

Reference No. P/19/0727/FUL

Please note: this permission does not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

**Town and Country Planning (Scotland) Act 1997 as Amended
Issued under a Statutory Scheme of Delegation.**



Falkirk Council

Planning Permission

Agent
Enzygo Ltd
FAO Sharon Queeney
The Byre
Woodend Lane
Cromhall
GL128AA

Applicant
NPL Group
FAO Mr Arran Cameron
First Floor
183 St Vincent Street
Glasgow
G2 5QD

This Notice refers to your application registered on 21 November 2019 for permission in respect of the following development:-

Development The Development of an Energy from Waste Facility to Process up to 150,000tpa of Non Recyclable Waste to Generate Approximately 7.4 MW of Electricity to the National Grid at

Location Avondale Quarry, Polmont, Falkirk, FK2 0YG

The application was determined under Delegated Powers. Please see the attached guidance notes for further information, including how to request a review of the decision.

In respect of applications submitted on or after 1 January 2010, Falkirk Council does not issue paper plans. Plans referred to in the informatives below can be viewed online by inserting your application number P/19/0727/FUL at <http://edevelopment.falkirk.gov.uk/online/>

In accordance with the plans docquetted or itemised in the attached informatives as relative hereto, Falkirk Council, in exercise of its powers under the above legislation, hereby

Grants Planning Permission

This decision is issued subject to the following condition(s):-

1. The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
2. For the avoidance of doubt, all surface water generated from the site should go through a SUDS system designed and installed in accordance with current SUDS guidance and in compliance with the approved drawing. The applicant should ensure that any change to the drainage scheme as a result of the landfill activities or closure is always compliant with the appropriate (and current at the time) SUDS guidance and in compliance with approved Proposed Drainage drawing ref CRM.0125.001D dated 27/09/2019.
3. For the avoidance of doubt, the stack height shall be no less than 60.0m and shall incorporate a silencer mechanism, details of which to be submitted to and approved in writing by the planning authority prior to implementation of the facility.

4. Prior to any works on site, further information as to the external lighting positions, luminosity generation, hours of external light operation and measures for mitigation of light pollution shall be submitted to and approved in writing by the Planning Authority.
5.
 - i. No development shall commence on site unless otherwise agreed with the planning authority until a contaminated land assessment has been submitted and approved. The assessment must determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere. Any potential risks to human health, property, the water environment and designated ecological sites should be determined. The contaminated land assessment must be approved in writing by the Planning Authority.
 - ii. Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy should be submitted to the Planning Authority demonstrating that the site will be made suitable for its intended use by removing any unacceptable risks, caused by the contamination. The scheme must be approved in writing by the Planning Authority.
 - iii. Prior to the commencement of development of the site, the remediation works must be carried out in accordance with the terms and conditions of the remediation scheme, and as agreed by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate endorsed by the relevant parties have been submitted to and agreed in writing by the Planning Authority.
 - iv. If unexpected contamination is found after development has begun, development of the affected part of the site must stop. The developer must notify the Planning Authority immediately and carry out a contaminated land assessment, and undertake any necessary remediation works, before development of the affected part of the site may continue.
6. Prior to any works on site, further details shall be submitted to and approved in writing by the Planning Authority as to the infrastructure strategy to be installed to enable links to potential heat and/or power users in the area.
7. Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to the external materials to be used in the development, including the application of colour to external finishes.
8. For the avoidance of doubt, all profiling of earthworks and installation of landscaping associated with the development must be completed prior to operation of the development.
9. For the avoidance of doubt, all measures should be undertaken to minimise construction noise, construction vibration and operational noise arising as a result of this development and ensure compliance with the conclusions outlined in Chapter 11 of the accompanying Environmental Statement dated November, 2019. Specifically, prior to any works on site, further information shall be submitted to and approved in writing by the planning authority as to the displacement and subsequent dispersion of dust (and traffic impacts) during the construction, operation and decommissioning phases. All impacts shall be compared to current national air quality objectives. Construction and demolition dust management guidance, such as that published by the Institute of Air Quality Management (IAQM), should be considered within the air quality assessment.
10. For the avoidance of doubt, Noise associated with the completed development shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive buildings in excess of the equivalent to Noise Rating Curve (N.R.C.) 35 between 07.00 hours and 22.00 hours and N.R.C. 25 at all other times.
11. Prior to implementation of the facility, an additional noise impact assessment shall be submitted to and approved in writing by the planning authority before commissioning of the plant and full operations.

Reason(s):-

1. As these drawings and details constitute the approved development.
2. To protect the water environment.
3. To protect air quality, human health and the environment.
- 4, 6, 9. To enable the Planning Authority to consider this/these aspect(s) in detail.
5. To ensure the ground is suitable for the proposed development.
- 7-8. To safeguard the visual amenity of the area.
10. To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.
11. At the time of the assessment the details and specifications of the plant and full operations is unknown. It is therefore required that an additional noise impact assessment is carried out when this information is available and before commissioning of the plant and full operations, to ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

The Council's decision is based on the following reason(s):-

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

This application is not subject to a planning obligation in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02A, 03A, 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19, 20A, 21A, 22A, 23A, 24.
2. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

e-mail - envhealth@falkirk.gov.uk

3. It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal as legislation relating to odour nuisance is likely to affect this development.

e-mail - envhealth@falkirk.gov.uk

4. It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal, as legislation relating to the spread of dust is likely to affect this development.

e-mail - envhealth@falkirk.gov.uk

5. It is recommended that the applicant should consult with Development Services Environmental Health Division with regard to legislation governing hours of operation.

e-mail - envhealth@falkirk.gov.uk

6. Further guidance on the requirements of the Low and Zero Carbon Development condition can be found in Supplementary Guidance document SG15 'Low and Zero Carbon Development', available on our website.

7. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

5 November 2020



pp Director of Development Services



200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 0345 762 6848

Web:

<https://www.gov.uk/government/organisations/the-coal-authority>

ASSESSMENT OF THE DEVELOPMENT IN RELATION TO COAL MINING LEGACY

Development Low Risk Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on The Coal Authority website at www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020