



**West Lothian
Council**

**DECISION NOTICE
GRANT PLANNING PERMISSION**

Town and Country Planning (Scotland) Act 1997, as amended

West Lothian Council, in exercise of its powers under the Town & Country Planning (Scotland) Act 1997 (as amended), **grants planning permission for the development described below**, and in the planning application and docquetted plan(s). This decision must be read in conjunction with any conditions set out on the following pages, the accompanying advisory notes, and any guidance from the Coal Authority on ground stability

APPLICATION REFERENCE: 0795/FUL/16

PROPOSAL AND LOCATION: Erection of thermal treatment plant and extension to materials sorting/recycling building with associated plant and facilities - EIA DEVELOPMENT (Grid Ref:293881, 657597) at Levenseat Limited, By Forth, Lanarkshire ML11 8EP

APPLICANT: Levenseat Limited
By Forth
Lanarkshire
ML11 8EP

The above **major application was decided by the West Lothian Council Development Management Committee**. Please see the advisory notes for further information, including how to appeal the conditions.

Docquetted plans relative to this decision are identified in Annex 1, Schedule of Plans.

Dated: 18/04/2017

Craig McCorriston
Head of Planning, Economic Development and Regeneration
West Lothian Council
West Lothian Civic Centre
Howden South Road
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EH54 6FF

The reason(s) why the council made this decision is (are) as follows:

The proposal accords with the terms of the development plan and there are no material reasons to indicate that the application should not be granted.

This permission is granted subject to the following conditions:-

- 1 No development shall commence on site until a full site specific Environmental Management Plan (EMP) incorporating a Construction Method Statement (CMS) and a Site Waste Management Plan (SWMP) has been submitted and approved in writing by the planning authority, in consultation with SEPA and other agencies such as SNH.

The EMP shall be submitted at least one month prior to commencement of development.

Thereafter, development on the site shall be carried out in accordance with the EMP as approved.

Reason: To ensure that the necessary mitigation is in place to protect and preserve the status of water courses and other sensitive environments, in the interests of environmental amenity

- 2 Part 1

Prior to any development beginning on site, an updated contaminated land site investigation and risk assessment must be completed and a written report submitted to and approved in writing by the planning authority. The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons. The written report of the findings must include:

(i) A Phase 1 desk study report incorporating an initial conceptual model of the site.

(ii) A Phase 2 report incorporating a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site;

(iii) An assessment of the potential risks to:

- human health,
- property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- the water environment,
- ecological systems,
- archaeological sites and ancient monuments
- flora and fauna associated with the new development;

(iv) An appraisal of remedial options, and proposal of the preferred options(s).

This must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. If it is concluded by the written report that remediation of the site is not required, and this is approved in writing by the planning authority, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any work beginning on site, a detailed Remediation Statement to bring the site to a condition suitable for the intended use by removing unacceptable risks to all relevant and statutory receptors, must be submitted to and approved in writing by the planning authority. The Remediation Statement must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The Remediation Statement must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. The planning authority must be given two weeks written notification of the commencement of the remediation works. Following completion of the measures identified in the approved Remediation Statement, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the planning authority prior to commencement of the new use of the land.

Reason To minimise the risk from a historically potentially contaminative land use.

- 3 No development shall commence on site until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority.

The submitted plan shall include details of:

- i. monitoring of any standing water within the site temporary or permanent.
- ii. sustainable urban drainage schemes (SUDS) – Such schemes shall comply with Advice Note 6 ‘Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
- iii. management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’ attached.
- iv. reinstatement of grass areas.
- v. maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.
- vi. which waste materials can be brought on to the site/what if any exceptions e.g. green waste.
- vii. monitoring of waste imports (although this may be covered by the site licence).
- viii. physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste.
- ix. signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

Advisory Note:

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from **Scottish Natural Heritage** before the removal of nests and eggs.*

- 4 Surface Water Management and Drainage within the site shall be undertaken in accordance with the report entitled "Levensat Waste Management Site – Surface Water Management Plan (V7)" prepared by AECOM Limited dated 24/11/16, unless otherwise agreed in writing by the planning authority.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

- 5 Development shall not begin until details of the materials to be used as external finishes on the buildings and the materials used for all hardstanding areas has been submitted to and approved in writing by the planning authority.

Thereafter, the development shall be implemented in accordance with the details as approved, unless otherwise agreed in writing by the planning authority.

Reason To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

- 6 No works shall start on site until an updated landscaping plan has been submitted to and approved in writing by the planning authority. It shall include details of plant species, sizes, planting distances and methods of protection. It shall further include details of the body that will maintain the landscaping together with a schedule of maintenance works. The plan shall also include details of the removal of the poultry sheds beyond the building footprint and restoration of the land.

The landscaping plan that is approved shall be implemented in the first planting season following the plant becoming operational, or completion of the development, whichever is sooner.

The new planting shall be maintained for a period of five years until it becomes established. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

Reason To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

ADVISORY NOTES TO DEVELOPER

Please read the following notes carefully as they contain additional information which is of relevance to your development.

Statutory time period for the commencement of development

This planning permission lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

Notification of the start of development

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Notification of completion of development

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. The relevant form is available online on the council web site under Planning and Building Standards. Please ensure this form is completed and returned accordingly.

Liaison with the Coal Authority

As the proposed development is within an area which could be subject to hazards from current or past coal mining activity, the applicant is advised to liaise with the Coal Authority before work begins on site, to ensure that the ground is suitable for development.

Any activities which affect any coal seams, mine workings or coal mine entries (shafts) require the written permission of the Coal Authority. Failure to obtain such permission constitutes trespass, with the potential for court action. The Coal Authority is concerned, in the interest of public safety, to ensure that any risks associated with existing or proposed coal mine workings are identified and mitigated.

To contact the Coal Authority to obtain specific information on past, current and proposed coal mining activity you should contact the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Advisory note to developer - General

Please note that it is the developer's responsibility to ensure that all relevant consents, certificates and permits are in place prior to starting work on site. It is also the developer's responsibility to contact relevant service providers to ensure safe connection where appropriate.

How to challenge the council's Decision

If your application was determined under delegated powers as a local application by an officer appointed by the council and you disagree with the council's decision on your application, or one or more of the conditions attached to the decision, you can apply for a review by the council's Local Review Body. If the application was heard at a committee and in any other case you can seek an appeal of that decision to the Government's Directorate for Planning and Environmental Appeals. You can find information on these processes and how to apply for a review, or to appeal, here: <http://www.westlothian.gov.uk/article/2078/Decisions-Reviews-and-Appeals>

Annex 1, Schedule of Plans - 0795/FUL/16

Docquetted Number	Drawing Description	Drawing Number
1 of 5	Existing Site Plan/Site Location Plan	60520351/PLANNING 1
2 of 5	Proposed Site Plan	60520351/PLANNING 2
3 of 5	Existing Building Floor Plan Elevations and Sections	60520351/PLANNING 3
4 of 5	Proposed Building Floor Plan Elevations and Sections	60520351/PLANNING 4
5 of 5	Building Floor Plan Elevations and Sections	60520351/PLANNING 5