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Town and Country Planning (Scotland) Act 1997 as amended

With reference to the application received on 22 December 2016

Application Reference: 16/00916/FULM

Particulars of Development: Construction of an Energy from Waste Combined Heat and Power Facility.

Site Location: Land At Forties Road, Baldovie Industrial Estate, Dundee, DD4 0NS

Notice is hereby given that Dundee City Council has GRANTED planning permission for the above development as described in the application and the plans accompanying the application, subject to any conditions attached to this consent :

Condition(s):

1. Prior to the commencement of any works on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.
2. Prior to the commencement of any works on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 29 of the Adopted Dundee Local Development Plan (2014) shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.
3. Prior to the operation of the development hereby approved, removal of the Invasive Non-Native Species (INNS) Giant Hogweed and Himalayan balsam (referred to as Indian balsam in ES vol.2) shall be undertaken in line with the NetRegs best practice guidance. The INNS shall be replaced with suitable species (in consultation with SNH) so as not to leave bare ground and an ongoing maintenance plan shall be provided, for the prior approval of Dundee City Council as planning authority
4. Prior to the operation of the development hereby approved, further details with regard to ecological enhancement as recommended within the Environmental Statement hereby approved shall be agreed with Dundee City Council in relation to the planting of native berry-bearing species and creation of kingfisher burrows along the banks of the Dighty. Thereafter the agreed details shall be fully implemented.
5. Prior to the commencement of any works on site, further details shall be submitted for the design of the compensatory storage area, to be developed in line with the Flood Risk Assessment dated 13 December 2016. No building shall take place within the compensatory storage area. Thereafter these details shall be fully implemented.

6. Prior to the commencement of any works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be developed in conjunction with Dighty Connect and submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.
7. No tree works or vegetation site clearance shall be undertaken on site during the bird breeding season (from 1st March to 31st August inclusive).
8. Before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during development operations, as per BS:5837. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
9. Further details shall be submitted with regard to any tree felling required for the prior approval of Dundee City Council as planning authority. Thereafter works shall be undertaken as agreed and as per BS3998: 2012. Prior to felling, the trees shall be checked for any European protected species or nesting birds and if discovered the work shall cease and the developer will liaise with Dundee City Council as Planning Authority and appropriate organisations.
10. Prior to the commencement of any works on site, details shall be submitted for an evacuation plan for the development for the prior approval of Dundee City Council as planning authority, should there be a significant level of flooding. Thereafter the plan shall be implemented in accordance with the approved details.
11. Prior to the commencement of any works on site, a site specific Construction Environment Management Plan (CEMP) shall be developed in consultation with SEPA and submitted for the prior agreement of Dundee City Council as Planning Authority. The revised CEMP shall include the IAQM's highly recommended mitigation measures as appropriate and shall also address any dewatering required during construction. Any mitigation identified shall be fully implemented thereafter.
12. Should any further loss of floodplain be identified, a revised Flood Risk Assessment shall be prepared and submitted for the prior written approval of Dundee City Council and SEPA. Any recommendations contained within the revised Flood Risk Assessment shall thereafter be implemented prior to occupation of the development hereby approved.
13. Prior to the commencement of any works on site, a detailed surface water drainage/ SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design and Independent Check Certification, and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to occupation of the development hereby approved.
14. Prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/ SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out for the lifetime of the development.
15. Prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.
16. Prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for

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written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

17. The operational overlap between the existing plant and the new plant should be minimised, taking into account commissioning and decommissioning periods. The new energy from waste combined heat and power plant, shall not incinerate waste at the same time as the existing waste incinerator (DERL) facility.
18. The stack hereby approved as part of the waste incineration project shall be constructed to a minimum height of 90 metres.
19. Prior to the commencement of any works on site, a Construction Traffic Management Plan shall be devised and the details submitted to the Council for approval in writing. Thereafter the approved plan shall be implemented during the construction phase of the development.
20. Within 12 months of the cessation of the operations hereby approved, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval in writing. The scheme shall include:
 - a. details of all structures and buildings which are to be demolished;
 - b. details of the proposed reuse of any buildings to be retained;
 - c. details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise;
 - d. the phasing of the demolition and removal; and
 - e. details of the restoration works and the phasing of the restoration works.
21. Development shall not begin until the further risk assessment proposed in the submitted Geotechnical and Geo-environmental, Interpretative Report - ARUP, 20th January 2017, is completed and, if necessary; a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. This must include more detailed assessment of the groundwater environment as recommended by SEPA. The remediation strategy shall contain proposals to deal with contamination to include:
 - i the nature, extent and type(s) of contamination on the site;
 - ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
 - iii measures to deal with contamination during construction works; and
 - iv verification of the condition of the site on completion of decontamination measures.
22. Before first use of the facility, the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.
23. Details of all proposed vehicle accesses including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.
24. A footway must be provided to Dundee City Council specifications on the Forties Road frontage of the site. Details of the footway must be agreed prior to any works on site.
25. Any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.
26. A Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

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27. Prior to the commencement of any works on site, the applicant shall provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.
28. Before first use of the facility a scheme shall be submitted, and agreed with the Local Authority within one year of the development opening, for the reduction external lighting on the facility between the hours of 23:00 and 06:00.

Reason(s):

1. In the interests of enhancing the amenity and environmental quality of the development.
2. In order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.
3. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
4. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
5. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
6. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
7. In order to comply with the Wildlife and Countryside Act (1981).
8. To protect those trees which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
9. To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenity and ecological preservation of the area.
10. In the interests of flood prevention and public safety.
11. In the interests of flood protection.
12. In the interests of flood protection.
13. In the interests of flood protection.
14. In the interests of flood prevention and visual amenity.
15. In the interest of flood protection.
16. In the interests of flood protection.
17. To meet Air Quality requirements.
18. To meet Air Quality requirements.
19. In the interests of road safety and to meet Air Quality requirements.
20. To ensure that the site does not become derelict and in the interests of environmental quality and public health.
21. In the interests of providing a site suitable for the proposed development.
22. In the interests of providing a site suitable for the proposed development.

23. In the interests of vehicle and pedestrian safety.
24. In the interests of vehicle and pedestrian safety.
25. In the interests of vehicle and pedestrian safety.
26. In the interests of promoting sustainable transport.
27. To ensure an appropriate and publicly maintainable system is provided.
28. In the interests of environmental protection.

INFORMATIVES :-

1 The proposal will fall within the remit of the Pollution Prevention and Control (Scotland) Regulations 2012 - Part A permit, within Schedule 1 - sector 5.1 activities - Incineration and co-incineration of waste. More information about regulatory requirements can be obtained by contacting a member of the regulatory team in the local SEPA office at:

62 High Street
Arbroath
DD11 1AW

Tel: 01241 874370

2 Please note that the following is required for the PPC application: the current proposals require to be revised to include a shut off valve that can be used in the event of a spillage or fire at the facility to help protect the Dighty Water.

3 The LT NO2 Process Contribution (PC) of the AQAL appears to be above 1%, and although 'significant pollution' is unlikely to be caused by this emission, the Applicant is required to consider minimising harm. Although the stack height is considered to be generally within the accepted BAT range for MSW EFW plants (of 70-120m), reducing the impact to less than 1% of the AQAL would be considered to demonstrate minimising harm.

4 A Vehicular Access (VA) application (found via the following link on DCC website: <http://www.dundee.gov.uk/citydevelopment/vehicularaccess>) must be submitted to Dundee City Council as Roads Authority for work on the adjacent public road or footway and consent for this must be obtained prior to the commencement of any work on the public road or footway. For further details please contact 01382 433341 or developmentroads@dundee.gov.uk

Date of Notice: 24 March 2017

Gregor Hamilton
Head of Planning

THESE NOTES FORM PART OF THE DECISION NOTICE

1. Statutory Timescale : The development must be begun no later than 3 years from the date of this Decision Notice unless a condition of this permission varies that standard timescale.
2. Reasons for the Decision:

The application complies with the relevant policies of the Development Plan and there are no material considerations of sufficient weight to justify refusal of the application. The application is therefore recommended for APPROVAL subject to conditions.

3. Any variation of the application under Section 32A of the 1997 Act as amended is detailed below:

None.

4. The plans to which this decision relates are referenced as follows:

PLAN TYPE	PLAN REF.	VER. NO.	DATE RECEIVED
Reports	26	Addendum	15 December 2016
Reports	27	FRA	15 December 2016
Reports	28	Noise	15 December 2016
Statement	29	Non-Tech Summary	15 December 2016
Reports	30	Drainage	15 December 2016
Reports	31	WRATE Technical	15 December 2016
Reports	32	WRATE Technical	15 December 2016
Reports	33	WRATE Template	15 December 2016
Reports	36	Air Quality Addendum	9 January 2017

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Reports	37	Air Quality Addendum 2	22 February 2017
Reports	41	Air Quality Addendum 4	27 February 2017
Reports	34	Environmental	30 December 2016
Reports	35	Air Quality	9 January 2017
Reports	25A	Heat <input type="checkbox"/> Power Plan	10 February 2017
Reports	38	air quality addendum 3	16 February 2017
Reports	39	Human Health Risk Assess	16 February 2017
Reports	40	Preliminary Ecological A	9 February 2017
Location Plan	01		8 November 2016
Site Plan	02		8 November 2016
Site Plan	03	With Legend	8 November 2016
Site Plan	04	Plant Layout	8 November 2016
Proposed Elevations	05	North	8 November 2016
Proposed Elevations	06	South	8 November 2016
Proposed Elevations	07	East	8 November 2016

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Proposed Elevations		08	West	8 November 2016
Sections		09	A-A	8 November 2016
Sections		10	B-B	8 November 2016
Sections		11	C-C	8 November 2016
Sections		12	D-D	8 November 2016
Sections		13	E-E	8 November 2016
Proposed Plans	Floor	14	Ground	8 November 2016
Proposed Plans	Floor	15	1st Floor	8 November 2016
Proposed Plans	Floor	16	2nd Floor	8 November 2016
Proposed Plans	Floor	17	3rd Floor	8 November 2016
Proposed Plans	Floor	18	4th Floor	8 November 2016
Roof Plan		19		8 November 2016
Sections		20	Machine House	8 November 2016
Proposed Layout	Site	21	Cycle Shed	8 November 2016

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Design & Access Statement	22		8 November 2016
Supporting Statement	23		8 November 2016
Statement	24	Environmental	8 November 2016

5. Statement of deviation from standard timescales specified in Sections 58 or 59 of the 1997 Act as amended.

None.

6. Section 75 Agreement

None.

7. All conditions should be complied with and the development should be completed in accordance with the approved plans. Failure to do so may result in enforcement action being taken by the Council. Any proposed amendments must be agreed in writing with the Council and may require a further planning application.
8. Should it be necessary to form a temporary access on, or undertake any other works to any public road or footway during the implementation of this permission, you should contact the Council's Network Management Team on 01382 433168 for further information.
9. See attached Guidance Note relating to appeal or review procedures which are applicable.

NOTICE OF INITIATION OF DEVELOPMENT

Reference Number of planning application to which this Notice relates : 16/00916/FULM

Town and Country Planning (Scotland) Act as amended
by the Planning Etc (Scotland) Act 2006 Section 27A(1)
Town and Country Planning (Development Management Procedure)
(Scotland) Regulations - Regulation 37

There is a legal requirement on the person who intends to carry out this development to indicate the date on which they intend to initiate the development on this form. Please complete and return it to the address below as soon as practicable after a date has been selected to start the development and in any event before commencing the development. Failure to do so may lead to the Council taking legal action. It is advisable to keep a copy of the completed form and attach it to the Decision Notice.

If the person in receipt of the application Decision Notice is not the person who will initiate the development please inform them of this requirement.

Date of Decision : 24 March 2017

1 Full name and address of the person intending to carry out the development

Name
Address
.....
.....
Tel No.
E Mail

2 Is the person named in 1 above the owner of the development site?

Yes No..... (tick as appropriate)

If NO please provide below the full name and address of the owner

Name
Address
.....
.....
Tel No.
E Mail

3. If there is a person to be appointed to oversee the carrying out of the development, please provide their name and contact details below

Name
Address
.....
.....
Tel No.
E Mail

Date on which the development is to commence

PLEASE SEND THIS COMPLETED FORM TO :

The Enforcement Team, City Development Department, Floor 6, Dundee House,
50 North Lindsay Street Dundee DD1 1LS

OR EMAIL IT TO : planningenforcement@dundee.gov.uk

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NOTICE OF COMPLETION OF DEVELOPMENT

Reference Number of planning application to which this Notice relates : 16/00916/FULM

Town and Country Planning (Scotland) Act as amended
by the Planning Etc (Scotland) Act 2006, Section 27B

There is a legal requirement on the person who completes this development to indicate the date of completion on this form. Please return the form to the address below as soon as practicable after the development concerned has been completed.

If the person in receipt of the application Decision Notice is not the person who completes the development please inform them of this requirement.

It is advisable to keep a copy of the completed form and attach it to the Decision Notice.

Date of Decision Notice : 24 March 2017

Full name and address of the person completing the development

Name

Address

.....

.....

Tel No.

E Mail

<p>Date on which the development was completed</p> <p>.....</p>

PLEASE SEND THIS COMPLETED FORM TO : The Enforcement Team, City Development
Department, Floor 6 Dundee House, 50 North Lindsay Street Dundee DD1 1LS

OR EMAIL IT TO planningenforcement@dundeecity.gov.uk

APPEAL PROCEDURE GUIDANCE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008: Regulation 28 and Schedule 6**

*Notification to be sent to applicant on refusal of planning permission or on the grant of permission
subject to conditions*

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- 1 If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:

The Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk FK1 1XR

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Notes by Dundee City Council

- 1 Notice of Appeal Forms and further guidance should be obtained from the above address or from the Directorate for Planning and Environmental Appeals Website at

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals>

Thank you for contacting the Development Management Team we would appreciate your feedback to support continuous improvement. An online survey can be found at:
<http://consult.dundee.gov.uk/limesurvey/61227>