues in this appeal relates to the impact of the proposed flue stack on the visual amenity of the area as set out in the council's reasons for refusal of the planning application. A summary of the respective parties cases is taken from the initial planning application submissions, including the Environmental Statement and supporting information, appeal statements, the council's committee reports and representations submitted in response to the appeal. A summary of each is provided below.

Case for the appellant

3.2 The appellant states that the existing main building is a very large industrial building with an existing roof ridge height of 21.3 metres. The length of the existing building also means that it is highly visible when looking southwards from any view between the Harland Cottages. Current views southwards from nearby residential receptors are terminated by the existing industrial building on the site, from which the proposed stack would protrude. The existing building has been an established feature of the built character of the industrial area of South Street for several decades. The appellant acknowledges that the stack will be a tall and prominent feature and that the height of the stack was established following detailed modelling for optimum air quality. They comment that it is not uncommon for such types of waste processing facility. They refer to the facility at Polmadie, currently under construction following approval from the council in 2013, also having a stack of 70 metres and the consented but unbuilt South Clyde Energy Centre approved with an 80 metre stack. The fact that the stack proposed at the appeal site will protrude from the existing building means that its full 70 metre height is not visible in any view.

3.3 The materials and colour of the proposed stack will match the architectural character of the existing main building, and the industrial character of the surrounding area, while also being appropriate as an industrial feature against Glasgow's skyline. The appellant also refers to the planning officer's view as set out in the committee report that the proposed stack would form an industrial feature within the setting of the industrial corridor of South Street. In terms of the design and potential visual impact of the proposal the appellant considers the proposal to be in compliance with relevant criteria in policies DES 1 and ENV 11 of the adopted city plan.

3.4 To assess the potential amenity impact caused by the proposed development, the appellant incorporated a [Landscape and Visual Amenity](#) chapter within the Environmental Statement (Chapter 10). The methodology and visual receptors were agreed in advance with the council. The assessment includes viewpoints and photomontages within a 5 kilometre radius of the site. It shows how the proposed stack would appear from numerous viewpoints within the surrounding area, as well as more distant locations. The methodology used follows recognised industry standards. It includes criteria for determining the significance of visual effects and takes account of the sensitivity of 'receptors'. These include residential properties, roads, recreational facilities, footpaths and cycle routes. The criteria for determining the significance of visual effects range from severe and substantial, both of which are determined as significant. Moderate, slight and imperceptible impacts are determined as not significant. Those that are determined as severe, for example, usually means the proposal would dominate views, would be wholly out of character and

experienced by a large number of people. Substantial significance generally means that the proposal would be prominent but not dominating. Moderate significance is determined as proposals which would be noticeable in views but not dominating. The fact that a change to a view is considered to be significant does not necessarily mean that it is harmful in planning terms.

3.5 The visual assessment concludes that there would be some adverse visual impacts over a wide area, but these are only assessed as significant at Harland Cottages and from the cycle path on the former railway embankment to the north of the cottages.

3.6 In relation to city plan policy DES 11, the tall building in this instance will be an industrial stack, forming part of an established industrial / waste management facility in a designated industrial area. This type of definition of a tall building is not what the main tenet of Policy DES 11 focusses on, as it mainly provides guidance on a tall building having a mix of uses and situation on achieving permeability for high density developments.

Case for the council

3.7 The council consider that the appeal proposal is not in accordance with city plan policy DES 1. Four specific criteria are highlighted; (1) relate well to existing settlements, (2) avoid conflict (e.g. by reason of undue environmental or amenity impacts) with adjacent land uses; (3) ensure that the siting, form, scale, proportions, detailed design and use of materials do not detract from the visual amenity of the existing or surrounding buildings and wider area; and (4) ensure that there is no undue impact on the amenity or development potential of adjacent land and that there is no adverse impact on existing or proposed properties in terms of overlooking, loss of privacy, daylight or sunlight, overshadowing, noise or disturbance.

3.8 The council state that the existing facility is a low level building which, while industrial in appearance, is relatively unobtrusive to the visual amenity of the adjacent residences. The stack at a proposed height of 70 metres would be the second highest structure in the surrounding area, significantly exceeding the scale of nearby buildings. The Millennium Tower is the only higher structure in the area, located 3.5 kilometres to the east of the application site. The existing shed stands at just over 21 metres high. The stack would therefore project approximately 49 metres above the height of the building. The council refer to the dominant scale and utilitarian appearance of the stack and the impacts on the nearby Harland Cottages. The stack would also act to highlight the low-amenity industrial activity taking place in close proximity to residential properties, making the resultant development substantially more conspicuous in the residents' daily lives.

3.9 The council acknowledge that the impact of the stack is less of an issue from a distance however the council considers that the appellant's visual assessment fails to properly acknowledge the effects of the significant increase in scale which is proposed, and considers that the painting of the stack a pale grey colour would be insufficient to mitigate the significant detrimental impact on visual amenity for the neighbouring residents. The Millennium Tower was welcomed by the community as a high amenity landmark which enhanced the cityscape. The community view, and that of the committee, in relation to the current proposal is that the appearance of the proposed stack would detract from the improved landscape of the surrounding area, and in particular is not consistent with the changing nature of the River Clyde and the council's regeneration aspirations for the riverside. The proposed development is therefore not in accordance with policy ENV 11.

Representations

3.10 Representations from local residents, MSPs, MP, local councillors, community councils and residents associations express concerns about the adverse visual impacts of the proposed development and the chimney stack in particular, particularly for those resident in Harland Cottages. The negative aesthetic and visual impact on the overall appearance of the immediate area as well as the River Clyde corridor is also highlighted.

3.11 The [joint submission](#) from Jordanhill Community Council and the Victoria Park Residents' Association provides a summary of the objections also received from many other individuals. The statement also confirms support for the council's refusal of the planning application and specific comments are summarised below.

3.12 Policy DEV 3 supports proposals that modernise industrial floor space or enhance the physical environment and infrastructure. The resultant development, which is located on the site of an existing waste recycling facility within a DEV 3 area, will not be an improvement on the current visual appearance of the site. Given this, the proposal is considered not to meet the policy requirements of DEV 3.

3.13 The development does not meet the policy requirements of DES 1 to demonstrate the highest standards of integrated urban design which respects context, setting, residential adjacencies, local townscape and landscape character while relating to the existing locale through scale, massing, design and appearance.

3.14 In support of the main reasons for refusal of planning permission the proposal:

- fails to interlace multiple professional disciplines that embrace the principles of inclusive design to formulate the project's purpose, inspiration, innovation, operational efficiency, security and transparency with the community;
- fails to demonstrate an understanding of the natural character and topography of the site, including water features, orientation, to enhance biodiversity;
- hinders public perception of the important relationship between architecture and place to meet with a range of policy areas which contribute to sustainable outcomes;
- delivers poor design that will be paid by the community living in the proximity of a facility whose designers have given no thought to the quality and distinctiveness of the proposal. This results in further degradation of an ugly building in an environmentally chaotic and managed site;
- has neglected the opportunity to enhance the setting by opening up sight lines to the river front by formulating a coherent design response to the adjacent Barclay Curle, West Yard, Scotstoun heritage site;
- results in significant negative aesthetic and visual impact, since the proposal will be visible from the surrounding area with observation distance and visual magnitude increased by proximity of residential amenities;
- exhibits poor and vulgar aesthetics that by disorder do not engage in any visual and sensory appeal. Abuse of scale, form and proportion by conversion of an existing industrial shed designed with bolt-on component extensions and construction of a 70 metre high single stack to accommodate energy recovery technologies;
- omits investment in either facade treatments, orientation nor the provision of office and visitor centre areas to benefit public understanding and perception of the building's purpose, and

- fails to embrace the principles of sustainable design and construction, namely the provision of energy efficient buildings and sustainable drainage.

3.15 In addition, the resultant development is considered not to meet the policy requirements of IB 9 to adequately embrace improving on the current visual appearance of the site. The proposal provides no environmental screening to protect sensitive receptors.

3.16 Local community councils also state that the flue breaches design requirements. The proposed flue which requires to be 70 metres high in order to ensure what is claimed to be safe plume dispersal above Glasgow (48.7 metres above the roof of the existing building). The flue height has been raised from the 50 metres height originally proposed in part to protect the sensitive receptors in the high flats at Curle Street and Broomhill Lane which face directly into the prevailing wind. The flue will not only be visible from these flats but will be visible from Harland Cottages, the National Cycle Track, the residents in the upper storeys of the tenements in Fore Street and part of Earl Street and to the patients in wards of the Queen Elizabeth and other hospitals on the Southern General site contrary to Policy DES 1 and policy DES 11.

Reporter's conclusions

Development Plan

3.17 Policies DES 1, DES 11 and ENV 11 of the adopted city are directly relevant to my consideration of this matter. Policy CDP 5 in the emerging city development plan also states that proposals for new waste management / recycling operations will be considered against locational, design, amenity, transport, noise and air quality considerations and other environmental matters, including potential for energy recovery.

3.18 The Environmental Statement confirms that the proposed stack would be the second highest structure in the area after the Millennium Tower. It would exceed the height of the residential flats at Kingsway Court and Curle Street, the Barclay Curle Crane and the new South Glasgow Hospital. From my observations on site, it is apparent also that the proposed stack would also be visible within the setting of the adjacent A listed Barclay Curle Titan Crane.

3.19 At my accompanied site inspection I viewed the existing operations from South Street where the existing business operates. I also walked around the nearest residential properties at Harland Cottages, to the north west of the proposed site. I then viewed the appeal site from the old railway line, now in use as a footpath/cycle path which runs east-west approximately 200 metres north of the appeal site. My inspection also included visiting viewpoints in the wider area along both ends of South Street, Earl Street, Fore Street, Dumbarton Road, and the residential and recreational areas in Scotstoun and Victoria Park. I also viewed the site from the south side of the River Clyde.

3.20 As part of my accompanied site inspection, I was able to view the existing waste recycling operations on the site which also accommodates the main administrative offices for the company. It also includes facilities for the existing waste recycling and processing operations, vehicle maintenance, parking and storage depot, security gatehouse, vehicle washing facilities, weighbridge and areas for storage of incoming and processed materials.

3.21 From within the site itself, I was able to view the high rise flats at Kingsway Court which are visible to the north west beyond Harland Cottages. They are a noticeable feature on the skyline and form a dominant backdrop to the cottages. The Barclay Curle Titan Crane to the east of the site, at a height of approximately 62 metres is also a substantial and visually dominant feature on the skyline. The views from South Street immediately outside the appeal site are dominated by the existing maintenance depot and recycling shed. From the eastern end of South Street the predominance of industrial and commercial buildings of varying age, design and scale are also evident along South Street itself. From the western end of South Street, the predominant view is again of industrial and commercial buildings. The high rise flats at Curle Street located beyond the main industrial buildings along South Street dominate the surroundings and the skyline in the eastern section of South Street. A number of other construction cranes and industrial buildings on the south side of the River Clyde were also visible on the skyline.

3.22 In the wider area the cycle path, forming part of the national cycle network on the old railway line lies immediately to the north of Harland Cottages. Beyond the cycle path to the north are larger residential areas around Earl Street, Dumbarton Road, Victoria Park Drive South, Victoria Park and Scotstoun. The cycle path forms a recognisable physical and visual boundary between these communities and the industrial area along the River Clyde within which the appeal site is located.

3.23 I note that both the council and a number of representees acknowledge that the impacts of the stack would be less of an issue from a distance. Viewpoints included in the visual assessment from the south side of the river and the wider city views provide a good indication of the relatively low significance of impacts from these locations. I agree that impacts would be slight only and there would be no adverse visual impacts from these distant locations.

3.24 I visited the viewpoints submitted by the appellant and also travelled around the wider area in Scotstoun and Victoria Park as part of my site inspection. In terms of viewpoint locations [B](#), [C](#), [D](#), [E](#) and [G](#), I consider that although the stack may be seen from some locations, I agree with the conclusions of the appellants' visual assessment. Taking account of the distance, intervening topography, landscaping, density of buildings together with the industrial nature, including the height and scale of buildings in the immediate area around the appeal site, overall visual impacts are likely to be no more than moderate, and therefore not significant. The impacts would not in my judgement be harmful to the visual amenity of these areas.

3.25 Views of the stack would be possible from the upper floors of some the tenement properties on Earl Street, Fore Street and some properties at the southern end of Henrietta Street which lies between the two. However views would be obscured by the cycle path and existing trees for residents on the ground floor. Taking account of the existing industrial nature of the surrounding buildings, particularly for those residents who are south facing, visual impacts from these properties would not in my judgement be any more than moderate. They would neither be significant nor harmful in visual terms and would not impact to any greater extent on the visual amenity of the residents as it exists at present.

3.26 I also viewed the site and surroundings from the riverside walkway and commercial and retail buildings on the opposite side of the river to the south ([viewpoint A](#)). I also walked along the riverside walkway to a point almost immediately opposite and south of the proposed site. I consider this to be an area which is likely to experience immediate visual

impacts. The predominant view of the site from this side of the river is the main recycling building. The industrial buildings at the adjacent asphalt plant are also evident, as are the Barclay Curle crane, and the high rise flats at Curle Street. I could also see large industrial buildings with a dominant flue stack beyond the crane to the north east. To the north west the BAE and Albion Works complex of buildings together with the Kingsway flats dominated the view. In general, from this location the skyline and built environment to the north along the riverside is predominantly industrial in nature. Although substantial in scale, the existing buildings on the site are relatively unobtrusive in the context of the surrounding industrial environment. I would therefore agree with the conclusions of the appellants' visual assessment that the visual impacts of the stack would be no more than moderate, and therefore not significant, nor harmful from this location.

3.27 In my assessment of the visual impacts, I have paid particular attention to the potential visual impacts on the residents of Harland Cottages, being the closest residential properties to the proposal.

3.28 At my site inspection it was evident that these two storey cottages are unique, not only by virtue of their location in the centre of a large industrial area but also due to the unusual 'mock' tudor style external appearance. The cottages are not located within a conservation area or in a sensitive urban area as specified in policy DES 11. The terraced cottages sit at right angles to South Street and are bounded to the east, west and south by vehicle body repair and fabricator businesses housed in large metal warehouses and workshops. To the immediate north of the cottages lies the elevated cycle path on the former railway line. Beyond, to the north lie the tenement properties in Earl Street and other commercial and residential areas around Dumbarton Road. The views currently experienced by the residents are therefore primarily industrial in nature. [Viewpoint E](#) included in the appellants' appeal submission (page 12), provides an indication of the views likely to be experienced by the users of the cycle path immediately to the rear appeal site. The visual impacts are assessed as substantial and therefore significant at this particular point on the cycleway.

3.29 From my site inspection, it was evident that the height of the stack would result in the proposed stack being highly visible in the immediate vicinity of the Harland Cottages and on the skyline. Views of the stack however, would be limited to a certain extent for those residing in the more enclosed central courtyard areas. However, residents in the blocks on the south gable properties would experience the visual impacts to a greater extent. I have also taken account of the industrial context within which the residents reside. In my view the proposed stack, although highly visible would be no more dominant than the nearby crane and would be seen in the context of other large industrial buildings and structures in the vicinity. Overall the visual impacts, although substantial, would not in my judgement be so significant and harmful in visual terms as to impact to any greater extent on the visual amenity of the residents as it exists at present. Similarly, the visual impacts on the industrial area as a whole would be minimal should Ministers allow this appeal.

3.30 I also note that no objections to the proposals were received from Glasgow City Council's City Design Team, from the Clyde Port Authority or from any tourism agency.

3.31 Overall, I agree that there will be some localised and substantial impacts to the residents of Harland Cottages due to the height of the proposed stack. Taking account of the industrial function and design of the buildings in the immediate and wider area however, together with the proximity of similarly tall buildings and structures, in my judgement the

visual impacts of the proposed stack are not substantially detrimental as to have a significant adverse impact on the amenity of the area and the residents of the residential properties. The proposal therefore meets the objectives of city plan policies DES 1, DES 11 and ENV 11 and policy CDP 5 in the emerging city development plan insofar as they relate to visual impacts.

3.32 Although the majority of objections focus on the adverse visual impacts of the proposed stack, I have also considered the potential visual impacts of the other elements of the proposed development; namely the extension, silos, substation and control room. As I previously found at my site inspection, the surrounding buildings and those in the wider area around the appeal site are predominantly industrial in use and scale. The proposed single storey extension and silos on the south elevation of the main building would be screened from the main access route on South Street and surrounding streets. Viewing the site from the south side of the River Clyde, they would again be absorbed by the scale of the existing surrounding industrial buildings.

3.33 The proposed substation and control room on the South Street elevation are relatively small in scale and similarly in visual terms are unlikely to cause visual harm. The extension, control room, silos and substation would have little, if any adverse impact on the visual amenity of the area. Overall, I consider these elements of the proposals to have minimal impact in visual terms, and therefore compliant with relevant development plan policies.

CHAPTER 4 RESIDENTIAL AMENITY

Introduction

4.1 A further key issue in this appeal relates to the impact on the residential amenity of the surrounding area and adjoining properties; in particular matters relating to air quality, odour, dust, noise, and traffic. A summary of the respective parties cases is taken from the initial planning application submissions, including the Environmental Statement and supporting information, appeal statements, the council's committee reports and representations submitted in response to the appeal. A summary of each is provided below.

Case for appellant

4.2 In terms of considering the potential amenity impacts of the proposed development, the appellant emphasises that the proposed development represents the alteration and diversification of an existing waste recycling facility, and is not a new facility altogether. The company already undertake a variety of processes and systems to protect against potential adverse impacts on the residential amenity of the surrounding area and these would continue, and be improved, if the proposed development takes place.

4.3 The South Street corridor is an active, industrial area that has historically been the focus of shipbuilding and heavy industry due to its location on the Clyde and its proximity to major rail and road infrastructure. Although the nature of the industry and premises of South Street has changed over the years, it remains a major area of industry and employment in the city. This is reflected in its land use designation within the adopted City Plan 2.

4.4 The appellant states that existing waste management and recycling facility is one of those major industries and employers that are still active in South Street. The proposed development will not increase the amount of waste that will be received and processed by the plant above its licensed capacity of 495,000 tonnes per annum and the hours of operation or the amount of waste that will be processed from that currently permitted. The additional commercial and industrial waste stream has a low putrescible waste content and the proposed development will not alter the current operating procedures of clearing the stockpiled waste on a daily basis. Therefore, at a very general level, noise, dust, odour and traffic considerations will not be materially different from what is currently consented and as has been in operation for the last ten years.

4.5 The appellant also states that although the regulatory responsibility for the protection of human health falls under the remit of SEPA's PPC process, rather than the planning system, an [Air Quality, Odour and Human Health Assessment](#) was submitted as part of the Environmental Statement to seek to provide as much information as possible.

4.6 The appellant considers that the modernisation and diversification of the existing facility, through the appeal proposal, would bring improvements to the existing mitigation procedures for potential impacts such as noise, dust, and odour. They contend that it is the remit of SEPA to check monitoring information for energy recovery facilities and to decide whether actions, such as a revocation of a PPC permit or a cease of operations is necessary. SEPA's Pollution Prevention Control (PPC) permitting process would examine

and control the specific details on the operation and monitoring of the proposed technology and on compliance with maintaining required environmental standards. The PPC process will help to ensure that no significant adverse impacts on amenity are caused through the operation of the appeal proposal. If some additional air monitoring equipment is required as part of the PPC process the appellant offers to provide additional air monitoring equipment which would be checked and maintained by SEPA. The air quality assessment concluded that the proposed facility would have no significant adverse effects on air quality. Consequently, it was concluded that no further mitigation is necessary, other than the extensive mitigation and control measures already built into the proposed facility. Emissions monitoring would be specified under the terms of the PPC permit for the proposed development.

4.7 A noise impact study forms part of the Environmental Statement submitted with the planning application. It provided an assessment from a number of nearby noise receptors, including the nearest residential properties. SEPA's consultation response is highlighted which states that, "the proposal is potentially consentable in relation to noise impact". It adds that "further detail would be required to be submitted within a PPC application to demonstrate that Best Available Techniques (BAT) have been used to minimise noise impact". The appellant confirms that this will be done as part of the PPC process.

4.8 The planning conditions suggested within the application committee report included the need for a Construction Environmental Management Plan which details construction noise mitigation measures; sets thresholds within the Noise Rating Curve which must be adhered to; and sets the requirement for details of acoustic attenuation methods for the electrical substation to be submitted and approved in writing by the council prior to the commencement of development. These, along with the PPC process, are considered appropriate and sufficient to demonstrate and provide noise protection.

4.9 In terms of dust, the appellant states that the industrial corridors of South Street and the south of the River Clyde provide a concentrated location of a number of potential dust sources. A number of existing dust mitigation measures, including the constant operation of mobile bowlers on dry days to dampen areas of hard standing and the provision of wheel washing facilities are already in place. This would continue as part of the proposed development and a site dust management plan would continue to be implemented.

4.10 In terms of odour, the proposed development would operate as existing although it would process the additional non-hazardous commercial and industrial waste stream. This has low putrescible waste content, significantly less than would be found with municipal wastes. The proposed development will not stockpile waste for any significant period of time, reducing potential for any odour build-up.

4.11 SEPA, as the environmental authority whose remit is to protect the health and amenity of the public, raised no objection to the proposed development or stated any need for a buffer zone to be implemented for this type of use.

4.12 The facility currently operates as a recycling facility, and the distance between the facility and neighbouring dwellings will not be altered by the appeal proposal and no additional level of impact on amenity is assessed to occur. The appellant considers that the substantial investment in new technology and processes will bring net improvements to the operational practices and impact mitigation of the facility.

4.13 Overall, the submissions and studies have also demonstrated that the proposed changes to the existing facility through the appeal proposal will cause no significant adverse impact on the amenity of residents of the surrounding area.

Case for the council

4.14 Although no specific residential amenity impacts are included in the council decision notice on the planning application, general reference is made to the operation of the proposed facility and the adverse effects on residential amenity.

4.15 In the council's appeal statement however reference is made to the proposal not being in accordance with city plan policies DES 1 and ENV 11. Specific attention is drawn to criteria which state "waste management/recycling facilities should not adversely affect the amenity of the surrounding area, including views from nearby road frontages"; and that they "should be sited where they will not detract from the residential amenity of neighbours".

4.16 The council in the appeal statement also refer to recommendations in SPP for a 250 metre buffer zone to be created between waste management facilities and sensitive receptors. They state that Harland Cottages are located 25 metres from the closest point of the appeal site and around 105 metres from the proposed site of the stack. This is well within the 250 metre buffer zone which SPP suggests should separate such developments. The statement also confirms that the council's committee noted that issues of noise, pollution, air quality and traffic may have been addressed by the appellant in the Environmental Assessment, but it was the committee's view that the appellant has not undertaken sufficient analysis of the impact of the proposal on the residential properties at Harland Cottages in particular.

Representations

4.17 Almost all of the representations raise concerns about the potential impact on air quality, noise, odour, dust and additional heavy traffic and resulting pollution from the proposed development. The local MP, neighbouring MSPs, local councillors, community councils and residents associations have also expressed concern about unknown emissions from the stack and the potential negative impact and degradation of air quality and its impact on public health in neighbouring residential areas. The suggestion from the appellants' appeal submissions that air pollutant emissions impacts would be 'negligible' or 'insignificant' does not cancel the impact of increased health risks which should be gauged against the background of medical and public health research evidence and current European action on air quality legislation.

4.18 The demographic of the area means that many of the residents, by their age and/or health would be counted as sensitive receptors; i.e. they would suffer disproportionately from the adverse effects of the plant. There are children's play parks in Earl Street and Harland Street, a sheltered housing complex in Primrose Street, the National Cycle Route 7 running parallel to South Street and used by local people to cycle to work, walk to school at Primrose Street, jog, walk dogs or push babies' buggies or wheelchairs.

4.19 Some objectors also refer to the insufficient single dispersion model as proposed. It does not take into account varying meteorological conditions and local topography. It also fails to include predicted emissions of other operations in the area and does not take into account any increased level of dioxins and furans which occur during start up and shut-

down. These would be much higher than normal emission, and should be taken into account, especially if weather conditions are adverse to wide dispersal.

4.20 The proprietor of the neighbouring car body repair business also contends that the provision of an advanced thermal treatment facility and stack flue is likely to exacerbate an existing problem through the emission of additional dust and fine grit particles. The concern is that by adding further particulate matter into the air, however marginal, would be unacceptable given that background levels already exceed air quality guidelines. They also state that the plant and machinery including the steam driven turbines required as part of the proposed advanced thermal treatment facility would cause vibrations which may adversely affect paint spraying of motor vehicles, as paint booths are located in close proximity to the appeal site.

4.21 The [joint submission](#) from Jordanhill Community Council and the Victoria Park Residents' Association again provides a summary of the objections received from many other individuals in respect of these matters.

4.22 The view is that the development does not meet the policy requirements of ENV 11 that ensures that wherever possible the development will not adversely affect nor detract from the amenity of any neighbouring occupiers as a result of noise, traffic movements and dust, particularly when outside normal business hours. Ambitious but misleading district heating concepts have been submitted by the appellant and no consideration has been given to ground conditions and associated contamination or conflicts with existing infrastructure.

4.23 The [Harland Cottages Residents Association](#) also state that the residents value the small amount of green space that they have and are concerned about the potential health risks from increased noise, dust, air pollution and traffic fumes.

Reporter's conclusions

4.24 The planning authority and a number of representations refer to SPP which includes reference to a buffer zone of 250 metres between dwellings, other sensitive receptors and some waste management facilities. The contention is that this buffer should apply between Harland Cottages and the proposal. My reading of SPP however is that this is guidance only and not a mandatory requirement. I am also mindful that the proposed new use would be no closer to the cottages and other residential properties than the existing waste recycling facility. I do not therefore regard the absence of a 250 metre buffer from residential properties a significant consideration in the assessment of this proposal.

4.25 Paragraph 188 of Scottish Planning Policy states that planning authorities, should only consider whether the proposal is an appropriate use of land and to leave the regulation of installations to SEPA which licenses such facilities under the Pollution Prevention and Control (Scotland) Regulations 2012. In response to the planning application, SEPA also confirms that emissions which could impact upon health are entirely within the control of their regulatory powers. They also state that waste treatment plants will be subject to environmental licensing under the above regulations and such installations are required to operate in such a way that all preventative measures are taken against pollution and to ensure that no significant pollution is caused.

4.26 Scottish Government advice in PAN 51 and Planning and Waste Management Advice published in July 2015 further confirms that planning authorities should not impose planning conditions on matters subject to regulation by SEPA under pollution prevention or environmental protection legislation. A valid planning consent must be in place, however, before a waste management licence or pollution prevention and control permit can be issued.

4.27 I also note that SEPA's emissions and environmental monitoring role via the permit application process is also acknowledged in the planning officer's committee report.

4.28 Whilst I can understand the concerns of the objectors to the proposal, it is clear that there are limits to the extent to which the planning process can seek to regulate such matters. Air quality, odour, dust and noise emissions monitoring and effects, are more appropriately regulated through the PPC licence, which the appellant would have to obtain from SEPA.

4.29 In this case, SEPA confirms that the main air dispersion model used by the applicant is a recognised commercial model. They also confirm that emissions which could impact upon health are entirely under the control of their regulatory powers and can be restricted following a Health Impact Assessment at the environmental regulatory stage (although the appellants have submitted a Health Impact Assessment to support their planning application). They do not object to the proposal and would regulate operations via a PPC permit.

4.30 I also note that the council's sustainability team considers that the air quality assessment is thorough. They state that the assessment employs dispersion models to calculate pollutant levels at a variety of local receptors and has concluded that the impact of the increased pollution level at all receptors can be classed as negligible. The emissions reduction, treatment and monitoring specified within the assessment are standard for a facility of this nature and will be legally required as part of the PPC Permit.

4.31 Although there are a substantial number of representations relating to air quality matters, taking account of the public health safeguards that exist under licensing controls, and that none of the regulatory bodies or council services object to the proposal, I can reasonably conclude that the proposal would be monitored via the regulatory powers above and as a result is not likely to result in significant adverse air quality effects.

4.32 In respect of potential noise issues, I note from the Environmental Statement that the appellant, in consultation with the council carried out noise monitoring at two sensitive noise receptor locations at Harland Cottages and Fore Street. The noise assessment included in the statement acknowledges that there would be an increase in operational noise levels both during the construction and operational phases. The appellant emphasises however that specific mitigation will be applied to industry standards to minimise noise emissions.

4.33 SEPA again confirms that the proposal is potentially consentable in relation to noise impact. They recommend however that where noise breakout from the process building or external equipment is considered to be contributory in increasing noise impact, additional noise insulation should be incorporated into the building fabric including walls, roof, building penetrations and doors (particularly those facing north).

4.34 The council's environmental health section in their consultation response also state that provided suitable attenuation measures are put in place, noise from the proposed substation, extension and silos would not be an issue. They also confirm that noise from tipplers and loaders would be the loudest in terms of overall noise. They acknowledge however that this is existing and the locality has a very high background noise level given the nature of activities on other sites in the vicinity. Overall they confirm that the noise assessment provided in the Environmental Statement suitably addresses noise issues that may arise.

4.35 I am therefore satisfied that any identified increase in noise levels arising from the proposals can be suitably controlled by the licensing controls and by way of planning conditions in the event that Ministers allow the appeal.

4.36 In relation to dust and odour, I note SEPA's confirmation that they would regulate operations via a PPC permit. They do acknowledge however that due to the nature of the proposed activity it is possible there may be a residual odour detected outwith the site boundary. They would however investigate complaints or issues arising from any perceived impacts in order to assess overall compliance with the site licence. SEPA have stated that an Odour Management Plan must be prepared for the facility and this would be included as part of the PPC application process which SEPA would control.

4.37 In considering all of these matters, I note from the committee report that none of the statutory or regulatory authorities or the city council public health and sustainability teams had any objections to the proposals. SEPA also confirms that they have no objections to the planning application and that the proposal is potentially consentable in terms of the Pollution Prevention and Control (Scotland) Regulations 2012. Although they suggest that some design changes may be required at PPC stage, in these circumstances it would be for the planning authority to determine if such changes would necessitate the submission of a new planning application. Taking all of the above into account I am satisfied that all matters related to air quality, odour, dust and noise would be controlled and monitored under the PPC licence regime.

4.38 In my opinion, subject to appropriate regulation by SEPA and imposition of reasonable planning conditions the proposal would have no adverse impact on residential amenity and the proposal would therefore meet the requirements of policies DES 1, DES 2, ENV 11, IB9 and policy CDP 5 in the emerging city development plan.

CHAPTER 5 OTHER MATTERS

Introduction

5.1 In addition to the issues relating to visual and residential amenity impacts, a wide range of other concerns and issues have been raised in representations. These include traffic and parking, the location of the proposal, impacts on listed buildings and conservation areas, waste hierarchy, gasification technology, and recovered energy. I address each in turn below.

Traffic and parking

Case for the appellant

5.2 The appellant states that the extant permitted waste tonnage throughout the site is 495,000 tonnes per annum under the waste management licence, with no limitation on the number of vehicles associated with the operational needs of the recycling facility. The same type of vehicles would serve the proposed development as at present and the routing plan would remain similar to that currently used, with a recent routing revision put in place to minimise traffic using more local roads. The Transport Assessment included in the Environmental Statement highlights that the new development will be expected to contribute to 15,000 additional vehicle movements per annum. It indicates that this increase would still create less vehicles movements in total than occurred at the facility in 2006 and 2007.

5.3 Traffic counts indicate that the proposed development would only create an increase of 0.47-0.55% of total movements on South Street as happen at present. Parking provision for waste vehicles and for staff cars is provided on site. The appeal proposal would not contribute to any increase in the level of on-street or 'unlawful' parking. The appellant contends that the proposal is therefore compliant with policies DG/TRANS 1 and TRANS 4.

Case for the council

5.4 Combined with the imposing presence of the stack on the view from the Harland Cottages, the increase in vehicle movements would increase the perception of industrial activity for the residents of those properties.

5.5 In the planning officer's committee report, reference is also made to the requirement for developer contributions set out in policies TRANS 8 and DG/TRANS 4. The Council considers it reasonable and appropriate for developments in the Clyde Waterfront area to contribute to the cost of the Fastlink project. The level of contribution is related to the size of the development and its proximity to the route. In this case the level of contribution has been assessed at £9,000 from the developer; and this should be secured by way of a legal agreement between the developer and the council.

Representations

5.6 The local MP, MSPs, councillors, community councils, residents associations and individual respondents have all expressed concerns about the potential traffic impacts of the proposed development. Particular concerns relate to the increase in traffic movements and the number, size and frequency of lorries, vans and heavy goods vehicles.

5.7 The local MP refers to on-going issues with the current plant on South Street and the resultant heavy volume of traffic in the local area. She states that although the lorries have agreed routes to and from the plant, they frequently divert from these routes. Instead they take short-cuts through local residential areas, causing hazards to residents and affecting local air quality. Were a new plant to go ahead, the volume of heavy goods vehicles and the negative impact on the local residents would only increase. Higher levels of nitrogen dioxide and damage to local roads would be inevitable.

5.8 A number of residents and the local MSP also refer to the volume of traffic using South Street as a 'by-pass' to the busy Dumbarton Road. As a result the road is clogged up, dirty and congested. The proposals would therefore be contrary to policy ENV 11 in the city plan.

Reporter's conclusions

5.9 It was evident on the day of my site inspection that a substantial number of commercial vehicles were parked along the whole length of the appeal property frontage. Most of these vehicles however appeared to be owned by the car hire firm directly opposite the site. Traffic volumes were relatively busy but no more so than what could be expected in a large industrial and commercial area. There are no parking restrictions in the immediate vicinity along South Street and although a large number of vehicles were parked in the area, some on street parking was still available. I also noted the availability of parking and servicing yards within the site itself.

5.10 A significant number of representations express concerns about the potential increase of 15,000 vehicle movements per annum, equating to an extra four vehicle movements per hour. The Transport Assessment submitted by the appellant however also confirms that the appeal proposal would not cause an increase in traffic movements from above those assessed at the time of the original planning application in 2004 and the terms of its waste management licence. The traffic counts in the Transport Assessment indicate that the proposed development would create an increase of 0.47-0.55% of total movements on South Street as happen at present. These figures are not disputed by the council. The applicant has also stated that the same type of vehicles would continue to serve the proposed development as at present.

5.11 The council in the appeal submissions acknowledge that the increased vehicle movements of 15,000 per annum from current levels is in accordance with policy DG/TRANS 1 and complies with the existing SEPA licence for the site. In addition, the council's transport planning department in their consultation response to the planning application confirm that the development proposal would not generate a significant adverse impact upon the local road network and therefore do not object to the proposal. They also confirm that as the proposal involves a small increase in floor area, the staff trip generation would remain similar to the existing operation. They state that the existing off road car parking provision of 65 spaces within the designated parking area with an additional 20 spaces within the yard area is therefore sufficient. They confirm that the submitted Transport Assessment is considered sufficient to address the transport impact(s) of the proposed development in line with national and local policy objectives.

5.12 The council also make reference in the committee report to policies DG/TRANS 4 and TRANS 8 and the requirement for developer contributions to improve transport

infrastructure in the city. I note that similar requirements are included in policy CDP 12 in the emerging city development plan. The Council considers it reasonable and appropriate for developments in the Clyde Waterfront area to contribute to the cost of the Clyde Fastlink scheme which is defined in the plan as a bus system which provides an alternative to the car. The route focuses on running along the north and south side of the Clyde and will make use of the city centre's main bus corridors to improve journey time. The level of contribution is related to the size of the development and its proximity to the route. In this case the level of contribution has been assessed at £9,000 to be secured by way of a legal agreement between the developer and the council. I note that there are no objections to this requirement.

5.13 Taking all matters into account, whilst it is noted that vehicle movements to and from the site would increase, the transport authorities are satisfied that the proposal would not generate a significant adverse impact on the local road network. Relevant parking standards have also been met. In my opinion therefore, the proposal would meet the requirements of relevant criteria in city plan policies ENV 11, TRANS 4, DG/TRANS 1, DG/TRANS 4 and TRANS 8 and policy CDP 5 in the emerging city development plan.

Listed buildings

Case for the appellant

5.14 In terms of any potential impact on heritage assets, [Chapter 11](#) of the Environmental Statement assesses the proposed development in the context of all listed buildings, conservation areas and other heritage assets within 2 kilometres of the site. The proposed stack will be visible within the setting of the adjacent Barclay Curle Titan Crane and the former North British Diesel Engine Works, which are both category A listed. Both of these structures are industrial features within an industrial Clydeside setting. It is considered that the proposed stack will not detract from or compete with the crane's association with the River Clyde and the adjacent former North British Diesel Engine Works building. Overall, the assessment established that no designated heritage assets would be physically impacted upon by the proposed development and that whilst a number of designated assets would experience an impact to their setting, no impacts would be of greater than 'slight to moderate adverse significance' i.e. no substantial impacts are predicted. Mitigation of the potential impacts of the development has been incorporated into the design of the development (including the colour and finish of the proposed stack).

Case for the council

5.15 No specific issues are referenced in the appeal submission. The planning officer's committee report does not highlight any conflict with the relevant policies.

Representations

5.16 Concerns include the neglected opportunity to enhance the setting by opening up sight lines to the river front by formulating a coherent design response to the adjacent Barclay Curle, West Yard and Scotstoun heritage site. The proposals will result in significant negative aesthetic and visual impact on adjacent conservation areas.

Reporter's conclusions

5.17 Although not a specific reason for refusal of the application, regard should be had to the desirability of preserving the character and setting of nearby listed buildings and to the desirability of preserving or enhancing the nearby conservation areas. In this case, I consider that the category A listed Barclay Curle industrial works including the category A listed former North British Engine Works building and Barclay Curle Titan Crane which lie immediately to the south east of the appeal site are the only listed buildings that could potentially be affected by the proposed development.

5.18 Policy DES 3 in the adopted city plan and policy CDP 9 in the emerging city development plan also aim to protect and enhance the historic environment. Neither Historic Scotland (now Historic Environment Scotland) nor the council's city design team objected to the proposals. In my assessment of visual impacts in Chapter 3, I previously noted the visual dominance of the crane structure on the skyline. The proposed stack would be approximately 8 metres higher than the crane. I agree with Historic Environment Scotland and the conclusion of the Environmental Statement that the proposed stack will be visible within the setting of the adjacent Barclay Curle Titan Crane which is an industrial feature within an industrial Clydeside setting. It is considered that the proposed stack would not detract from or compete with the crane's association with the River Clyde and the adjacent former North British Diesel Engine Works building. Given the nature of the proposed development, and the existing land use in the area, taken together with the structural dominance of the crane I agree with the conclusions of the appellant's assessment that impacts would be no more than moderate, with no significant adverse impacts on the character and setting of these features likely to result from the proposed development.

5.19 The boundaries of the Scotstoun and Victoria Park Conservation Areas are located approximately 250 metres from the site. I agree with the appellants' conclusion that due to the intervening topography, density of buildings and existing screening, impacts would be slight only and consequently there would be no significant adverse impacts on these areas.

Gasification technology

Case for the appellant

5.20 Gasification technology heats materials in an environment with a controlled amount of oxygen, and the reaction that occurs releases a 'syngas' which is then transferred to a secondary chamber (oxidiser) where it is combusted to produce heat. The combustion process is closely controlled so that harmful emissions are minimised. This heat passes to a boiler to produce superheated steam, which is used to drive a turbine, producing electricity.

5.21 Gasification technology provides greater efficiencies at the proposed levels of waste and greater control of the combustion process than standard incineration technologies. This additional control generally produces lower emissions of carbon monoxide and nitrogen oxides, with other emissions also comparing favourably with incineration.

5.22 SEPA's remit is to ensure that the technological and operational specifications of energy recovery facilities / incinerators are capable of operating appropriately and at required efficiencies.

5.23 In response to comments from objectors regarding the alleged inefficiencies of other plants in the UK, the appellant states that, whilst both plants utilise gasification, the specific technology and technology supplier of the appeal proposal is different to, and has no link with the Dargavel plant. The Dargavel plant utilised a batch, rather than a continuous gasification process, which was unproven on the waste types proposed for the facility and was not able to successfully process the input waste stream. The continuous gasification process proposed for the South Street facility is proven on a variety of different waste feedstocks. This will be one of the technical considerations for SEPA to examine.

5.24 The Isle of Wight facility referenced by objectors has experienced a number of issues relating to emissions and efficiency. However, this related to the boiler and outdated technology and design principles. As a result the emissions and efficiency of the overall plant was compromised.

5.25 The appellant also refers to the gasification technology in use at Polmadie, recently approved by the council. The technology is therefore capable of being implemented within Glasgow, subject to the specific operational and technological processes of the equipment to be used at South Street being demonstrated to work appropriately through the PPC process.

Case for the council

5.26 No specific comments on this issue are included in the appeal statement. The planning officer's committee report provides a description of the gasification technology.

Representations

5.27 A number of objectors also express concerns about the proposed 'gasification' technology and that the application is, in fact for a type of waste incineration plant. It should therefore be treated as disposal and not recovery and located at the very bottom of the waste hierarchy, alongside landfill. Reference is also made to operational issues at similar facilities in Dumfries and the Isle of Wight.

5.28 Objectors state that the facility would not achieve R1 status and gasification often performs significantly worse in practice than predicted at the planning stage as was the case at the Dargaval plant in Dumfries. The quantity of electricity that could theoretically be exported to the grid will be significantly lower than the amount that could be generated, due to inefficiency of the proposed gasification facility. Due to the experimental nature of the proposed gasification technology, and the failures of such technologies elsewhere, it is likely that the facility would perform significantly worse than the applicant claims, and the facility may not even work at all. As such, only very limited weight should be given in the planning balance to the claimed benefits of the proposed facility, as these benefits may well not be delivered in whole or in part.

5.29 Local community councils and residents associations also state we must discard the appellants' inferred precedent with full planning permission granted with conditions at the Polmadie. This waste transfer station and thermal recycling facility is being replaced by a

building that has pre-assessment rating of BREEAM 'Excellent' which reflects its integrated approach to environmental performance. The comparison has no relevance in support of the appeal.

Reporter's conclusions

5.30 The Zero Waste Plan explains that gasification is a type of thermal treatment which produces energy from waste. Unlike incineration, the input material is not burned. Instead it is heated in a chamber with limited oxygen which prevents full burning (combustion). Gasification is known as an advanced thermal treatment. Incineration can be understood more precisely as a furnace where waste is burnt.

5.31 A description of the technology is also included in paragraphs 3.19 - 3.36 of the [planning statement](#) submitted with the planning application. Section 4 of the [Environmental Statement](#) and Figure 7 of the [Design and Access Statement](#) also provide a description of the proposed technology and processes.

5.32 In considering my recommendation on this matter, I am mindful that the assessment of plant efficiencies would be undertaken as part of the detailed design of the technology, and would be one of the technical considerations for SEPA to examine as part of the licensing process. In this case I also note that SEPA in their consultation response highlight that the proposal should meet in full the requirements of European Industrial Emissions Directive and that this is sufficiently demonstrated and described in any PPC permit application. The PPC regulations also contain a requirement for permits to contain conditions to ensure energy recovery takes place with a high level of energy efficiency. I can reasonably conclude therefore that the proposal would be monitored via these regulatory powers.

5.33 The alleged inefficiencies of other plants cited by some representees are matters on which I am unable to make a planning judgement on specifically.

Location of proposal

Case for the appellant

5.34 Highlights references in paragraph 16 of PAN 63 which states that it is the responsibility of local authorities to assess where waste management facilities should go in order to meet area waste plan requirements and be compatible with other land uses. PAN 63 highlights that, in general, the most appropriate locations for waste management facilities will be those with the least adverse impacts on the local population. However, general site selection considerations are given, including: industrial areas; degraded, contaminated or derelict land; existing or redundant sites which could be used for incineration or materials reclamation facilities; sites previously occupied by other types of waste management facilities; and other sites located close to railways, water transport wharves or major road junctions.

5.35 Locational planning policies for waste management facilities are also provided by SDP Strategy Support Measure 13, City Plan 2 Policies ENV 1, IB9, and emerging city development plan policies CDP 3 and CDP 5. The appellant contends that the principle of the siting of the proposed development at 865 South Street is acceptable subject to

considerations regarding potential environmental, amenity and setting impacts from the proposed development.

Case for the council

5.36 The council's concerns relate to the location of the proposal and the impacts on residential amenity as outlined in Chapter 4 of my report.

Representations

5.37 The majority of objectors refer to the inappropriate location of the proposed facility and the impacts on residential amenity as outlined in Chapter 4 of my report.

Reporter's conclusions

5.38 The Zero Waste Plan and the 2015 Planning and Waste Management Advice (which has the same function as PAN 63) include locational criteria which should be considered by planning authorities. The focus is on industrial areas, co-location with potential heat users, existing waste management sites, sites accessible to railways, waterways or the trunk and principal road network junctions.

5.39 Spatial Framework 4 in the SDP also sets out the development principles for proposals for infrastructure, including waste management facilities. Such uses will generally be acceptable in industrial and storage or distribution locations and at existing waste management facilities, particularly where there exists the opportunity to maximise the potential for the reuse of waste heat through co-location with potential heat users. I have previously found in Chapter 2 that the proposed development would meet the locational criteria in both national guidance and the SDP.

5.40 The proposed site is an existing waste management site located within an area allocated as DEV 3 for 'Industry and Business' in the adopted City Plan 2. Policy ENV 11 in the plan includes reference to waste management/recycling facilities being located within areas designated for industry and business use provided they do not detract from the amenity of the area and neighbours. The site is also located in an 'Economic Development Area' in the emerging city development plan. Policy CDP 3 in this plan also supports industry and business uses in these areas. As I previously concluded in chapter 4 I found that subject to appropriate planning conditions together with monitoring and regulation through the PPC licensing process, the proposals would be acceptable in this regard.

5.41 I consider that the proposed site, being an existing waste management site located within an allocated industrial area adjacent to the Clyde, in close proximity to other potential heat users and principal road networks meets the locational criteria in both national guidance and the development plan policies.

Recovered energy

Case for the appellant

5.42 The appellant states that the main community benefit would be the establishment of a source for a new district heating network and the opportunity for local businesses and residents to look to connect to this and utilise the excess heat created. The [heat and power](#)

[plan](#) submitted as part of the Environmental Statement demonstrates that the proposed facility complies with SEPA's requirements. It is a requirement of the SEPA PPC process for the deliverability and implementation of the heat and power plan to be demonstrated further. Details of the implementation processes of a heat plan take time to prepare and to agree with potential heat receivers and the contents and action points would change over time. This makes it appropriate to be handled through a licensing process. Overall, the appeal proposal cannot be operated without a PPC permit in place. Therefore, the appellant contends that this regulatory matter should remain fully under the remit of any PPC permit.

Case for the council

5.43 No specific reference to this matter is included in the appeal statement. The planning officer's committee report however does highlight policy ENV 15 Energy which states that developers are particularly encouraged to consider the options for shared and/or combined heat and power, or energy from waste installations, subject to the appropriate discussions with the regulators. The report acknowledges that a key benefit of the proposed development is the location of the proposed development, within an existing waste recycling operation and in close proximity to potential end users of the recovered heat and the potential that it provides towards the establishment of a district heating network along the South Street corridor. Reference is made to the submission of a heat and power plan, the implementation of which it states requires to be developed further to be a commercial reality. Until planning permission is granted it is acknowledged that it is difficult for the applicant to take it any further at this stage.

Representations

5.44 Some representations express concerns about the lack of information on the future use of the 'recovered' energy. Local community councils in particular submit that the developer has not produced convincing evidence that there will be appreciable community gain in the form of a district heating system. Given the lack of a full heat network plan, any committed end user, a lack of analysis as to how heat will be able to cross both public and private land including extensive underground utilities, all of these factors make it more than likely that this usable heat would never move off the site.

5.45 There is also a suggestion however that in the event that the appeal should be upheld one of the conditions that should be part of an approval is that no construction shall begin on the facility until the appellant has in place signed contracts with end users of heat, a full developed heat plan, and clearance of right-of-ways for delivery of the 'usable heat'.

Reporter's conclusions

5.46 Policy ENV 15 of the adopted city plan and policy CDP 5 in the emerging city development plan state that developers are particularly encouraged to consider the options for shared and/or combined heat and power, or energy from waste installations, subject to the appropriate discussions with the regulators. In this case a heat and power plan has been included in the Environmental Statement. It provides information on the potential network distribution requirements and implementation timescales of providing heat to those potential end users. The applicant also states that an electricity grid connection to the distribution network has been agreed with Scottish Power Energy Networks. The plan has also been reviewed by SEPA who had no objections to its contents. The plan would be

reviewed and updated as part of the PPC permit application for the facility should Ministers allow this appeal.

5.47 The Environmental Statement also refers to on-going work by Glasgow City Council who are in the process of setting up an energy services company to co-ordinate and develop heat networks, and I would recommend that in the event that this appeal is allowed, the current discussions with the council in relation to the proposed development would continue to be an integral part of that process. I agree with the council however that it is difficult for the applicant to take the implementation of such a scheme any further until a planning permission is in place.

5.48 Other matters raised in objections from local residents include the potential adverse impacts on natural heritage, water quality, aircraft safety, property values, previous refusals, potential for flooding, consultation procedures and the need for the facility.

Case for the appellant

5.49 In terms of flood risk, the site is identified by SEPA flood maps as having little or no risk of fluvial or coastal flooding and the existing facility has not had any issue with flooding. A Flood Risk Assessment has been prepared in consultation with SEPA, and is included within the planning application submission.

5.50 Glasgow's City Plan 2 indicates two local environmental designations for the adjacent River Clyde, as a Green Corridor and as a City-wide Site of Importance for Nature Conservation. No direct impacts on statutory or non-statutory sites are anticipated, and there will be no loss of habitat or significant impact on the local populations of notable and protected species as a result of the proposals.

5.51 The potential for impacts on the water resources and thermal water quality characteristics of the River Clyde Corridor of Wildlife and Landscape Importance, as a result of the proposed water abstraction and discharge, has been examined. There would be minimal impact on dissolved oxygen levels and there would be no change in the Water Framework Directive rating of the Clyde currently classed as "good" along this stretch of the river. These matters would be regulated by SEPA.

5.52 To comply with aviation safety considerations, the appellant proposes to light the stack in accordance with mitigation measures outlined in the Aviation Impact Assessment submitted in support of the application. The final lighting solution will need to be agreed with Glasgow International Airport as part of future consultation.

Case for the council

5.53 No specific issues are referenced in the appeal submission. The planning officer's committee report does not highlight any conflict with the relevant policies.

Reporter's conclusions

5.54 The statutory bodies and relevant council departments including SEPA, Scottish Natural Heritage, Scottish Water, Glasgow Airport and the MoD who regulate matters related to natural heritage, water, flooding and aircraft safety were consulted on the planning application. No objections to the proposals were received from these bodies and I

must conclude therefore that the proposals are therefore acceptable in respect of these matters.

5.55 Issues relating to consultation on the planning application are a matter for the council to consider, and I have no remit to consider the objections regarding such matters. Similarly concerns about any previous refusal of planning permission are not within the remit of this appeal. I can only make recommendations on the planning merits of the current proposals.

5.56 Impacts on property values are generally held not to be a material planning consideration.

5.57 The need for such a facility has been called into question by several representees. Annex B of the Zero Waste Plan previously referred to the need and proximity for waste management facilities. However Annex B has now been superseded by the revised SPP in 2014. Paragraph 182 of SPP states that “While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity”. In addition, SEPA confirm that energy from waste could ultimately contribute up to 31% of Scotland’s renewable heat target and 4.3% of our renewable electricity target. Considerable weight must be given to these national policy matters and taking account of my findings in chapter 2 I am satisfied that the proposals would make a valuable contribution to these national targets and the need for such a facility is justified.

CHAPTER 6 PROPOSED PLANNING OBLIGATION AND CONDITIONS

Planning obligation

6.1 There is no dispute in this case that any grant of planning permission should be subject to a planning obligation to secure financial contributions towards the Clyde Fastlink project as indicated in Chapter 5 of my report. The figure of £9000 is referenced in the planning officer's committee report. I have therefore included this figure in the proposed heads of terms (see Appendix 2).

6.2 I am generally satisfied that the contribution would meet the five policy tests set out in Circular 3/2012. The basis for requiring such contributions is based on policies in both the adopted city plan and the emerging city development plan.

6.3 In the event that Ministers are minded to allow the appeal and grant planning permission for the proposed development, I recommend that a 'notice of intention' is issued so that the obligation as outlined above is first of all agreed between the parties before planning permission is granted.

Conditions

6.4 With regard to planning conditions, any which are imposed are required to meet the six tests set out in Circular 4/1998 which requires them to be: related to planning, related to the development, precise, enforceable, necessary, and reasonable. As I previously concluded in Chapter 4 and as specified in PAN 51 and more recent Planning & Waste Management Advice 2015, planning authorities should not impose planning conditions on matters subject to regulation by SEPA under pollution prevention or environmental protection legislation. I therefore recommend that these controls are not duplicated in the proposed planning conditions should Ministers allow the appeal. In addition the current consented operational hours should not be undermined.

6.5 I have considered the conditions proposed by the planning authority in the planning officer's committee report, together with suggested amendments by the appellant and local community groups. I shall consider each in turn.

Case for the appellant

6.6 The appellant agrees to the proposed planning conditions set out in the committee report, with one exception. Although condition 12 refers specifically to the process of recycling, they consider that this condition may restrict the current operations of the existing facility, namely the recycling and processing of construction and demolition waste streams. The appellant requests that any resulting condition is amended to make reference to the existing waste streams that are processed on the site and reworded to state, "the premises shall be used for the processing and treatment of non-hazardous commercial and industrial wastes, refuse derived fuel and non-hazardous construction and demolition wastes and for no other processing or treatment purposes (including any purpose in Class 5 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any other provision equivalent to that class in any statutory instrument revoking and re-enacting that Order).

6.7 The appellant in their [Statement of Response to Public Representations](#) also provide a response to the conditions suggested by Scotstoun Community Council as below:

6.8 In respect of suggested condition 1 the appellant states that it is a requirement of the SEPA PPC process for the deliverability and implementation of the Heat and Power Plan to be demonstrated further. Details of the implementation processes of a heat plan take time to prepare and to agree with potential heat receivers and the contents and action points will change over time. This makes it appropriate to be handled through a licensing process. Overall, the appeal proposal cannot be operated without a PPC permit in place. Therefore, the appellant contends that this regulatory matter should remain fully under the remit of any PPC permit.

6.9 There is no statutory requirement through the waste industry for R1 status to be in place. The primary aim of the R1 calculation is to assess whether the facility can accept municipal solid waste imported from another EU country. The appeal proposal will not process municipal waste. Overall, this condition is not considered necessary for the appeal proposal.

6.10 In response to suggested condition 2, the appellant states that it is the remit of SEPA to check monitoring information for energy recovery facilities and to decide whether actions, such as a revocation of a PPC permit or a cease of operations, is necessary. If some additional air monitoring equipment is required as part of the PPC process, the appellant would provide this to be checked and maintained by SEPA.

6.11 In response to the suggested condition 3, the appellant confirms that a noise impact study formed part of the Environmental Statement submitted with the planning application. This provided assessment from a number of nearby noise receptors, including the nearest residential properties. They highlight that SEPA in their consultation response states that, 'the proposal is potentially consentable in relation to noise impact'. The planning conditions suggested in the application committee report included: the need for a Construction Environmental Management Plan which details construction noise mitigation measures. These, along with the PPC process, are considered appropriate and sufficient to demonstrate and provide noise protection.

6.12 In response to the suggested condition 4, the appellant states that the measures to be implemented at the appeal site exceed the requirements set by SEPA. There are elements of the proposed input waste that may be suitable for recycling. Some of these will be recovered as part of the processing of the input waste, but it is recognised by SEPA that the implementation of the Waste (Scotland) Regulations 2012 will improve the recycling of waste materials by the waste producers themselves. Overall, it is not considered that this suggested condition is necessary.

6.13 Regarding suggested condition 5, the appellant confirms that, consistent with the way that the existing facility is currently operated, waste processed by the appeal proposal will only be from sources within Greater Glasgow. However, paragraph 18 of the Scottish Government's Planning and Waste Management Advice states that, "Placing catchment restrictions on planning consents is likely to distort the market and constrain investment in new infrastructure without any clear land use planning benefit if the proposed use can be supported by its transport assessment". SEPA applies its waste proximity principle to Scotland as a whole rather than regions. Therefore, if the situation arises, then it will be for

the Reporter to decide if such a request complies with guidance and with the tests of Circular 4/1998.

Case for the council

6.14 The council in the appeal statement confirm that any conditions which the planning authority considers should be imposed in the event that permission be granted are included in the [committee report \(pages 23-25\)](#).

Representations

6.15 Should the appeal be upheld [Scotstoun Community Council](#) suggest a number of conditions as follows:

1. No construction shall begin on the facility until the appellant has in place signed contracts with end users of heat, a full developed heat plan, and clearance of right-of ways for delivery of the “usable heat”. The appellant should apply for and receive an R-1 certification and agree that the facility will export “usable heat” to end users in accordance with such certification.

Reason: The appellant contends that they are seeking to construct an Energy Recovery Facility (ERF). This can only be achieved if all waste heat is used for the generation of electricity and district heating to end users under an R-1 status.

2. A series of continuous air monitors be agreed with neighbouring community organisations, and placed in the most affected residential, school and recreational areas so that the results of actual release can be check against modelled levels. If the levels of any specified pollutant exceeds 15% of what is modelled at any of the monitors, then the plant should be closed and filters and other safety systems reviewed and new safeguards put in place before the plant is permitted to reopen.

Reason: There is a need to verify in situ and in operation the air modelling study done on the hypothetical gasification facility used in the appellant's modelling.

3. The appellant verify through by an independent expert chosen jointly with nearby residents, that there will be no additional noise generated from its operations within the “buffer zone” area of 250m from the perimeter of the plant. This study should especially consider night time operations and the use of electrical generators which will be operating continuously.

Reason: Electrical generators are a significant, new noise-producing addition to the existing facility, and may affect residents within the buffer zone.

4. The appellant verifies that it will only take in commercial and industrial waste which has already been separated, and that all potentially recyclable material has been removed.

Reason: Consistent with national and local directives and Scotland Zero Waste plan, recyclable materials have a high priority, and should not be used as fuel for energy recovery facilities.

5. The appellant shall only receive commercial and industrial waste from the Great Glasgow area. For clarity the Greater Glasgow area should be defined as the city of Glasgow and all the localities which are physically attached to it, forming with it a single contiguous conurbation.

Reason: Material brought from out-with this area shall result in greater transport distance and great pollution. The appellant proposes that this is what they will do.

Reporter's conclusions

6.16 Condition 01, as suggested by the council refers to drawing numbers and statements. It is not necessary to have a condition that merely states development should be in accordance with the approved plans. Every planning permission should be implemented in accordance with the approved plans in any case. I therefore recommend deleting this condition.

6.17 In respect of the council's proposed condition 04 and following my findings in Chapter 4 I would recommend including reference to dust mitigation measures as a requirement of the Construction Environmental Management Plan. I also recommend inclusion of the council's proposed conditions 07 and 09 relating to the condition of the public road and submission of a waste management plan in the same condition, as these are matters likely to arise from construction works.

6.18 I also recommend deleting the council's proposed conditions 10 and 11 as these are procedural matters which are neither enforceable nor relevant in planning terms.

6.19 Conditions 03 and 06 as proposed by the council are in my judgement sufficient to meet the circular tests and protect the occupiers of dwellings or noise sensitive buildings from excessive noise. In respect of condition 13 however, I note the comments from the council's environmental health team and SEPA regarding suggested noise attenuation measures. Taken together with my findings in chapter 4, I therefore recommend the inclusion of a requirement for noise attenuation details to be provided for the silos, plant room, substation and doors.

6.20 I also note that proposed condition 05 does not refer to a specific timescale for the installation of obstacle lights. I therefore recommend amending the condition accordingly.

6.21 I have also taken account of the comments from the council design team and local residents groups relating to the visual appearance of the site. The design team suggest that large scale planting/landscape works would have a positive ecological effect along the river. Should Ministers allow the appeal I therefore recommend inclusion of a specific condition regarding landscaping and planting proposals to address these matters.

6.22 In relation to the appellants' suggested amendments to the council's proposed condition 12. I acknowledge that their suggested wording more appropriately reflects the current waste streams and operations on site and I therefore recommend amending the condition accordingly should Ministers allow the appeal.

6.23 In respect of concerns relating to waste heat, I recommend amending the council's proposed condition 08 to include a requirement for the submission of further details of the steam/hot water pass-outs to support the further use of waste heat.

6.24 In respect of the community council's suggested condition 5 regarding restriction of waste sources from within Greater Glasgow, taking account of SPP advice relating to catchment restrictions on planning consents I am satisfied that such a condition would be unreasonable.

6.25 I also agree with appellant that the other matters raised in suggested conditions from the community council are more appropriately controlled under the licensing regime and I do not therefore recommend duplicating those controls.

6.26 The conditions set out in the council committee report have formed the basis for the conditions set out in Appendix 1 of this report, with some modifications as set out above. In the event that Ministers allow the appeal I recommend that these conditions be attached to any planning permission.

CHAPTER 7 OVERALL CONCLUSIONS AND RECOMMENDATIONS

Development Plan

7.1 The development plan comprises the Glasgow and Clyde Valley Strategic Development Plan 2012 (SDP) and Glasgow City Plan 2 (LDP). The policies in the emerging city development plan are also a material consideration in setting out my recommendations on the proposed development. I have also had special regard to the desirability of preserving the nearby category A listed Barclay Curle industrial works, including the category A listed former North British Engine Works building and Barclay Curle Titan Crane, their setting and any special features of historic or architectural interest they possess.

7.2 In Chapter 3, I found that subject to appropriate conditions there would be no adverse visual impacts arising as a result of the proposed development. The proposal would therefore meet the objectives of policies DES 1, DES 11 and ENV 11 of the adopted city plan and policy CDP 5 in the emerging plan insofar as they relate to visual impacts.

7.3 In regard to parking and traffic issues I also found in chapter 5 that whilst vehicle movements to and from the site would increase, the transport authorities are satisfied that the proposal would not generate a significant adverse impact on the local road network. Relevant parking standards have also been met. In my view therefore, the proposal would meet the requirements of city plan policies ENV 11, TRANS 4, DG/TRANS 1, DG/TRANS 4 and TRANS 8 and policies CDP 5 and CDP 11 in the emerging city development plan.

7.4 I also considered the substantial number of objections relating to potential air pollution matters. I found in Chapter 4 that subject to appropriate regulation by SEPA and imposition of reasonable planning conditions in the event that Ministers allow the appeal, the proposal would have no adverse impact on residential amenity arising from air pollution, odour noise and dust. The proposals are therefore compliant with city plan policies DES 1, DES 2, ENV 11, IB9 and policy CDP 5 in the emerging city development plan.

Material Considerations

7.5 Scottish Planning Policy and the Zero Waste Plan have a similar policy framework to that set out in the development plan. A proposal that complied with policies in both the adopted city plan and the emerging city development plan would also be consistent with this national policy guidance. I have also taken account of the support for the proposal on these national policy matters from both the council and SEPA and taken together with my findings in relation to the development plan policies above, I consider that the proposal meets the objectives of SPP and the Zero Waste Plan. It therefore accords with national policy and guidance.

Other matters

7.6 In addition to the issues relating to visual and residential amenity impacts, I also considered the wide ranging concerns and issues raised in relation to traffic and parking, the location of the proposal, impacts on listed buildings and conservation areas, gasification technology, and recovered energy in Chapter 5 of my report. In respect of these matters my view is that the proposal would meet the requirements of city plan policies DES 1, DES

2, DES 3, ENV 5, ENV 11, ENV 15, TRANS 4, DG/TRANS 1, DG/TRANS 4 and TRANS 8 and policies CDP 5, CDP 9 CDP 11 in the emerging city development plan.

Overall conclusion

7.7 Overall therefore, I consider that the proposal would have no adverse impact on visual and residential amenity and the proposal would therefore meet the requirements of policies DES 1, DES 2, ENV 11, and IB9 in the adopted City Plan 2. As I found in Chapters 3 and 4 the proposals also meet the terms of the relevant criteria in policy CDP 5 in the emerging city development plan. There is also significant support for the proposals in terms of national planning policy.

7.8 Many of the issues raised in representations relating in particular to air quality and the efficiencies of the technology would be assessed by SEPA via the PPC licensing regime. Overall, subject to appropriate conditions I am satisfied that the planning application can be supported.

7.9 Taking all the above matters into consideration, in my opinion and for the reasons set out above, the proposal would contribute to Zero Waste Plan targets and complies overall with the development plan. There are no material considerations which would still justify refusing to grant planning permission. I have also considered all other matters raised, none of which alter my conclusions.

Recommendation

7.10 Consequently, I would recommend granting planning permission subject to the conditions listed in Appendix 1 and the signing of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some other suitable agreement, to secure financial contributions towards the Clyde Fastlink project as described in the council's committee report and referenced in Appendix 2. The agreement should make provision for a financial contribution of £9,000.

7.11 In the event that Ministers are minded to allow the appeal and grant planning permission for the proposed development, I also recommend that a 'notice of intention' is issued so that the obligation as outlined above is first of all agreed between the parties before planning permission is granted.

Karen Black
Reporter

APPENDIX 1: PROPOSED CONDITIONS

1. Prior to commencement of development, a schedule of materials and finishes (including samples of such finishes where requested) for all components of the development, including ground surfaces and boundary enclosures shall be submitted to and approved in writing by the planning authority. The materials and finishes used in the development shall accord with the schedule and samples so approved.

Reason: In the interests of amenity and in order to retain effective planning control.

2. The loading and unloading of all waste carrying vehicles visiting the premises shall take place indoors, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of amenity and in order to retain effective planning control.

3. No development shall commence on site until a full site-specific Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the planning authority. The CEMP should incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution including issues relating to construction works, impacts on hydrogeology and disposal of contaminated land. Specifically the statement should address the following, and the construction of the development should be carried out in accordance with the agreed details:

- How contaminated land will be dealt with, treated and disposed of as necessary;
- Details of how disturbance to groundwater will be minimised, including any de-watering proposals;
- Details of the storage of construction fuels, materials, raw materials and by-products;
- Temporary SUDS measures;
- Noise and dust mitigation measures;
- Site waste management; and
- Details for the removal of mud or other materials deposited on the public road by vehicles entering or leaving the site.

Reason: To minimise the potential impacts from construction works.

4. Prior to commencement of development full details of the obstacle lights on the flue stack shall be submitted to and approved in writing by the Planning Authority, and these works shall be carried out in accordance with the details so approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Glasgow Airport.

5. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

6. Prior to the commencement of development, details of the steam and/or hot water pass-outs shall be submitted to, and approved in writing by the planning authority, and these works shall be carried out in accordance with the details so approved.

Reason: To ensure infrastructure is in place to allow for the export of the heat to adjacent uses.

7. The premises shall be used for the recycling of non-hazardous commercial and industrial waste, refuse derived fuel and non-hazardous construction and demolition wastes and for no other processing or treatment purposes (including any purpose in Class 5 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any other provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.)

Reason: To enable the use to be adequately controlled and to remain compatible with the character of the surrounding area.

8. Prior to commencement of development, details of the proposed acoustic attenuation methods to be incorporated around the proposed electrical sub-station, silos, plant room extension and north facing doors shall be submitted for the written approval of the planning authority. The materials and finishes used in the development shall accord with the schedule and samples so approved.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

9. Prior to commencement of development, a landscaping scheme shall be submitted for the written approval of the planning authority. Following approval the landscaping proposals shall be implemented in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area.

APPENDIX 2: PLANNING OBLIGATION

1. Transport

Financial contribution of £9000 as set out on page 14 of the Glasgow City Council [committee report](#) dated 23rd February 2016.

APPENDIX 3: SCHEDULE OF DOCUMENTS

1. Appellant

- [Appeal form and grounds - dated 6 May 2016](#)
- [Planning application - dated 6 March 2015](#)
- [Planning statement \(revised\) - dated April 2015](#)
- [Pre-Application Consultation Report](#)
- [Environmental Statement Non-Technical Summary](#)
- [Design and Access Statement - \(revised\)](#)
- [Environmental Statement - \(incl. revised chapter 8\)](#)
- [Environmental Statement foreword](#)
- [Request for scoping opinion](#)
- [Scoping opinion](#)
- [Comments on authority response – dated June 2016](#)
- [Comments on representations - dated July 2016](#)
- [Location plan](#)
- [Site location plan](#)
- [Site layout as existing](#)
- [Site layout as proposed](#)
- [Existing shed layout](#)
- [Shed layout proposed 01](#)
- [Shed layout proposed 02](#)
- [Proposed substation](#)
- [Existing drainage outfalls](#)
- [Transport Assessment - \(revised\)](#)
- [Air Quality Odour and Human Health Impact Assessment - \(revised\)](#)
- [Human Health Risk Assessment - \(revised\)](#)
- [Listed Buildings within 2km](#)
- [Non-designated WOSAS entries within 1km](#)
- [Existing sensitive receptor locations and monitoring locations](#)
- [Noise contour plots - ground floor to third floor](#)
- [Source noise level data sheet](#)
- [Facade calculations](#)
- [Noise monitoring results](#)
- [ZTV methodology](#)
- [Photomontage methodology](#)
- [Visual Assessment](#)
- [Heritage assets](#)
- [Flood Risk Assessment](#)
- [Preliminary Cooling Water Dispersion Assessment](#)
- [Aviation Protection Assessment](#)
- [Heat and Power Plan \(Text and Appendices\)](#)
- [Heat and Power Plan \(Drawings\)](#)
- [ES Figure 01 - Zone of theoretical visibility](#)
- [ES Figure 02 - Topography](#)
- [ES Figure 03 - Designated areas](#)
- [ES Figure 04 - Access network](#)
- [ES Figure 05 - Landscape character areas](#)

- [ES Figure 06 - Viewpoint A](#)
- [ES Figure 07 - Viewpoint B](#)
- [ES Figure 08 - Viewpoint C](#)
- [ES Figure 09 - Viewpoint D](#)
- [ES Figure 10 - Viewpoint E](#)
- [ES Figure 11 - Viewpoint F](#)
- [ES Figure 12 - Viewpoint G](#)
- [ES Figure 13 - Viewpoint H](#)
- [ES Figure 14 - Viewpoint I](#)
- [ES Figure 15 - Viewpoint J](#)
- [ES Figure 16 - Viewpoint K](#)
- [ES Figure 17 - Viewpoint L](#)
- [ES Figure 18 - Viewpoint M](#)
- [ES Figure 19 - Viewpoint N](#)
- [ES Figure 20 - Viewpoint O](#)
- [ES Figure 21 - Photomontage - Viewpoint A](#)
- [ES Figure 22 - Photomontage - Viewpoint B](#)
- [ES Figure 23 - Photomontage - Viewpoint C](#)
- [ES Figure 24 - Photomontage - Viewpoint F](#)
- [ES Figure 25 - Photomontage - Viewpoint G](#)
- [ES Figure 26 - Photomontage - Viewpoint K](#)
- [ES Figure 27 - Indicative comparison of stack height](#)
- [ES Figure 28 - Heritage designations](#)

2. Glasgow City Council

- [Planning application committee report](#)
- [Planning application hearing report](#)
- [Decision notice – dated 29 February 2016](#)
- [Appeal response form](#)
- [Appeal statement](#)
- [Planning application committee minutes](#)
- [Design guide policies](#)
- [Development plan policies](#)
- [National Planning Framework 3](#)
- [PAN 51](#)
- [Scottish Planning Policy](#)
- [SEPA Thermal Treatment of Waste Guidelines 2014](#)
- [Zero Waste Plan](#)
- [Planning and Waste Management Advice 2015](#)

3. Planning application consultation responses (external agencies and council teams)

- [SEPA](#)
- [Historic Scotland \(HES\)](#)
- [Scottish Natural Heritage \(SNH\)](#)
- [Ministry of Defence](#)

- [Renfrewshire Council](#)
- [Glasgow City Council Transport Planning](#)
- [Glasgow City Council City Design Team](#)
- [Glasgow City Council Flood Risk Management Team](#)
- [Glasgow City Council Land and Environmental Services Recycling Manager](#)
- [Glasgow City Council Sustainable Glasgow](#)
- [Glasgow City Council Environmental Health](#)

4. Representations in response to appeal

- [Jordanhill Community Council & Victoria Park Residents' Association](#)
- [Harland Cottages Residents Association](#)
- [Dumbarton Road Corridor Environment Trust](#)
- [Scotstoun Community Council](#)
- [The Scotstoun Conservation Area Residents Association](#)
- [Whiteinch Community Council](#)
- [Yoker Community Council](#)
- [Scottish Natural Heritage](#)
- [Carol Monaghan MP](#)
- [Bill Kidd MSP](#)
- [Gil Paterson MSP](#)
- [Councillor Falton](#)
- [Mitchell Inglis](#)
- [K. Ferguson](#)
- [G. Henderson](#)
- [G. Herrigan](#)
- [I. McGraw](#)
- [S Downen - on behalf of UKWIN](#)
- [G. McQuilkin & C. MacDonald](#)
- [E. Oxford](#)
- [C. Rough](#)
- [C. Sheridan](#)
- [A. Suszek](#)
- [Mr & Mrs West](#)
- [A. Parfery](#)
- [N. McKay](#)

5. Miscellaneous

- [Recall direction - dated 4 October 2016](#)