MVV Environment Services Ltd

Planning Application Supporting Statement

Energy from Waste Combined Heat and Power Facility, Forties Road, Dundee

| 7 November 2016

Contents

1 Introduction

1.1 Introduction: Purpose of this Planning Application Supporting Statement

This Planning Application Supporting Statement (PASS) is part of a suite of documents submitted in support of an application for planning permission by MVV Environment Services Limited (MVV) for the construction and operation of an Energy from Waste Combined Heat and Power (EfW CHP) facility on land situated at Forties Road, Dundee. This PASS has been prepared by MVV with input from Arup.

This PASS introduces the planning application documents and describes the reasons for the planning application. This PASS also summarises the main elements of the proposed EfW CHP facility and considers the proposed development in the context of the Dundee City Council Development Plan and other relevant material considerations.

The purpose of this PASS is to establish the case for the proposals and to provide Dundee City Council with a summary of the main information that it requires to determine the planning application. Much of the detail required by the Planning Authority is contained in the appendices to this PASS and in the accompanying Environmental Statement (ES) and Traffic and Transport Assessment (TA) and therefore duplication of information between documents has been minimised. Consequently, this PASS should be read in conjunction with these supporting documents and is appropriately cross referenced throughout.

MVV is a wholly owned subsidiary of MVV Umwelt GmbH. It is a member of the German utility company MVV Energie AG. MVV Umwelt provides flexible solutions for waste disposal, producing environmentally sustainable energy.

In Germany, MVV Umwelt operates six Energy from Waste and biomass plants, managing 1.6 million tonnes of waste a year. With over 45 years' experience, MVV Umwelt is in the top three companies in Germany in its field.

In the UK, MVV aims to replicate the success of MVV Umwelt in the German EfW sector. Having been awarded a long term contract for the treatment of residual waste in an EfW CHP facility in Plymouth, and developed a waste wood biomass EfW facility in Kent, MVV is now using its extensive expertise in generating energy from residual waste to develop further projects in the United Kingdom market. The EfW CHP Facility in Plymouth has an annual incineration capacity of 245,000 tonnes and will achieve an energy efficiency of up to 49%, which is more than twice as efficient as the current norm at British plants.

1.2 The Applicant and Other Parties Involved in the Project

MVV Environment Services Limited

MVV has competitively tendered for and is the sole remaining bidder the Dundee and Angus Residual Waste Treatment and Disposal Contract, under which they need the proposed EfW CHP facility. MVV has submitted this application for planning permission to construct the EfW CHP facility.

The MVV project management team for the proposed EfW CHP facility includes, amongst others, experienced waste planners and engineers. The project team and its advisors have extensive experience of preparing planning applications and associated ESs for similar waste management proposals.

Arup

Arup has been employed by MVV as planning and environmental consultants and has prepared the planning application documents including the ES.

Arup is one of the leading multidisciplinary consultancies in the UK and has considerable experience of co-ordination of complex EIAs and obtaining planning permission for major waste management facilities. Arup is an independent firm of designers, planners, engineers, consultants and technical specialists offering a broad range of professional services, formed in 1946. Arup is also a Registered Assessor with the Institute of Environmental Management and Assessment.

2 Proposed Development

2.1 The Proposed Energy from Waste (EfW) Combined Heat & Power (CHP) Facility and the Reasons for the choice of Forties Road, Dundee

Overview

The EfW CHP facility will sustainably manage residual waste arising primarily in the Dundee and Angus area, helping to minimise and control the adverse environmental effects of waste that will not be recycled or reused, including the release of greenhouse gases that contribute to climate change, which are currently generated by landfilling.

The facility will also generate renewable energy sufficient to power and heat the adjacent Michelin facility, and replace the existing fossil-fuel-powered boilers and reduce the importation of natural gas and fossil-fuel generated electricity. The heat could also be used by new and existing housing and industry in the area if there is surplus heat after supplying Michelin. If a heat distribution network were to be built it could be used to provide heat to the proposed housing in Whitfield.

MVV will deliver leading-edge energy generation technology, which will very efficiently convert waste that is not recycled, reused or composted into energy. All waste management operations will take place in enclosed buildings and emissions from the combustion process will be cleaned to meet strict European standards. Emissions will be monitored by the Scottish Environment Protection Agency (SEPA) and the results published on the MVV website.

All waste deliveries and materials left over from combustion will be transported in enclosed or covered lorries or in sealed containers. All of the recyclable part of post-combustion materials will be sent for processing and the processed materials marketed for re-use.

The EfW CHP building will be constructed using high quality materials. It will represent the best of sustainable development and will match the appearance of existing industrial buildings in the area. The facility will be managed to allow interaction with the local community, offering a resource to be used in the form of meeting and educational space.

The proposed EfW CHP facility at Baldovie is a unique opportunity to deliver an outstanding sustainable development and will make a significant contribution to meeting the strategic economic and environmental objectives of the City of Dundee.

The Need for an EfW CHP Facility

Managing the environmental and financial costs of waste generated by communities and business is a significant challenge for local authorities. Driven by European legislation and Scottish Government policy, there is a requirement

for society to do more to meet the objectives of the waste hierarchy. The waste hierarchy places 'prevention' of waste as the most favourable option, and for materials that have become waste, the hierarchy adopts an order of preference of waste management methods, starting with 'preparing for re-use', then 'recycling', followed by 'other recovery' (including generating energy from waste) and placing 'disposal' at the bottom of the hierarchy.

A ban on biodegradable municipal waste going to landfill will be introduced from 1 January 2021 by the Waste (Scotland) Regulations 2012. All businesses, public sector and not-for-profit organisations have been required to present metal, plastic, glass, paper and card (including cardboard) for separate collection from 1 January 2014. Local authorities are required to provide a minimum recycling service to householders. These regulations seek to maximise the quantity and quality of materials brought to the market and minimise the residual fraction. Also these separately collected recyclables are banned from going directly to energy recovery or landfill.

The responsibility to manage waste generated by households in Scotland lies with local authorities. Through a competitive tendering process, MVV are the sole remaining bidder the Dundee and Angus residual waste treatment and disposal contract.

The project is a partnership between Dundee City Council and Angus Council (the 'Partnership authorities'), to provide a long term solution to deal with the residual waste from their areas and to comply with the Waste (Scotland) Regulations 2012.

MVV's proposal is to construct and operate a new EfW CHP facility, on land adjoining the existing DERL energy from waste facility situated on Forties Road in Dundee, to the west of the Michelin tyre factory. The principle difference is that the new facility will be more efficient and reliable than the DERL facility, and will incorporate combined heat and power technology.

The Partnership authorities have in place a number of initiatives to make sure that Scottish Government targets for recycling household waste are met. Local authorities currently do not have a remit to manage the majority of waste produced by businesses, known as commercial and industrial (C&I) waste, unless businesses request them to do so. Dundee City Council does operate a business waste collection service and, unless the waste has been segregated for recycling, this waste will continue to be brought to the DERL facility at Baldovie until the new EfW CHP facility becomes operational.

Each of the Partnership authorities has its own municipal waste management strategy. These strategies include proposals to deliver a recycling rate for household waste of over 60% recycling by 2019/20, which is in line with Scottish Government targets and the Thermal Treatment (Scotland) Regulations. However, it is not viable to recycle all waste produced by households and businesses and the movement of waste management up the waste hierarchy requires new facilities to manage the 'residual' waste that would otherwise be sent to landfill.

At present residual waste arising in Dundee is delivered to the DERL facility at Baldovie. In the Angus area some residual waste is landfilled and some is

delivered to the DERL facility at Baldovie. The existing DERL facility has experienced reliability problems and it is not certain that it will be able to meet the requirement to divert waste which is biodegradable or recycled from landfill from the end of 2020. The existing DERL facility has an environmental permit which would allow it to treat this residual waste, but it seldom operates at capacity.

Failure by local authorities to respond to European legislation and Scottish Government policy for diversion of waste away from landfill will result in significantly increased costs of waste management, from fines imposed on authorities that do not meet targets.

The Dundee and Angus residual waste project was formed to deliver a unified solution for the delivery of the individual waste management strategies of Dundee City and Angus Councils, which were broadly aligned in terms of identifying a thermal treatment solution with combined heat and power as the preferred residual waste management method. By working together, the authorities identified benefits in economies of scale and the ability to meet the imminent ban on landfilling waste.

The Partnership authorities undertook an evaluation of alternative options for the management of residual municipal waste, taking into account the need to meet the new recycling targets and forecast population growth. Each Partner Council aims to be able to recover for recycling approximately 55-60% of their total collected waste from its individual collection activities by 2016. The outcome of this evaluation process was that an EfW facility was required to manage a range of residual waste inputs from the two authority areas, between 70,000 tonnes and 90,000 tonnes per year. In order to meet this objective an Invitation to Participate in Dialogue (ITPD) was published in the Official Journal of the European Union (Ref 2014/S245 – 432329) dispatched on 16 December 2014, which invited expressions of interest and PQQ submissions from Economic Operators in respect of the Project.

A separate evaluation by MVV concluded that a similar amount of residual commercial and industrial (C&I) waste generated in the east of Scotland will be available for thermal treatment, to avoid sending it to landfill, once the landfill ban comes into effect in 2021. For commercial reasons, it is likely that not all of this waste will be available to MVV for processing in the EfW CHP facility, but the capacity of the facility has been selected to allow for the processing of some of the C&I waste arising in Dundee and Angus, and the surrounding area, in addition to the amount of household waste needing treatment.

The proposed annual capacity of the proposed EfW CHP facility is up to 110,000 tonnes per annum. The capacity of the EfW CHP Facility allows for the implementation of recycling initiatives that will meet and exceed Scottish Government recycling targets. More information on the capacity of the EfW CHP facility and the sources of waste is provided in this PASS and in the Environmental Statement.

The EfW CHP Process

Residual waste will be collected from households and businesses and delivered to the EfW CHP facility in lorries. Generally, waste collected locally in Dundee and Angus will be direct-delivered in familiar household refuse collection vehicles (RCVs), whilst waste collected in outlying areas will be taken to waste transfer stations and transferred to larger-capacity bulk carrier lorries, for transfer to the facility. All waste delivery vehicles will be enclosed or sheeted.

The EfW CHP facility will treat only residual household waste and commercial and industrial waste delivered by contracted heavy goods vehicles. The facility will not manage hazardous or clinical waste and will not be open to the general public or to ad-hoc commercial waste deliveries.

Once at the facility all waste processing takes place within enclosed buildings. Waste will be deposited in a bunker and transferred to the incineration grate where it will be burned. Residues from the combustion process (known as Incinerator Bottom Ash – 'IBA') will be collected and transferred off-site in enclosed lorries, for recycling, with any residual metal removed, and processed into a product than can be used in construction.

Gases from the combustion process will be cleaned to meet stringent standards set by the EU and policed by the Scottish Environment Protection Agency (SEPA). Combustion gases will be cleaned using specialist equipment and the residues from this process (known as air pollution control residues – 'APCr') will be collected separately and transported off-site, in sealed tankers, for safe disposal at a fully licensed site. The cleaned exhaust gases will be continually monitored, with the results published on the applicant's website and regularly inspected by SEPA.

The storage of delivered waste and of the products of combustion will take place entirely within the EfW CHP building and be transported in enclosed vehicles. APCr residues will be stored in sealed silos. Potentially malodourous air from the tipping hall will be extracted and used as combustion air in the incineration process. When the facility is not burning waste the air from the tipping hall and waste bunkers will still be collected and treated to remove any unpleasant odours before being emitted to atmosphere.

Heat produced from the waste combustion process will be used to generate steam. The steam will be used directly as a local source of heat in the Michelin tyre factory and to drive a steam turbine to generate renewable electricity, some of which will also be supplied to Michelin, and the remainder to the national grid.

A fuller description of the proposed EfW CHP facility development is provided in this PASS and in the ES.

The Design of the EfW CHP Facility

The location of the EfW CHP facility on Forties Road was agreed with Dundee and Angus Councils in order to enable the facility to meet the requirement for new energy from waste facilities to operate at maximum efficiency in Combined Heat and Power mode. The location on Forties Road enables the proposed facility to

provide steam and electricity directly to Michelin enabling them to receive energy at more economical prices and in a more sustainable form than if they were to generate it themselves or to buy it from the grid.

The proposed EfW CHP facility site is adjacent to the existing DERL facility on land which has been used for the recycling of highways waste. The site can be seen from the houses on Balunie Drive but is only marginally closer to such houses than the existing DERL facility.

The EfW CHP facility will be a large building, 38m high at the highest point and 134m long, with a width varying between 30 and 81m and an exhaust stack 90m high. The orientation and architectural design of the main building were carefully considered. The orientation of the building is designed to optimise the relationship with the street scene and the nearest residential area; to screen the silos and other structures which are not enclosed within buildings; and to minimise the visual impact of the building.

The main EfW CHP facility building will include an administration centre, within which meeting room / classroom and associated facilities will be made available for use by visitors to the facility, local community groups and schools. The administration centre will be staffed by a community liaison manager, employed by MVV, who will arrange bookings and co-ordinate access to the community.

The architectural design of the facility has been developed having regard to the landscape of the site and surrounding area. The design response is a very plain and simple building in keeping with the adjoining industrial buildings and which responds to its environment, whilst taking care to build-in measures to minimise potential impacts on amenity, including impacts from noise and lighting and on views.

The EfW CHP facility has been designed to allow interaction with the local community and generate understanding of a valuable community resource and its contribution to a secure, sustainable economic future for the largest manufacturing employer in Dundee.

2.2 The Planning Application and Accompanying Documents

This application has been prepared in accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), and The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (as amended). As the proposed development falls within Schedule 1 of the EIA Regulations, the application is required to be accompanied by an Environmental Statement (ES).

This planning application is accompanied by this Planning Application Supporting Statement (PASS), a number of documents appended to this PASS, including a Design and Access Statement (DAS), a Heat Plan, and an Environmental Statement (ES) and a Non-Technical Summary (NTS) of the ES. A list of the planning application and accompanying documents is provided below and Table 2.1 lists the planning application plans. The ES contains detailed

information about the proposed development, the development site, and the potential environmental effects. Together, these documents are intended to provide the information to be considered by the Planning Authority (PA) in its determination of the application for planning permission.

List of Planning Application and Accompanying Documents

- Application Form
- Planning Application Fee
- Ownership Certificate(s) & Notices
- Planning Application Drawings
- Planning Application Supporting Statement (PASS)
- Environmental Statement (ES)
- Environmental Statement Non-Technical Summary (NTS)
- Transport Assessment (TA)
- Design and Access Statement (DAS)
- Heat Plan (HP)
- Economic Impact Report
- Pre-Application Consultation Report (PAC)
- Stack Height Assessment

Table 1 List of Planning Application Plans and Drawings

Number	Title
PA01	PAN Site Boundary
PA02	Planning Application Boundary with Internal Operational Boundaries
PA05	Proposed Site Layout
PA06 A-D	Main Building Elevations
PA07 A-E	Main Building Sections
PA09 A-F	Administration Building
PA10	Turbine Hall and Air Cooled Condenser Layout & Elevation
PA13	Cycle Shed

2.3 The Pollution Prevention and Control Regime

In addition to a requirement for planning permission for the EfW CHP development under the Town and Country Planning Act 1997, in order to operate, the EfW CHP facility will require an Environmental Permit under the Pollution Prevention and Control (Scotland) Regulations 2012. An Environmental Permit application for the EfW CHP has been prepared in parallel with this planning application and ES and will be submitted shortly after the planning application.

There are some pollution control matters which will be the direct responsibility of Dundee City Council such as the Construction Environment Management Plan and the assessment of off-site impacts arising from the development such as traffic. A Site Waste Management Plan will also be prepared by the principal contractor and the assessment of this document will be undertaken by the Planning Authority; the Environmental Health Authority or the Scottish Environment Protection Agency.

3 Public Engagement (Pre-Application Consultation Report)

A Pre-Application Notice (PAN) was served on Dundee City Council on 15 June 2016 and the Council replied on 21 June 2016. Following the approval to the PAN 2 rounds of public exhibitions were held in 2 locations; at Douglas Community Centre on 28 June and 12 October 2016 and at 71 The Crescent, Whitfield on 29 June and 13 October 2016. A separate meeting was held with Tayside Friends of the Earth on 10 August and Whitfield Development Group on 12 October. The responses to the exhibitions and notes of the meetings are include in the PAC report.

During the period from June 2016 to October 2016 MVV undertook a programme of community consultation. In undertaking this consultation, MVV endeavoured to be inclusive in all its communications with the local community. MVV is constantly reviewing its communication programme, in consultation with the Dundee & Angus Residual Waste Project team and Dundee City Council, as well as representatives of the local community.

The programme has so far encompassed contact with:

- Local residents
- Local Employers, including Michelin
- DERL Good Neighbours Group
- Representatives of Whitfield Development Group
- Members of Tayside Friends of the Earth
- Dundee University
- Abertay University
- Dundee and Angus College

A full report of the community consultation process is provided in the Pre-Application Consultation (PAC) Report and a summary of the PAC report is provided in this PASS.

4 Site Planning History

This chapter contains a review of the relevant planning history of the application site and the immediate surroundings.

Table 2: Planning History

Application Ref	Address	Proposal Description	Notes
D20059	Forties Road Baldovie Industrial Estate, Dundee DD4 0NS	Proposed Energy to Waste Plant.	Planning permission approved for energy to waste plant at Baldovie, Dundee.
14/00475/FULL	Land To North Of Barlow Avenue And East Of Fowler Road West Pitkerro Industrial Estate Dundee DD5 3RU	Erection of industrial building and formation of secure yard for commercial vehicle parking.	Approved subject to conditions. Development to begin by 18/9/2017
14/00486/CLEUD	Refuse Plant Dundee Waste Management Forties Road Baldovie Industrial Estate, Dundee DD4 0NS	Waste transfer station, recycling centre and associated materials and vehicle storage facility.	Application for a Certificate of Lawful Use granted for waste transfer station, recycling centre and associated materials and vehicle storage facility.
14/00086/FULL	Land To North Of Drumgeith Road And West Of Summerfield Avenue Dundee	Erection of 49 dwelling units, access roads, landscaping and associated drainage facilities.	Under construction. Phase two also included below.
15/00530/FULL	Site 1 Forties Road Baldovie Industrial Estate Dundee DD4 0NS	Change of use to from vacant industrial unit to indoor football & multi sports centre.	Planning permission refused 23/9/15 and appeal dismissed 7/3/16 – can be removed from list.
15/00035/FULM	Michelin Tyres plc Baldovie Road Dundee DD4 8UQ	Proposed erection of storage/process (20,000sqm), production (2000sqm) and office (550sqm) extensions to south and west of existing building,	Approved subject to conditions. Development to begin by 17/3/2018

		including associated access, loading area and erection of new security fence, pump house/tanks all with associated landscaping works. Proposed excavation and filling works to north and west of existing building to form flood storage area, including landscaping works.	
15/00257/FULL	Land At Aberlady Crescent Dundee DD4 0LF	Erection of 26 Houses	Application pending determination.
15/00120/FULL	Land To North Of Whitfield Terrace And East of Whitfield Loan Dundee DD4 0BE	Erection of 30No two storey detached houses (re-application)	Approved subject to conditions. Development to begin by 1/5/2018
15/00148/FULL	St Pius Rc Primary School Banchory Road Dundee DD4 7TQ	New Nursery Unit	Approved subject to conditions. Development to begin by 23/4/2018
15/00442/FULL	Phase 2 Land To North Of Drumgeith Road And West Of Summerfield Avenue Dundee	Phase 2 - 12 domestic dwellings, including associated landscaping and car parking. | Phase 2 Land To North Of Drumgeith Road And West Of Summerfield Avenue Dundee	Construction not started – Development to begin by 7/8/2018
16/00536/FULL	Phase 3 Land To North Of Drumgeith Road And West Of Summerfield Avenue Dundee	Erection of 28 Houses and associated access roads, car parking and landscaping	Approved subject to conditions. Development to begin by 31/8/2019

5 Planning Policy Context

This chapter contains a review of the most pertinent planning and waste management policy that are relevant to the determination of this planning application. An assessment of the proposal against these relevant considerations is included in Chapter 6 of this PASS. Scottish Government Planning Circular 6/2013 requires decisions to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.1 National Planning Policy Context

National planning policy is contained within the National Planning Framework 3 (NPF3) 2014 and the Scottish Planning Policy (SPP) 2014, both of which were published June 2014. Subject Specific national planning policies of potential relevance are contained within numerous Planning Circulars and Advice documents.

NPF3 provides a statutory framework around which to orientate Scotland's long-term spatial development. The Framework highlights the spatial planning implications of multiple national policy documents and commitments, including the binding decarbonisation targets enshrined within the Climate Change (Scotland) Act 2009.

SPP sets out policy that will help to deliver the objectives of the NPF3 at national, strategic and local levels. SPP sets out the Scottish Governments expectations regarding the treatment of specific planning issues within development planning and management. SPP aims to contribute to the achievement of the Government's overarching purpose of achieving sustainable economic growth. SPP contains two principal policies and a number of subject policies.

Principal Policies:

- SPP – Sustainability
- SPP – Placemaking

Relevant Subject Policies:

- SPP – Delivering Heat and Electricity
- SPP - Planning for Zero Waste
- SPP – Valuing the Natural Environment
- SPP – Managing Flood Risk and Drainage

5.2 Other Relevant Waste Management and Planning Documents

Scotland's Zero Waste Plan

This plan sets out the Government's vision for a zero waste society where all waste is seen as a resource, where waste is minimized, where valuable resources

are not disposed of in landfill, and where most waste is sorted leaving only limited amounts to be treated. SPP provides the planning policies that support Scotland's Zero Waste Plan.

Scottish Government's Planning and Waste Management Advice

This planning advice is intended to compliment NPF3, SPP and Scotland's Zero Waste Plan, and is primarily aimed at planning authorities. The advice provides step-by-step advice on development planning and development management.

5.3 The Development Plan

The current Development Plan for Dundee City comprises:

- The Strategic Development Plan for Dundee, Angus, Perth and North Fife 2012 – 2032 (TAYplan) (adopted June 2012)
- Dundee Local Development Plan (adopted December 2013)

5.4 The Emerging Development Plan

The approved Development Plan is currently undergoing a process of review in line with the requirements of the Planning (Scotland) etc. Act 2006. It will in time be replaced with the proposed TAYplan Strategic Development Plan 2016-2036 and the proposed Dundee Local Development Plan 2.

- The proposed TAYplan Strategic Development Plan 2016-2036 is currently under examination by the Scottish Ministers.
- The Dundee Local Development Plan 2

5.5 Development Plan Supplementary Guidance

- Dundee Local Development Plan Supplementary Guidance: Air Quality and Land Use Planning.

6 Planning Policy Assessment

This section of the Planning Application Supporting Statement outlines the main planning considerations and demonstrates how this planning application for the EfW CHP facility is consistent with these main planning considerations.

6.1 National Planning Policy

The National Planning Framework (NPF3)

Generally NPF3 articulates and emphasises the Scottish Government's commitment to increasing sustainable economic growth across all areas of Scotland and as such NPF3 directs the Scottish planning system.

The national spatial strategy of NPF3 is structured around four key themes:

1. A successful and sustainable place – supporting economic growth and regeneration, and the creation of well designed, sustainable places.
2. A low carbon place – reducing our carbon emissions and adapting to climate change.
3. A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.
4. A more connected place – supporting better transport and digital connectivity.

6.2 Scottish Planning Policy

SPP sets out the national planning policies which reflect the Scottish Government's priorities for the operation of the planning system and for the development and use of land. SPP reflects the Scottish Government's purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth, as set out in the Government Economic Strategy. SPP relates directly to the preparation of development plans, the design of development, from initial concept through to initial delivery, and the determination of planning applications and appeals.

NPF3 and SPP share a single vision for the planning system in Scotland:

> *We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of the environment, place and life which makes our country so special. It is growth that increases solidarity – reducing inequalities between our regions. We live on sustainable, well designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.*

SPP sets out two principal policies and at achieving this vision.

The first principal policy concerns **sustainability**. The Sustainability SPP introduces a *'presumption in favour of development that contributes to sustainable development'*.

The second principal policy concerns **Placemaking**. The Placemaking SPP indicates that *'planning should take every opportunity to create high quality places by taking a design led approach, and direct the right development to the right place. Planning should support development that is designed to a high quality, which demonstrates the six qualities of a successful place'*. The six qualities of a successful place are identified as:

- Distinctive
- Safe and Pleasant
- Welcoming
- Adaptable
- Resource Efficient
- Easy to Move Around and Beyond

In addition to the two principal policies SPP also sets out a number of **Subject Policies** which relate to the four identified planning outcomes of creating a successful and sustainable place, a low carbon place, a natural, resilient place, and a connected place.

Of particular relevance to the proposed EfW CHP facility are the two subject policies concerning delivering a low carbon place – reducing carbon emissions and adapting to climate change.

Delivering Heat and Electricity

The SPP 'Delivering Heat and Electricity' policy outlines how the planning system should:

- Support the transitional change to a low carbon economy, consistent with national objectives and targets;
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- Guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- Help to reduce emissions and energy use in new buildings and form new infrastructure by enabling development at appropriate locations that contributes to, energy efficiency, heat recovery, efficient energy supply and storage, electricity and heat from renewable sources, and electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

The 'Delivering Heat and Electricity' policy goes onto outline how these should be facilitated with specific reference to development planning and development management.

The proposed EfW CHP facility is in keeping with the drive of the SPP 'Delivering Heat and Electricity' policy in that it will contribute towards delivering a diverse range of electricity and the development of heat networks.

Planning for Zero Waste

The SPP 'Planning for Zero Waste' policy outlines how the planning system should support Scotland's 'Zero Waste Policy' in wasting as little as possible and recognizing that every item and material we use is a resource which has a value in our economy. The planning system should:

- Promote developments that minimize the unnecessary use of primary materials and promote efficient use of secondary materials;
- 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;
- 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; and
- Help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

The 'Planning for Zero Waste' policy goes onto outline how this should facilitated with specific reference to development planning and development management.

The proposed EfW CHP facility is in keeping with the SPP 'Planning for Zero Waste' policy in that it minimises the use of primary materials and promote efficient use of secondary materials, and it helps to secure economic value from secondary resources, namely waste which would otherwise be destined for landfill. Furthermore, the proposal contributes to achieving Scotland's zero waste targets, with specific reference to sending no more than 5% of Scotland's annual waste arisings to landfill by 2025, and the recovery of value from waste, in terms of energy is further up the waste hierarchy than landfill disposal.

6.3 Other Relevant Government Level Waste Management and Planning Documents

Scottish Government's Planning and Waste Management Advice – This planning advice is intended to compliment NPF3, SPP and Scotland's Zero Waste Plan, and is primarily aimed at planning authorities. The advice provides step-by-step advice on development planning and development management.

The document summarises the existing waste management policy context requiring the need to establish a network of waste management infrastructure, and then sets out the development planning and development management implications of this. The document clarifies that the SPP does not preclude local planning authorities from identifying the most appropriate sites for waste management infrastructure depending on their local context and does not prescribe the technology mix which should be used to deal with waste, provided that the waste hierarchy is adhered to.

The document requires planning applications for EfW facilities to be supported by a sufficiently detailed heat plan, and in this regard it is supportive of the connection of EfW facilities to district heating networks. The following environmental considerations associated with waste management development proposals are of relevance:

"Effects on residential amenity, related to emissions to air, the control of odour, dust, noise, vermin, birds and litter;

Impacts related to site access and traffic movements;

Potential impacts related to the types of waste to be treated or deposited and the proposed method of treatment or disposal; and

Potential effects on the water environment or flood risk".

The likely impacts of the proposed EfW CHP Facility on the above considerations are discussed within the ES, submitted in support of this planning application, and also within Chapter 6 of this supporting statement. The proposal will not have an unreasonable detrimental impact on residential amenity or on local traffic and access movements. Potential impacts related to the types of waste to be treated or deposited and the proposed method of treatment or disposal, and potential effects on the water environment or flood risk, have been considered and appropriately mitigated. The proposal is in accordance with the Scottish Government's Planning and Waste Management Advice.

Scotland's Zero Waste Plan – this plan sets out the Governments vision for a zero waste society where all waste is seen as a resource, where waste is minimized, where valuable resources are not disposed of in landslides, and where most waste is sorted leaving only limited amounts to be treated. NPF and SPP provide the planning policies that support Scotland's Zero Waste Plan and this is translated into TAYplan and the Dundee Local Development Plan.

Scotland's Zero Waste Plan sets out a strategic direction for waste management policy and identifies specific policy objectives. The overarching 'Mission' of the Plan is *"To achieve a zero waste Scotland, where we make the most efficient use of resources by minimising Scotland's demand on primary resources, and maximising the reuse, recycling and recovery of resources instead of treating them as waste"*

Key actions noted within this document include an emphasis on the need for the planning system to play a role in implementing the Plan, providing support towards generating EfW facilities and recognising their potential to contribute towards renewable targets.

Scotland's Zero Waste Plan *states "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 proposed EfW CHP facility accords with the principles of Scotland's Zero Waste Plan and its waste hierarchy, as it will recover energy from waste that would otherwise be landfilled. The recovery of value from waste in terms of energy is further up the waste hierarchy than disposal, of which landfill is the least preferred option. Further, the proposed development would not have any negative impact on the waste minimisation and recycling as it would deal only with 'residual' waste, which is the material left over once the recyclable elements have been removed.

The proposal will make a contribution towards achieving the vision for a zero waste society and as such is in accordance with the ethos of Scotland's Zero Waste Plan.

6.4 The Development Plan

Applications for planning permission should be made in accordance with the development plan unless material considerations indicate otherwise. The main planning considerations for this planning application are therefore the policies of TAYplan and of the Local Development Plan.

TAYplan Strategic Development Plan 2012 -2032

The TAY Strategic Development Plan 2012 - 2032 sets the overall planning vision for 20 years for the whole Dundee and Perth area, including North Fife and parts of Angus and Perth and Kinross. The TAYplan Strategic Development Plan sets out land use planning policies to guide where development should and should not go over the next 20 year or so. It considers the big, long term issues which affect the whole TAYplan city-region; including climate change, the scale of housing and population change, infrastructure planning and sustainable economic growth.

The Plan identifies the principal settlements in three tiers reflecting their present and future roles (**Policy 1**). The focus on principal settlements covers all types of development. However, the most appropriate locations for energy and waste/resource management infrastructure will also be determined by a series of other considerations (Policy 6).

Policy 2 addresses shaping better quality places through Climate Change and seeks in 2 (d) to ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

Policy 6 on Energy and Waste/Resource Management Infrastructure seeks to ensure that energy and waste/resource management infrastructure are in the most appropriate locations. It is summarised in the strap line "Infrastructure for heat and power generation and transmission; and, collection, separation, handling,

transfer, processing, resource recovery and disposal of waste. This includes recycling plants, anaerobic waste digesters, energy from waste plants, wind turbines, biomass plants, combined heat and power plants, solar power, hydroelectric power plants and similar facilities."

The Plan seeks to reduce resource consumption through provision of energy and waste/resource management infrastructure in order to contribute to Scottish Government ambitions for the mitigation of and adaptation to climate change and to achieve zero waste. It also aims to contribute towards greater regional energy self-sufficiency.

This requires us to use less energy and to generate more power and heat from renewable sources and resource recovery; and, to consider waste from start to finish; becoming better at resource management. This is strongly tied into resource security and living within environmental limits. It also presents opportunities to grow the renewable energy and waste/resource management sector as a whole within the TAYplan region. The issue is no longer about whether such facilities are needed but instead about helping to ensure they are delivered in the most appropriate locations.

Land use planning is only one of the regulatory requirements that energy and waste/resource management operators must consider. TAYPlan does not provide the locations for energy infrastructure; this role is for Local Development Plans. It sets out a series of locational considerations for all energy and waste/resource management infrastructure as the impacts and operations of these share similar characteristics.

This Plan ensures consistency between Local Development Plans in fulfilling Scottish Planning Policy requirements to define areas of search for renewable energy infrastructure and it applies this to a wide range of energy and waste/resource management infrastructure.

It recognises the different scales – property (e.g. micro-renewables or individual waste facilities), community (e.g. district heating and power or local waste facilities) and regional/national (e.g. national level schemes and waste facilities for wide areas) at which this infrastructure can be provided and both the individual and cumulative contribution that can be made, particularly by community and property scale infrastructure, to Scottish Government objectives for greater decentralisation of heat and energy.

Changes in the law allowing surplus power to be sold back to the national grid and other incentives could stimulate interest from local authorities, businesses, householders, community land trusts and other groups to obtain loans for energy infrastructure to enable development to meet local or individual needs in future. Similarly, the price of materials in the global market place may continue to stimulate business interests in resource recovery.

Many of the region's existing waste management facilities have additional capacity or could be expanded in situ, including the strategic scale facilities at Binn Farm near Glenfarg and the DERL facility at Baldovie in Dundee. No requirement for new landfill sites has been identified before 2024 and successful

implementation of the Scottish Government's Zero Waste Plan and expansion of other treatment facilities could extend this to and beyond 2032.

This Plan encourages new strategic scale waste/resource management infrastructure to be within or close to the Dundee and Perth Core Areas reflecting the proximity of materials and customers for heat and other products.

Modern waste/resource management infrastructure is designed and regulated to high standards and is similar to other industrial processes. Subject to detailed site specific considerations, waste management facilities can be considered appropriate land uses within industrial and employment sites.

Policy 6: Energy and Waste/Resource Management Infrastructure

A. Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

B. Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).

C. Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;

- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

Dundee Local Development Plan 2014 (LDP)

The current LDP was adopted on 5 December 2013. It sets out the land use strategy that will guide development across Dundee up to 2024 and beyond. The Local Development Plan is required to be consistent with TAYplan and constitutes the primary material consideration in determining the application for planning permission.

The LDP for Dundee contains the spatial strategy that will guide future development up to 2024 and shows which land is being allocated to meet the City's development needs and where new development should and should not happen. The Plan contains policies and proposals covering the principal land use issues in the City and will provide the context in which decisions on planning applications will be made. The LDP constitutes the primary material planning policy consideration in determining this application.

The LDP Proposals Map allocates the application site as being partially located within a General Economic Development Area, partially within a Wildlife Corridor and partially within an area of Open Space and Green Network.

Dundee Local Development Plan Policies

Policy 3: General Economic Development Areas

Policy 3: General Economic Development Areas

In areas designated as General Economic Development Areas, proposals for Class 4, 5 and 6 developments will be supported. Other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided;

1) there is no detrimental impact on neighbouring uses and local residential amenity,

2) there is no unacceptable traffic impact; and

3) the scale of development is appropriate to the size and location of the site.

Other uses within these areas will not be supported.

The proposed EfW CHP Facility adjoining the DERL Facility is a development which is generally industrial in nature and as such would in principle comply with Policy 3, provided that it does not have a detrimental impact on neighbouring uses and local residential amenity, there is no unacceptable traffic impact; and the scale of development is appropriate to the size and location of the proposal site.

The EfW CHP facility will not be a "biomass plant" as referred to in Policy 30, however it will none the less be located in a General Economic Development Area and will not have any adverse effect on the integrity of any Natura sites. From the outset the EfW CHP facility will operate in CHP mode to supply steam and power to the adjacent Michelin tyre factory but the opportunities to act as a local hub for a heat network to local community buildings and homes will be explored together with the potential to operate in parallel with other proposed hubs and to link to the proposed citywide heat network.

The principle of the proposed EfW CHP facility is supported by the LDP in this location.

Policy 7: High Quality Design

Policy 7: High Quality Design

All development must contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change, mitigation and adaptation.

The design and siting of development should respect the character and amenity of the place and should create and improve links within the site and into the surrounding area beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

All proposals should also meet the following design criteria:

1) *consider and respect site topography and any surrounding important landmarks, views or skylines.*
2) *contribute to a sense of identity by developing a coherent structure of streets, spaces, and buildings that are safely accessible, respecting existing building lines where appropriate.*
3) *the design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
4) *all buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport and designed with future adaptability in mind.*
5) *existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*

All developments in Dundee with construction costs of £1 million or over will be required to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.

The site is within an established industrial area, adjacent to an existing energy from waste facility. The predominant appearance of the buildings on, and adjoining Forties Road, is of large structures clad in a plain grey metallic finish with minimal adornment other than the name and logo of the company occupying the premises.

The proposed building design is functional in nature and reflects the industrial use proposed. The design is in keeping with the established industrial character of the area and the proposed appearance, height, scale, massing, materials, finishes and colours provide further continuity. The proposed facility will not constitute an incongruous feature within the townscape in terms of appearance, height, scale, massing, materials, finishes and colours. The design of the building responds to the local topography, being located towards the bottom of Forties Road, and thus minimises the impact on the skyline. Photomontages of the impact of the proposed building from a number of viewpoints (see Environmental Statement) show that the building will not obscure any significant landmarks or significant views.

The building and spaces proposed reflect the operational requirements of the facility and, where appropriate, are accessible, inclusive places for people, and are easily navigable. In terms of safety those public access will be strictly controlled in operational areas, and public areas are designed with ease of movement and safety in mind, thus ensuring that the development will constitute a safe environment.

The proposed design meets the requirements of Policy 7 and will contribute positively to the quality of the surrounding built and natural environment and is planned and designed with reference to climate change, mitigation and adaptation. The design and siting of development respects the character of its setting and is appropriate to the local context.

A full description of the design evolution process and compatibility with design planning policy is provided in the Design and Access Statement.

Policy 29: Low and Zero Carbon Technology in New Development

Policy 29: Low and Zero Carbon Technology in New Development

Proposals for all new buildings will be required to demonstrate that at least 10% of the carbon emissions reduction standard set by Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018.

This requirement applies to all new buildings with the following exceptions:

1) *Alterations and extensions to buildings.*
2) *Change of use or conversion of buildings.*
3) *Ancillary buildings that stand alone and cover an area less than 50 square metres.*
4) *Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.*
5) *Buildings which have an intended life of less than two years.*

A statement will be required to be submitted demonstrating compliance with this requirement.

The proposed EfW CHP facility will produce energy from residual waste. The energy will be primarily in the form of steam which will be supplied to Michelin and which will enable their boilers which are gas fired to be placed on standby mode; to be kept warm using steam; and only used when the EfW CHP facility is not producing energy. Steam which is not required by Michelin will be used to generate electricity and this will also be supplied to Michelin in the first instance with any electricity which is not supplied to Michelin fed into the grid.

The proposed steam turbine will, on average, generate approximately 10MWe, of which 1.0MWe is consumed by the facility itself. This leaves 9MWe as the net electrical output for export to Michelin and the Scottish and Southern Energy distribution network. As such the proposal makes a significant local contribution towards sustainable energy production and consumption, and more generally represents the essence of sustainable development.

The opportunities to provide energy to other nearby residential and commercial premises will be kept under review and if there are commercially viable projects these will be positively investigated.

The technical building design and specification of the proposed facility is largely dictated by operational requirements. Every effort, however, will be made by MVV to comply with the relevant Scottish Building Standards, at the time of construction, concerning the installation and operation of zero and low carbon generating technologies.

Policy 34: Locally Important Nature Conservation Sites

> ***Policy 34: Locally Important Nature Conservation Sites***
>
> *Development which could have a significant effect on the conservation interests associated with Local Nature Reserves, Sites of Importance for Nature Conservation or Wildlife Corridors will only be permitted where:*
>
> *1) an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation; and*
>
> *2) any negative impacts identified are contained within the site and can be mitigated without affecting the integrity of the designated area; and*
>
> *3) it has been demonstrated that there are no other suitable sites that could accommodate the development.*

The LDP Proposals Map allocates the application site as being partially located within a designated Wildlife Corridor. An Ecological Impact Assessment, including a Phase 1 Habitat Survey, has been undertaken which considers the effects of the proposal on local ecology.

The implementation of a Construction Environment Management Plan (CEMP) and a number of proposed biodiversity enhancement measures will ensure that the proposal does not have any significant detrimental impacts on local ecology (see

Environmental Statement). The enhancement measures proposed include the planting of native berry-bearing species along the banks of the Dighty Water, the creation of up to four artificial kingfisher burrows along the banks of both the Dighty Water and Fithie Burn, and the removal of litter and eradication of invasive species, such as Himalayan balsam and giant hogweed, along the banks of both the Dighty Water and Fithie Burn.

The proposal will not have any significant effects on the conservation interests associated with the wildlife corridor.

Policy 35: Protected Species

Policy 35: Protected Species

Development proposals which are likely to have a significant effect on a European protected species will not be supported unless:

1) there is no satisfactory alternative; and

2) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.

Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported.

Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

An Ecological Impact Assessment, including a Phase 1 Habitat Survey, Bat Survey, Otter Survey, Breeding Bird Survey and Water Vole Survey, has been undertaken which considers the effects of the proposal on local protected species (see Environmental Statement).

No likely significant detrimental effects on a European protected species were identified, either during construction of the proposal or during the operation of the EfW CHP facility.

Policy 36: Open Space

Policy 36: Open Space

Development proposals that would result in a change of the use of a site identified in the Local Development Plan as open space to anything other than an open space use must establish that the site no longer has a potential value as open space of any kind unless the Council are satisfied that:

1) the proposals are consistent with a masterplan, strategy or programme approved by the Council; or

2) compensatory open space of equal benefit and accessibility will be provided in or adjacent to the community most directly affected; or

3) proposals affect only a lesser part of the site and are ancillary to it or result in improved recreational or amenity value on the remainder of the site.

Proposals affecting playing fields and sports pitches are also subject to all of the above criteria and are required to provide compensatory or improved playing fields and sports pitches unless the proposals are consistent with the Sport and Physical Activity Strategy.

There will be a presumption that new development should contribute to the enhancement and connectivity of open space and habitats, where appropriate, as part of the wider green network.

The southernmost portion of the application site, which is to be used solely as a flood mitigation area, is located within an area of designated Open Space. The nature of the flood mitigation scheme proposed is such that the proposal will not result in any loss of Open Space and will not affect the appearance or access to the wider open space provision. The proposal will not have any detrimental no impact on the sites recreation or amenity value.

Policy 39: Major Waste Management Facilities

Policy 39: Major Waste Management Facilities

New waste management facilities should be located in the first instance in General Economic Development Areas identified in the Proposals Map unless:

1) the Council is satisfied that proposals are consistent with a strategy or programme approved by the Council or serve a strategic need for the management of waste.

Development which meets the above requirement may be permitted provided:

1) there is no detrimental impact on neighbouring uses or local residential amenity; and

2) there is no unacceptable traffic impact; and

3) it does not have an adverse effect, either alone or in combination with other proposals or projects, on the integrity of any Natura site.

The move towards sustainable waste management, as outlined by the Scottish Government's Zero Waste Plan, means that more facilities will be needed to sort, recycle, process and recover energy from waste in the future as Scotland works towards its targets for landfill diversion. The provision of the new proposed EfW CHP facility is consistent with this strategy and will contribute towards the Council's need for the strategic management of waste.

The proposed EfW CHP facility will be in a General Economic Development Area and will not have any adverse effect on the integrity of any Natura sites. Noise, light and air quality impacts, resulting from the proposal, will be controlled and mitigated to the extent that there will be no detrimental impact on neighbouring uses or local residential amenity. (See Environmental Statement)

In accordance with Policy 39 the proposal is supported in principle at this location.

Policy 40: Waste Management Requirements for Development

> ***Policy 40: Waste Management Requirements for Development***
>
> *Development proposals should demonstrate that they adequately address the Council's waste strategy to reduce, collect, sort, recycle and reuse waste.*

The construction phase of the proposal will entail excavation and construction wastes being produced. In as far as it is possible no waste will be removed from site. Where it is not possible to reuse or recycle any waste material on site a mitigation plan for the impacts of each waste stream will demonstrate that each waste stream would be dealt with at the highest possible level of the waste hierarchy.

An outline Site Waste Management Plan (SWMP) has been prepared for the planning application. The appointed contractor(s) will develop the SWMP further. Hazardous wastes will be removed by a licensed contractor and disposed of at a suitable facility.

During the operation of the facility office and general waste arising on site will be collected separately and stored separately for recycling using the on-site facilities where appropriate or removed by a licensed contractor to a suitable facility where it can be managed in accordance with the waste hierarchy and the zero waste regulations.

Policy 41: Flood Risk Management

Policy 41: Flood Risk Management

Medium to High Risk Areas

There is a general presumption against a) development on previously undeveloped land and b) development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater). Other development may be acceptable where:

1) *sufficient flood defences already exist, are under construction or are planned as part of the development strategy; and*
2) *those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere; and*
3) *the extent of development potentially affected by flooding is protected through the use of appropriate water resistant materials and construction; and*
4) *the finalised scheme does not result in a land use which is more vulnerable to flooding.*

A flood risk assessment will be required for any development within the medium to high risk category.

Low to Medium Risk Areas

Areas with a 1 in 1000 to 1 in 200 year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicate heightened risk. These areas are generally not suitable for essential civil infrastructure unless capable of remaining operational and accessible during extreme flooding events.

Flood risk to the development is analysed considering all sources of flooding (coastal, fluvial, pluvial, groundwater and infrastructure failure) and summarised within the Environmental Statement. In particular, flooding from the nearby watercourse is analysed in detail using a computer hydraulic model. The corresponding, and forthcoming, flood risk assessment will ensure that the development is sufficiently protected against flooding and it does not result in any increase of flood risk elsewhere.

Policy 42: Sustainable Drainage Systems

Policy 42: Sustainable Drainage Systems

Surface water from new development must be treated by a Sustainable Urban Drainage System (SUDS) except for single houses or where discharge is to coastal waters. SUDS should be designed so that in a 1 in 200 year rainstorm event, flooding will not be higher than 300 mm below floor level. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for habitat creation or enhancement through measures such as the formulation of wetlands or ponds.

The design of the new surface water drainage will ensure that the discharge meets the applicable general binding rules for the Controlled Activates Regulations, and will include a sustainable urban drainage system to treat surface water runoff. The proposed system, detailed in the forthcoming Drainage Strategy, will ensure that there is no increase in surface water flows to the existing Scottish Water sewer and ensuring there is sufficient storage to attenuate flows to the greenfield runoff.

Policy 44: Air Quality

> ***Policy 44: Air Quality***
>
> *There is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.*

Air Quality, including baseline monitoring of NO2, in the vicinity of the proposed EfW CHP facility has been measured using passive diffusion tubes at eleven monitoring locations since November 2015. The locations include one adjacent to the DERL site, eight locations close to residential properties, one background location and one co-located with an automatic monitor operated by Dundee City Council. Diffusion tubes were attached to street furniture, fixed at a height representative of exposure. Duplicate or triplicate tubes were used at each location and, following an approximately four-weekly monitoring period, were sent to a UKAS accredited laboratory for analysis.

The first nine months of NO2 monitoring show that preliminary average concentrations at all monitoring sites close to the proposed development are below the annual mean air quality objective. The measurements will be bias-adjusted using results from tubes co-located with the automatic monitor operated by Dundee City Council.

During construction, the project has the potential to impact air quality through emissions from construction and demolition activities and traffic emissions from construction vehicles travelling to/from the site. This could cause dust deposition or elevated PM10 and PM2.5 concentrations. A dust management plan will be developed as part of the Construction Environment Management Plan for the site and agreed with Council Officers and this will be implemented and regularly reviewed to control and manage dust emissions so that they do not cause dust deposition or elevated PM10 and PM2.5 concentrations.

Industrial air pollution sources are regulated through a system of operating permits or authorisations, requiring stringent emission limits to be met and ensuring that any releases to the environment are minimised or eliminated. The proposed EfW CHP facility will include best available techniques (BAT), will comply with the required emission limits and will include the required odour management. The assessment of air quality impacts during operation will comprise an assessment of the impacts of emissions from the stack and other fugitive sources on local air quality.

Operational air quality from the proposed EfW CHP facility has not been assessed as part of the ES but will be assessed as part of the permit submitted to SEPA. Potential air quality impacts resulting from the proposed EfW CHP facility will be controlled through design to meet the Industrial Emissions Directive (IED) emissions limits and relevant air quality standards, in accordance with relevant guidance.

The emissions will be recorded as part of a Continuous Emissions Monitoring System (CEMS) to which SEPA will have access.

The proposal will not result in a significant increase in air pollution.

Policy 45: Land Contamination

Policy 45: Land Contamination

a) Development of potentially contaminated brownfield or statutorily identified contaminated land will be considered where:

1) a site investigation is submitted establishing the nature and extent of contamination; and

2) the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.

b) An alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied and:

1) an economic appraisal establishes that the site cannot be economically developed for the allocated use due to the level or type of contamination; and

2) the proposed use meets the requirements of other relevant policies of the Local Development Plan.

An assessment is being undertaken of the effects on ground conditions of the potential for contamination at the application site.

The Geotechnical and Geo-environmental Interpretative Report identifies the ground related and hydrogeological related constraints and the foundations will be designed and constructed taking into account the findings. The contamination assessment will identify any unacceptable risk to potential receptors and set out any requirements to mitigate these risks.

Previous and current investigations at the site have identified the presence of asbestos fibres within the made ground materials which could pose a particular risk to construction workers via direct contact, inhalation and ingestion. An Asbestos Management Plan will be created as part of a Site Waste Management Plan (SWMP) detailing requirements for the identification and removal/management of asbestos present within the made ground materials.

Policy 47: Environmental Protection

Policy 47: Environmental Protection

All new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.

New development or an extension to an existing development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.

Measurements of existing noise levels have been carried out in the area. Calculations have then been undertaken to assess the noise arising from the EfW CHP facility, the traffic servicing it, and the construction works, in order to assess the likely effects. The EfW CHP facility has been designed to minimise operational noise levels as far as is practicable, through the selection of low noise plant items and the selection of wall cladding, roof cladding and ventilation openings to minimise noise breakout from the plant buildings.

The EfW CHP facility is designed in such a way that it will not generate levels of noise, vibration or light pollution that would lead to an unsatisfactory level of disturbance on the surrounding area or adversely impact on viability of existing businesses or uses.

Policy 55: Accessibility of New Developments

Policy 54: Active Travel

New development should be designed in order to:

1) minimise the need to travel by private car,

2) improve access to services, and

3) promote healthy lifestyles by encouraging active travel.

All developments which border an existing or proposed core path must ensure that it is immediately and easily accessible from that development by provision of appropriate facilities.*

All developments should make provision for walking and cycle access, including cycle parking and walking/cycle routes and to a standard that affords it priority over motorised transport. This requirement may be applied flexibly where the re-use of existing buildings is involved. Walking and cycling routes should be fully useable prior to the first occupation of a new development.

**appropriate - refers to the specification choice of: footways, footpaths, cycleways or shared surface paths*

As part of the development proposals, a range of measures are proposed to influence individual travel through the integration of new on-site infrastructure to existing surrounding transport networks to facilitate the commuting of employees and to encourage non-car based trips. These measures include the provision of on-site footpaths and cycle storage and a policy to brief employees on the benefits of walking / cycling to work, using public transport and car sharing. There is access to public transport and cycleways within 400 metres of the access to the site.

All footways which provide access to / from the site will be via the existing DERL site access / egress junction. Leading from this junction, well-lit and surfaced footways run along the eastern side of Forties Road. This provides a direct pedestrian route to bus stops which are located on Drumgeith Road. A number of local bus services operate from these stops, providing access to / from Dundee city centre.

To the south lies a shared pedestrian / cycle route which forms part of the Dundee 'Green Circular' route. This provides a way-marked, traffic free route which connects the Baldovie Industrial Estate to Dundee City Centre, Broughty Ferry and Monifieth. A further pedestrian / cycle link connects the 'Green Circular' route to Balunie Drive via a footbridge, south across the Dighty Water.

Parking will be provided on site for both employees and visitors to the site together with a footpath linking to the existing path on Forties Road. A covered shelter for the storage of cycles will also be provided for employees and visitors.

Policy 57: Car Parking

Policy 57: Car Parking

City Centre Developments

All new developments, or alterations to existing developments within the City Centre area will be required to comply with the Central Dundee Parking Strategy.

New Developments Outwith City Centre

All new developments shall be required to comply with Dundee City Council's adopted guidance on road standards, (Streets Ahead) with the national maximum parking standards and the national minimum disabled parking standards. Car parks provided exclusively for employees should incorporate the provision of infrastructure to install charging points for electric vehicles.

As agreed with Dundee City Council during the Transport Assessment scoping exercise, the number of car parking spaces that will be provided as part of the development proposals will remain the same as what is currently provided at the DERL site (i.e. approximately 15 spaces). However, in accordance with the DCC parking standards, a total of 3 disabled spaces and additional cycle parking will be provided.

6.5 The Emerging Development Plan

TAYplan – Proposed Strategic Development Plan 2016- 2036

The Proposed Plan is the settled view of the four councils within TAYplan and represents what they feel the final plan should say and do. The process of producing the Proposed Plan has been through pre-main issues early engagement, a Main Issues Report has been produced and consulted upon, and a proposed Plan created.

The Proposed Plan is currently under consideration by an independent panel of Reporters, appointed by the Scottish Ministers. The Reporters will consider whether the Proposed Plan preparation has confirmed with how TAYplan said it would involve interested parties and the issues raised by the representations made on the Proposed Plan.

When the examination is complete the Reporters will make recommendations to the Scottish Ministers who will then decide whether to approve (with or without modifications) or to reject the proposed plan. Approval means that the present Strategic Development Plan is replaced.

The Proposed Plan does include a number of potential policies relevant to the proposed EfW CHP facility. The most pertinent of these proposed policies is Policy 7: Energy Waste and Resources; which sets out the strategic considerations for the location of energy, waste and resource management infrastructure needed to deliver the vision of a low carbon TAYplan. Policy 7 applies to all technologies and all scales of energy, waste and resource management infrastructure for all places within TAYplan.

Many of the region's existing waste management facilities have additional capacity or could be expanded in-situ. No requirement for new landfill sites has been identified before 2028 and successful implementation of the Zero Waste Scotland Plan (2010), alongside expansion of existing facilities, could extend this to 2036 and beyond. New strategic waste management infrastructure will be encouraged within or close to the Dundee and Perth Core Areas reflecting the proximity of materials and customers. Policy 7 emphasises the importance of co-locating heat producers, including waste management facilities and heat users. This may have implications for locating industrial uses that benefit from surplus heat or other by-products. Collectively this will contribute to making Dundee and Perth, in particular, exemplars of low carbon living as envisaged by National Planning Framework 3 (2014).

Scottish Planning Policy already sets out requirements for Local Development Plans to consider heat networks. This should form part of broader energy masterplanning. New development will need to be capable of linking to heat networks and these networks and storage systems could be linked across and between settlements. Although welcome in principle this will be subject to meeting Policies 2 and 7D. Policies 1, 2 and 10 aim to reduce transport carbon emissions which will make a major contribution to a low carbon TAYplan.

Policy 7D operates in conjunction with Policies 2, 8 and 9. It covers new proposals, extensions to currently or yet to be operational schemes, re-powering of existing facilities and decentralised systems. This delivers a consistent decision making framework ensuring that solutions are identified to overcome a broad range of potential implications.

Policy 1 of the Review addresses Locational Priorities and indicates that development on land within principal settlements, particularly brownfield land, is preferable to development elsewhere.

> "Energy, waste and resource management infrastructure: Infrastructure for heat and power generation, storage, transmission; for collection, separation, handling, transfer, processing, resource recovery and disposal of waste; and; for exploration, extraction, transfer, distribution and storage of solid, liquid or gas minerals. This includes recycling plants, biological/thermal/mechanical processing, energy from waste plants, wind turbines (including repowering), geo-thermal heat, biomass plants, combined heat and power plants, solar power, hydroelectric power plants, quarrying and mining equipment, unconventional gas and oil extraction equipment, electricity transmission lines, oil and gas pipelines (including carbon capture and storage), solid mineral sorting and transfer facilities."

The Dundee Local Development Plan 2

The Dundee Local Development Plan (LDP) 2014, adopted in December 2013, sets out the land use strategy that guides development across Dundee up to 2024 and beyond. Legislation requires the Council to review the Local Development Plan at least every 5 years to ensure there is always an up to date development plan in place with land allocated to satisfy the requirements of Dundee's housing, employment and retail needs. The anticipated date of adoption of the reviewed LDP 2 is 2019.

The Main Issues Report has now been published – the purpose of the Main Issues Report is to help stimulate debate on the main planning issues facing Dundee. Where should new jobs go and how will we travel to them? What do we do with derelict land when it is no longer required for industry? How do we adapt to a changing climate? How should we plan for future energy needs?

The report identifies the main issues which are to be considered during the review of the Dundee Local Development Plan 2014 and sets out Dundee City Council's preferred options and reasonable alternatives in relation to each main issue. The Main Issues Report is accompanied by an Environmental Report. This report has identified, described and evaluated the likely significant effect on the environment of implementing the Dundee Local Development Plan Main Issues Report and its reasonable alternatives

The Main Issues Report and Environmental Report were subject to a public consultation which ended in February 2016. The responses to that consultation are now being reviewed by Planning Officers, with a view towards the publication of a Proposed Plan.

The Main Issues Report identified the following policies, relevant to this proposal, which require to be either updated or the production of a new policy or proposal.

Policy 7: High Quality Design - This policy will be updated in line with the increased emphasis on high quality design in the Scottish Planning Policy and other Scottish Government planning policy documents.

Policy 29: Low and Zero Carbon Technology in New Development - This policy will be reviewed and updated to ensure it is consistent with Scottish Government requirements, advice from SEPA and best practice approaches across Scotland.

Policy 39: Major Waste Management Facilities - Waste management installations have been identified as a main issue. It may be that this policy requires to be replaced. In any case this policy will be reviewed and updated to ensure it is consistent with Scottish Government requirements, advice from SEPA and best practice approaches across Scotland. Following advice from SEPA this is may include specific reference to the strategic policy principles contained within the SPP, support for colocation of waste facilities within potential high demand waste (heat) users and safeguarding of existing waste management facilities from competing (sensitive) uses.

Policy 41: Flood Risk Management - This is an area that has undergone many legislative and guidance updates since the last plan. This policy will be reviewed and updated to ensure it is consistent with Scottish Government and SEPA requirements, and the outcome of the current flood and river basin strategy work.

Policy 44: Air Quality - This policy will be reviewed and updated to ensure it is consistent with Scottish Government and SEPA requirements, and to ensure that the policy wording enables consistent application of the policy.

As with the LDP1 policies the Supplementary Guidance that was prepared to support the LDP has also been reviewed and will be renewed.

6.6 Dundee Local Development Plan Supplementary Guidance: Air Quality and Land Use Planning

This document provides Supplementary Guidance (SG) related to air quality and land use planning. The Dundee Local Development Plan Policy 44 ‘Air Quality’ sets the context for considering planning applications which may have an effect on air quality. The SG outlines the main air quality issues facing Dundee, in detail, and offers guidance to developers on when and where air quality issues may arise and what this entails for them. It provides information on pollutants of concern and where there could be an issue, assessing the need for an Air Quality Impact Assessment, the route to securing planning permission, and where to get further advice.

Issues concerning the proposed development and the likely impacts on air quality have been addressed in chapter 6 of this statement and are addressed in detail within the submitted Environmental Statement. It is anticipated that the proposal will fully comply with requirements of both Policy 44 ‘Air Quality’ and the SG on

Air Quality and Land Use Planning, in that there will not be a significant increase in air pollution as a result of the development and people will not be introduced into an area of elevated pollution concentrations.

7 Conclusions

The principle of the proposed EfW CHP facility is supported by National Planning Policy and by Scotland's Zero Waste Plan.

Section 25 of the Town and Country Planning (Scotland) Act 1998 (as amended) requires decisions to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Other important material considerations for this planning application include national planning policy, national, regional and local waste management policy and strategy, other policy and strategy and the views of stakeholders, including statutory and non-statutory organisations and the community. The Local Development Plan remains the most pertinent material consideration.

The proposed EfW CHP facility is acceptable in principle at the proposed location, within a General Economic Development Area as designated by the Dundee Local Development Plan. The proposal seeks to ensure that waste management development does not result in unacceptable impact on residential amenity, and this is of particular note because of the proximity of the site to residential areas and the localised impacts on visual amenity and short- term, localised effects from construction noise acknowledged in the Environmental Statement. In the case of this development, the siting, design, landscaping and noise mitigation measures minimise these adverse effects to an acceptable degree.

Additionally, the development will bring wider economic and sustainable development benefits that national planning policy and affords weight in planning decisions.

The proposed EfW CHP facility is in accordance with the TAY Strategic Development Plan 2012 – 2032, the adopted Dundee Local Development Plan, the emerging Dundee Local Development Plan 2, the Proposed Strategic Development Plan 2016- 2036, Scottish Planning Policy National Planning Framework, Scotland's Zero Waste Plan and the Scottish Government's Planning and Waste Management Advice. The accompanying Environmental Statement and further supporting information demonstrates that the environmental impacts from the proposal will not be significant and that mitigation measures proposed adequately address the potential impacts.

The proposed EfW CHP facility accords with the provisions of the Development Plan, national guidance and other material considerations.