

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

24 APRIL 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01417/FUL
OFFICER:	Carlos Clarke
WARD:	Galashiels and District
PROPOSAL:	Formation of waste transfer station and associated works
SITE:	Land South of Easter Langlee Recycling Centre
APPLICANT:	Scottish Borders Council
AGENT:	Scottish Borders Council

SITE DESCRIPTION

The site comprises a historic landfill site located north-east of Galashiels, east of the C77 public road leading from the B6374 Melrose Road to the south. Alongside and accessed from the same road are residential properties, including the Coopersknowe Crescent development and the ongoing Easter Langlee development (now referred to as Melrose Gait). The site takes access from the C77 via a road that serves an aggregate recycling facility to its west, live landfill site to its north, and existing recycling and related Council operations to the north and east. The site is raised above the Easter Langlee residential development beyond partially wooded banking.

PROPOSED DEVELOPMENT

This application seeks consent for a new waste transfer station (WTS) (just over 13m high to ridge with 2 stacks specified as a 'minimum of 3m above the ridge' to achieve a total height of 17m (so 3.75m above the ridge)); steel clad walls and roof, with masonry section to part of walls) with associated yard and parking area. Access would be from the existing access road to the north via two junctions. Ancillary works include a weighbridge, office (prefabricated, 3m high), kiosk (modular steel 2.4m high), sprinkler tank (8.7m high) and pump house (3m high). The WTS would replace the existing landfill facility, with waste from the central Borders area instead being directed to the new WTS for sorting before being distributed to and disposed of at landfill or recycling facilities elsewhere.

The development is supported by changes to ground levels that have been previously confirmed as being Permitted Development if carried out by the Council.

PLANNING HISTORY

Recent planning permissions for this area include:

- Outline Planning Permission was granted for a materials recovery and composting facility in 2002 (02/00178/OUT). This was renewed in 2007 (06/02477/SBC).
- A detailed consent was granted in 2011 (10/00165/AMC) for a mechanical and biological waste treatment (MBT) facility. Works on the consented scheme were lawfully started on site by provision of the access junction. That consent, therefore, cannot expire.

- Application 13/00445/FUL for the erection of an advanced thermal treatment plant and associated ancillary infrastructure and landscaping was approved in September 2013. This was to be built and operated concurrently with the consented MBT facility.

There is also ongoing residential development within the 'Melrose Gait' site to the south, and planning permission was granted in December 2016 for 58 houses and flats south of Coopersknowe Crescent.

REPRESENTATION SUMMARY

Representations from four households have been submitted, as has an objection on behalf of the 'Resident Association of Coopersknowe Crescent', full copies of which are available on *Public Access*. In summary, key objections include:

- The implementation of the WTS is not an automatic condition of the landfill site closing. It is an unsuitable site on contaminated land.
- The extra volumes of articulated traffic on the C77 that will be created, including articls passing every three minutes. An accident is waiting to happen due to some very dangerous parts of the existing road. Current traffic is too much for the C77, never mind when the WTS is built. The roads infrastructure is unsuitable, including the C77's junction with the Melrose Road where a roundabout is supposed to be built. Residents have no way of walking safely along the C77
- Concerns with the submitted Transport Assessment, including the proposed road improvements which will make matters worse, and that the report is one-sided in favour of Planning Permission being granted. There are concerns generally with the content and accuracy of the report, apparent omissions, and that it shows traffic flows to be much lighter than previously reported. Cannot believe that the development will produce only three more vehicle loads and six extra vehicle movements per day
- Referrals to the previous MBT approval are out of date and irrelevant because of changes to traffic and consents granted since then
- Concerns regarding noise, including noise from reversing vehicles; that noise readings were not taken at the closest receptors; and that the calculations don't give a full picture of overall noise levels
- The conclusion that odour effects are not significant is not based on facts and there are omissions. Odour producing work on construction should only occur when conditions are favourable with adequate contingencies in place
- Concerns regarding drainage provision and polluted leachate
- The closest receptors are retirees and are sensitive to impacts 24/7

ENVIRONMENTAL IMPACT ASSESSMENT

A Screening Opinion for the development was provided by this service in November 2016. This noted that the proposed development would fall within 11(b) of Column 1 of Schedule 2 of the EIA (Scotland) Regulations 2011. Its size would exceed the threshold in Column 2. It therefore required to be screened. Matters to consider in reaching a Screening Opinion principally involve the characteristics of the development, its location and the characteristics of the potential environmental impacts. These are to establish whether significant effects on

the environment are likely to occur such that these should first be examined by Environmental Impact Assessment.

In this case, the development would principally involve storage and transfer of waste within a single building, with external works generally comprising access, parking, staff and ancillary infrastructure. It would be sited within the area of the well-established waste management site, and would process waste diverted from the landfill site, using the same road infrastructure. It is not within an ecologically sensitive area or designated landscape. Though there are residential areas nearby, including the emerging development to the south, these are not directly adjacent. Ultimately, accounting for the existing land uses within the site and surrounding area; the existing landfill activity; the purpose and scale of the development; and the type of environmental impacts likely to arise, it was not considered that significant effects on the environment would occur such that these would need examined by way of EIA.

However, this service did advise that a number of assessments be included with the planning application, including landscape/visual impact assessment; ecology assessment; information on water and drainage; traffic statement and noise/air quality assessments. As noted below, the formal application includes a number of supporting documents.

PRE-APPLICATION CONSULTATION

This application was preceded by statutory pre-application consultation. This is reported in a Pre-Application Consultation (PAC) report submitted with the application. This was required because the development is classified as a Major development under the Hierarchy of Developments Regulations 2009. The PAC report confirms that consultation and a public event were undertaken as specified in the Proposal of Application Notice that had been approved in August 2016. Additional consultation was also undertaken with Melrose Gait residents.

APPLICANT'S SUPPORTING INFORMATION

The following have been submitted in support of the planning application, (in addition to the PAC report and plans/drawings), copies of which are available to view on *Public Access*:

- Submission Statement
- Odour Management Plan
- Odour Impact Assessment
- Transport Statement
- Drainage Strategy Plan and Flood Statement
- Environmental Noise Impact Assessment
- Outdoor Lighting Report
- ZTV and Visualisation Methodology
- Ecology Report

DEVELOPMENT PLAN POLICIES:

Strategic Development Plan 2013

Policy 14 Waste Management and Disposal

Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards
PMD4 Development Outwith Development Boundaries
IS1 Public Infrastructure and Local Service Provision
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
IS10 Waste Management Facilities
IS13 Contaminated Land
EP1 International Nature Conservation Sites and Protected Species
EP2 National Nature Conservation Sites and Protected Species
EP3 Local Biodiversity
EP4 National Scenic Areas
EP6 Countryside Around Towns
EP8 Archaeology
EP13 Trees, Woodlands and Hedgerows
EP15 Development Affecting the Water Environment
EP16 Air Quality
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Government On-Line Planning and Waste Management Advice 2015
Scottish Planning Policy 2014
PAN1/2011 Planning and Noise 2011
PAN 33 Development of Contaminated Land 2000
PAN 51 Planning, Environmental Protection and Regulation 2006
PAN 61 Planning and Sustainable Urban Drainage Systems 2001
PAN 75 Planning for Transport 2005

SPGs

Biodiversity 2005
Countryside Around Towns 2011
Landscape and Development 2008
Trees and Development 2008
Waste Management 2015

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: There has been a lot of pressure for development in recent years served by the C77 (Langshaw Road) and so the impact of each development proposal has to be considered carefully in terms of impact on the operation of the road. There have been a number of road improvements undertaken on the C77 in recent years and more are proposed in respect of the Persimmon development currently being rolled out.

The Transport Statement (dated February 2017) supporting the application concludes that on opening of the waste transfer station (and closure of the landfill operations), traffic impact will be minimal. The statement anticipates the overall increase in vehicle loads will be 3 per day of which 2 will be artic loads thus giving rise to 6 additional trips per day of which 5 will be by artic. This minimal change in traffic generation is a consequence of the ceasing of the waste transfer trips from Hawick and Peebles to the landfill site at Easter Langlee balanced against the new trips for waste transfer from Easter Langlee to locations outwith the Scottish Borders.

The Transport Statement also confirms there is an extant but unimplemented planning permission for a materials recovery and composting facility at the landfill site which entails a maximum design capacity of more vehicle loads than this waste transfer proposal. At design capacity, the waste transfer station could generate 105 loads per day while the design capacity relating to the extant consent could be 127 loads per day. This compares with 41 loads per day for the current landfill operations and 44 loads per day on opening of the waste transfer station. These design capacity traffic figures are largely immaterial and are quoted only to confirm the absolute worst case scenario figures for traffic generation.

Despite the anticipated minimal increase in traffic generation associated with this proposal at time of opening, and bearing in mind the extant consent, road improvements to the C77 (Langshaw road) are offered as part of the proposal. Improvements include: localised widening and kerbing of the C77 at key locations to accommodate large vehicles; enhanced road signage on the C77 to encourage considerate driving and to highlight the curving nature of the road and pinch-point at the roadside cottage ('Aislinn'); and removal of trees and vegetation at locations where driver visibility is obstructed. The access geometry, where the site access meets the C77, is to be enlarged (including kerbing) to better accommodate the swept path of large vehicles and the gates are to be set further back from the C77.

The most obvious transport link between the proposed waste transfer station and the trunk road network is via Lowood Bridge and this highlights the importance of finding a longer term solution for the limitations of the existing bridge. The RPS understands that the bridge is soon to have a temporary 26 tonne weight limit imposed on it until such time as essential repair and strengthening work is undertaken this summer. Early next again financial year (2018/19) further maintenance work is to be undertaken and diversion routes will have to be carefully planned for traffic associated with the waste transfer station depending on timing of construction and opening.

Internal access arrangements are all fine aside from questioning the proposal for a Type 1 surface finish for the staff and visitors car park for the waste transfer station. A more permanent finish is recommended

In conclusion the RPS supports the application so long as a scheme of engineering details for road improvement work to the C77, including improving the junction of the site access road with the C77, generally in line with the proposals in the February 2017 Transport Statement, are agreed and implemented prior to the waste transfer station becoming operational. Over and above the road improvement work identified for the C77 in the Transport Statement, edge reconstruction of the carriageway, including kerbing, is required on the east side from 'Aislinn' to the footway associated with the Persimmon development.

Environmental Health Service: Assessed the application in terms of air quality, noise, nuisance and private water supply. Notes assessments have been lodged in relation to odour and noise impacts. A similar assessment is required in respect of dust and particulate emissions.

The former landfill use is potentially contaminative. A condition is recommended requiring a site investigation and risk assessment.

Archaeology Officer: There are potential implications for this proposal. While preparing the area for gravel extraction in 1965, workmen uncovered the remains of an apsidal building which utilised typically Roman masonry. This was not recorded at the time and was destroyed. However, the stones of the building were salvaged. It is unknown whether this was a Roman building, or a later building (such as an early medieval church) that re-used Roman masonry. Either way, had the building survived it would have been of national significance.

During assessment for the previous proposal for the site an archaeological evaluation was conducted on areas where undisturbed deposits may have existed. Kirkdale Archaeology undertook a review of pre-1965 aerial photography and identified several possible cropmarks. The evaluation of these, particularly to the north of the present proposal, identified archaeological features cut into undisturbed sub-soils. While the nature of these, early modern agricultural drainage, was not significant, the evaluation report recommended that a watching brief be maintained during development in areas that may encounter archaeology.

If consented, the Archaeologist maintains that this recommendation be carried forward given the low to moderate potential that significant archaeological deposits or features associated with the Roman or post-Roman building may exist. It is clear from the submission that there is a likelihood of development encountering previously undisturbed sub-soils. Given this, a watching brief should be maintained in these areas only during development. The appointed archaeological contractor should be given all ground investigation data to determine where these areas may exist on site and produce a Written Scheme of Investigation clearly establishing where the watching brief will take place. A condition is recommended to this effect.

Landscape Architect: There are a number of constraints on the site, including potential future extension to the facilities to the east and an extensive overhead powerline safety zone which affects a 25m wide strip of the northern boundary of the site. These constraints greatly diminish the opportunity to create significant blocks of woodland screen planting around the site.

The Landscape General Arrangement Plan proposes native hedging along the south side of the road coming into the site, as far as the first ingress/egress, and around the north and east side of the hardstanding and waste transfer building. Native woodland planting is also proposed along the west and southern boundaries, as well as additional planting to the existing woodland further south. From rough calculations, approximately a third of the native woodland planting (3600 sq m) will be planted around the immediate site, with the remainder of the native woodland to be planted (5700 sq m) further south to supplement the existing woodland north of the housing site. Given the existing site constraints, it is understandable that limited planting can be achieved along the north boundary.

Notwithstanding this, it is suggested that there is scope for more native hedging along the north boundary. This would have benefits in forming a more attractive boundary along what is a public access to the Community Recycling Centre, while also creating a better habitat for birds and bats. A hedge in this location could be maintained at 1.5 to 2m high, without impacting on overhead lines. A small increase in hedge planting along the public access road could greatly improve the immediate setting as well as improving the biodiversity opportunities of the site.

Ecology Officer: Is largely satisfied with the Ecological Impact Assessment.

The Allan Water (part of the River Tweed SAC) is approximately 220m east of the proposed development. Avenel Hill and Gorge SSSI is approximately 300m north of the proposed development. It is unlikely that the protected areas will be affected by the proposed development.

Habitats recorded on site are of low ecological value. No suitable roosting habitat for bats occurs within the site. No evidence of badgers and their setts was recorded. A disused sett was recorded outside of the site. Badger activity is known in the local area, mitigation measures to protect badger using the site will be required. Habitats on site have potential to

support the nests of breeding birds. Mitigation measures for breeding birds will be required. A condition requiring a species protection plan is recommended.

The report recommends mitigation to control dust and sediment and pollution run off, good practice guidance (from SEPA) should be adopted. These measures should be included in a Construction Environmental Management Plan (CEMP). A condition is recommended to this effect

The landscape plan includes creation of areas of native woodland. Consideration should be given to the species mix to ensure that it fits site conditions and the local Forest Habitat Network.

Statutory Consultees

Scottish Environment Protection Agency: Originally objected until further information was submitted. They raised concerns regarding flood risk, protection of the water environment (surface water and ground water), noise and odour. Following submission of responses to their queries by the applicants, they have responded to the following effect:

Further information, detail and clarification have subsequently been provided and they now - withdraw their objection subject to conditions. They draw attention to the need for further information when applications are made for consents from SEPA. In principle, they consider that this proposed development should be capable of gaining consents, but this cannot be guaranteed. It is possible that modifications will need to be made to the development and the applicants will need to discuss with the Council if these modifications constitute a variation to planning permission (if granted).

Protection of the water environment

Revised drainage plans have been submitted and address their concerns about surface water. They remain concerned, however, about impacts to ground water. A condition is required to require evidence that Scottish Water will accept foul effluent from the site and that this connection will be made before the site is operational. Should a Scottish Water connection not be possible, the applicants must provide details of an acceptable private system which SEPA can consent.

The porosity results submitted indicate that this site is not suitable for a soakaway. A mound soakaway has been proposed: this will require secondary treatment, however, which may be difficult to achieve given the low flow of effluent from the site. In addition, the applicants would have to discuss with the Council if proposals for an acceptable discharge, including a soakaway and secondary treatment, required a modification to planning permission given on the basis of the current application.

Noise

They accept that the noise assessment values are conservative and the applicant has demonstrated that it is possible to reduce noise at this site. The noise assessment states that the extract system will not be tonal. The proposed extract system would be located within the transfer building and as such, the sound would be mitigated by the structure/materials of the building. Notwithstanding this, the information provided in relation to the proposed fan does not indicate that the extract system would have significant tonal characteristics.

The additional information provided also clarifies that mitigation measures are available for any noise nuisance caused by reversing beepers. These measures may have to be utilised if

noise complaints are received once the site is operational. This issue will be considered by SEPA when agreeing the conditions for a Waste Management Licence. Ideally, they would prefer if these mitigation measures were proposed as part of the planning application but they will not seek a planning condition in order to avoid duplication with the controls available to SEPA.

Odour

While they consider that it is possible to control odour from this site when it is operating, they consider this issue may have to be revisited when the applicants apply for the necessary consents from SEPA. Should the stack height have to be increased, the applicants will have to discuss with the Council if the increase in stack height constitutes a material variation in planning permission. Due to the subjective nature of odour, it is important to reduce odour emissions as much as possible either by using abatement technologies and/or using an optimum stack height, so that the risk is reduced as much as possible.

The Odour Impact Assessment suggests predicted concentrations are around 10% less than the odour threshold. Therefore if general modelling uncertainties are accounted for and if, in this case, the model is under-predicting, it may be the case that an odour nuisance could occur at some of the receptors. A condition is required for abatement techniques to be included as part of the design of this site. If they are not to be included, a justification for this decision should be provided. The justification should also contain details of the means for retro-fitting abatement measures, e.g. scrubbers, if odour is detected at the sensitive receptors once the site is operation, and a time-frame.

A stack height assessment has now been submitted and this has only been modelled between stack heights of 14 and 22 metres. Generally stack height would be modelled until the graph showed that increasing the stack height does not reduce the odour concentration. From this an optimum stack height can be assessed. It appears that a stack height of 17m has been selected. SEPA is concerned that this figure is too close to the threshold and if the model is underestimating, there may be an odour nuisance at the receptors. Also, over the course of an hour it may be possible that the odour could vary. They consider it is advisable that the height of the stack is increased so that the risk of odour at the sensitive receptors is reduced further. As further modelling may be required to reach the optimum height of the stack, they consider a condition is required for further modelling to determine the necessary increased stack height that would remove the potential for nuisance odour. They consider that only a limited increase in stack height might be necessary but they are aware that a more substantial increase in stack height could constitute a material change to planning permission.

Flood Risk

They have considered the view of the Council's Flood Protection Team, who advise that they would be happy to accept the drainage proposals, so they do not consider it is necessary for the applicants to provide further information on flood risk

Melrose and District Community Council: The 30mph limit should be extended further north on the C77 beyond entrance to centre

Galashiels Community Council:

- The site and associated works must be compliant with all SEPA requirements in order that any necessary capping etc. is carried out to stop leakages from the site.

Similarly, all other requirements mentioned in the Drainage Strategy Plan & Flood Statement produced by Gordon Associates.

- The Community Council expressed concerns about the speed of traffic on the Lauder Road and asks that a 30MPH speed limit be considered.
- Due to the extra traffic going up and down from the Lauder Road onto the B6374 (Melrose Road) the Community Council feels that the provision of a roundabout in this location should be revisited

KEY PLANNING ISSUES:

Whether or not the development would comply with planning policies and guidance and, if not, whether there are material considerations that would justify a departure from policies and guidance, particularly with respect to traffic and amenity impacts

ASSESSMENT OF APPLICATION:

Principle

SES Plan Policy 14 notes that the area is safeguarded for waste management facilities and appropriate facilities include waste transfer stations. Local Development Plan Policy PMD1 supports sustainable development, including community services and facilities subject to environmental safeguards (considered further in this report). The site is outside the settlement boundary of Galashiels, within the Countryside Around Towns area covered by Policy EP6. This restricts non-rural type new-build development to houses within building groups, unless there is a proven strategic need and no alternative is suitable. However, Policy A (Countryside Around Towns SPG) also allows for a different policy approach to community facilities (which this proposal would be) subject to criteria examining impacts and benefits. The provision of the Waste Transfer Station (WTS) will provide clear community benefit, particularly in allowing closure of the landfill site. Its impacts on local infrastructure and mitigation of impacts on biodiversity and landscape, as well as other impacts, are considered later. It will not have adverse impacts on recreational facilities or the historical context, being sited on a former landfill site. Subject to consideration of impacts, it will satisfy Policy EP6 (Policy A).

The site is outwith the settlement boundary, as noted, and PMD4 prevents development beyond it generally, unless meeting exemptions, one of which is that there would be significant community benefits overriding the need to protect the boundary. Given the wider community benefit (impacts on local residential amenity are considered later), and that it will be south of existing buildings, on the former landfill site and beyond the wooded banking forming the edge of the settlement, it is not considered that it would undermine the settlement at this location. Its landscape impact will not detract from the landscape structure of the settlement and it won't have a cumulative effect with other new development beyond the settlement boundary. The LDP refers to the area as a key waste management site (pg 317). This proposal will replace the mechanical and biological waste treatment (MBT) facility approved within this area previously, providing for a different approach to directing waste away from landfill. It is not considered that Policy PMD4 would factor against the proposed development.

Policy IS10 supports provision of waste facilities within a hierarchy of sites. Easter Langlee is identified as of high priority (waste treatment facility) and medium/high priority (waste transfer station and community recycling facility). Environmental impacts must be considered as required by Policy IS10 and these are accounted for in this report. IS10 notes that the reuse of derelict and brownfield land is one criterion, and this would be satisfied by

developing this site. As regards site restoration and after care, it is not considered necessary to require measures, given that this development will amount to hardstandings and buildings, as opposed to use of the land in itself (say, for landfill), and will include enhancement measures by way of structural landscaping (as noted later).

Scottish Planning Policy 2014 supports developments contributing to zero waste targets and reduction of landfill. This proposal will address this objective. How the existing landfill site is closed is not a matter for this application. The Scottish Government's on-line guidance notes that the number of small scale facilities, including transfer stations, will increase and be widely spread. It also identifies suitable sites as being degraded, contaminated or derelict land, and sites previously occupied as waste management sites. This proposal reflects this guidance in these regards.

Ecology and landscape

There are no ecological or landscape designations affected. The landscape is not of high quality. The nearest ecological designation is the Allan Water to the north-east, part of the River Tweed Special Area of Conservation. A supporting ecological assessment states that there would be no connectivity to it. There would be no badger setts affected, no trees large enough to support bats and no buildings. The site is potentially suitable for breeding birds. The assessment recommends a pre-construction check for badgers and ground clearance outside the bird breeding season. It also recommends mitigation should be in place for monitoring and control, and precautionary measures for run-off during construction and operation. The Council's Ecology Officer supports the proposals as noted in his consultation response, subject to conditions requiring a species protection plan and environmental management plan. Conditions can cover these, though associated ground level changes are Permitted Development and would be capable of being carried out beforehand, thus reducing the significance of any further ecological mitigation. The woodland proposal includes some species recommended by the Ecology Officer.

Archaeology and built heritage

There would be no effects on the setting of heritage assets, nor direct effects on designated sites. However, there is archaeological interest. The MBT plant was subject to an evaluation that recommended watching briefs in specific areas. Our Archaeology Officer recommends this be taken forward as part of this scheme. A condition can require a scheme covering the necessary watching brief extent, albeit ground level changes can be carried out by the Council in advance.

Traffic and access

The site is accessed from the existing road serving the waste facilities, in turn accessed from the C77 public road. The C77 is constrained in a number of regards, including gradient, alignment and width. It is not a residential street, but does serve as pedestrian access for properties alongside it and from Coopersknowe Crescent which has not been completed yet such that its southerly access onto the C77 has been provided. The road itself will also see a considerable increase in traffic at its southern end as developments at Melrose Gait and the completion of Coopersknowe Crescent are realised. Concerns regarding impacts on the C77 are fully acknowledged, and the C77 certainly has limited scope to accept development that would lead to a significant increase in traffic using it.

A Transport Statement submitted on behalf of the applicants predicts that there would be 6 extra vehicle movements per day of which 5 would be articulated lorries, when compared with the existing traffic for the landfill. This amounts to 88 movements per day in total, of which 14 would be artics, as opposed to 82 and 9 for the landfill site respectively. The

predicted traffic would be less than that for the consented MBT. While that consent is an historic approval it is, nonetheless, a consent that is capable of still being implemented without further planning approval and the judgements leading to that permission are still valid considerations here. This increase in traffic is not considered to be significant. Concerns regarding the content of the statement are acknowledged but, ultimately, the RPS's view that the road is capable of accommodating the development safely is a significant material consideration.

The statement includes road safety improvements, including localised widening and kerbing of the road at key locations; improvements to signage; removal of trees and vegetation at locations where visibility is obstructed; improvements to the access junction; and, gates set back into the site. These improvements are endorsed by the RPS, as well as edge reconstruction of the carriageway on the east side of the road as noted in their comments. The widening will be minimal, designed to formalise areas of existing verge overrun. The signage will highlight the pinch point at Aislinn Cottage. Articulated lorries will be unable to pass each other at that point, but they cannot do so now when accessing the landfill. Traffic lights are not appropriate on this stretch of road, and neither is a pedestrian crossing. Coopersknowe Crescent will be provided with a link to the C77 further south once the development is completed (as noted above, planning consent was recently granted). The C77 is not a suitable road on which to encourage pedestrian access and signage will be used to highlight its nature. A speed limit review is to be undertaken later in the year and will include the C77. The roundabout onto the Melrose Road is required for the Melrose Gait development, but does not affect this assessment.

Ultimately, it is considered that the development will replace the existing landfill activity and achieve a waste management solution that will have less intensive traffic implications than the consented MBT facility. With the minor road improvements, which should be carried out before the facility is operational, the road safety implications have not raised concerns with the RPS. Achieving the improvements before works commence would be ideal, but not essential, and the applicant has advised this won't be possible. Nonetheless, a traffic management plan will be agreed in order to provide for some management of construction vehicles during the building of the facility. Closure of the landfill before operation of the WTS would also be recommended (for traffic and general amenity reasons). These aspects can be covered by condition.

Surfacing of part of the site with Type 1 is necessary because of the condition of the ground and potential for settlement. The RPS now accepts the proposal.

Landscape and visual impacts

The landscape value of the site is not significant and there would be no feature of note that would be lost. The development would not breach the skyline. The WTS would effectively be a large scale shed on land that is generally well contained in landscape terms, and sited alongside existing waste management facilities and buildings. The application is supported by a structural landscape scheme. The potential for further hedging recommended by the Council's Landscape Architect was considered by the applicant but discounted due to constraints, including leachate pipes. On the southern boundary, planting to mitigate the MBT development was carried out but is not being maintained. The applicants have incorporated this into their landscape scheme so that its maintenance (and overhaul) will be part of their scheme. The landscape plan needs adjusted a little to suit the detailed site layout, but otherwise will provide for visual containment of this development in the wider landscape.

The layout of the site, scale of development, and the form and design of the proposals are all considered appropriate for this particular setting, as is fencing proposed to the boundaries

(2m weldmesh). The WTS building is smaller than the MBT approval, albeit a little taller. The Advanced Thermal Treatment facility had included a 23m high stack, whereas this proposal is for two stacks at 17m high (3.75m above the ridge). The hard surfaces would be tarred or finished with Type-1 which is appropriate in this location. Other structures include simple office and kiosk structures and a weighbridge, as well as a sprinkler tank and pumphouse. Provided the colours and finishes are dark, (and the applicant has agreed that external finishes will be specified to suit this objective), the overall visual impact of the works will not be adverse.

Levels on site would be altered with cut-and-fill, with levels increased to over 4m to the north-east. These works are, in themselves, Permitted Development for the Council (works under £250,000). The gradients are a little sharp in places but, ultimately, they will not seriously change the landscape character of the site, and the development will largely cut into the existing site. The detailed levels will need to be amended to accord with the details of the site plan, and coincide with structural landscaping. Conditions can ensure the plans all tally.

Neighbouring properties would not be adversely affected by the development in terms of daylight, sunlight, privacy or outlook loss.

Noise, odour and air quality

Impacts as regards noise, odour and air quality are material considerations that govern whether this development should be approved in this location. However, the operation of the waste management facility is regulated by Waste Management Licensing operated by SEPA. Scottish Planning Policy cautions against duplicating controls, as does the Scottish Government's on-line advice and PAN 51. The issue for this application is whether the development is capable of being licensed in this location, not whether its detailed operation is acceptable or not. It is to be noted that concerns raised by an objector regarding noise and odour were forwarded to SEPA so they could be accounted for as part of their consultation.

Construction noise, air quality and odour

Construction will be a short term process, but an essential aspect if the provision of a waste transfer station to replace the landfill site is to be realised. It is accepted that local residents have particular concerns, however, any limitations placed on the development must be reasonable, if they are to be placed at all. As regards construction noise, this matter is regulated separately and, given the type of development and its location, it is not considered that additional controls need applied above normal standards for noise and dust etc during construction.

As regards odour, the submitted Odour Management Plan identifies that odour may be released during construction when the ground is excavated. It includes mitigation measures such as no working in evenings, weekends or Bank Holidays, and accounts for weather conditions for progress on work. Following liaison with the Environmental Health Service, it is considered that these measures are sufficient to mitigate for odour impacts during construction. It is not possible to factor in every possible eventuality as regards risk of odour release while still allowing for reasonable and timely progress on the development. Albeit this site can be disturbed in any case (with works to change levels) it is considered, on balance, reasonable and necessary to require compliance with the mitigation measures during the works given the risk that has been identified.

Operational noise

The application includes an Environmental Noise Impact Assessment that assessed the principal noise implications of the development, including traffic noise on the C77. No significant effect is predicted and no mitigation necessary. Background levels were taken within Coopersknowe Crescent in order to provide a representation of background noise within the nearest properties both there and in Melrose Gait. The location of the background level has not been queried by SEPA or the Environmental Health Service. SEPA initially raised concern that there was no account for noise from reversing vehicle alarms but, the applicants have since accounted for it and, in response, SEPA appear to be content. "Smart", warbling, broadband or bell tone alarms are some of the mitigation measures that could be applied via licensing. Conditions are not sought by SEPA on the planning approval (if granted) to avoid duplication. For the same reason, they have verbally agreed that operating hours (currently proposed as Mon-Fri 7am-7pm) would be controlled under the licensing.

Operational air quality and odour

SEPA raise no issue regarding dust, and in response to a request from the Environmental Health Service on the matter, the applicants advise that dust suppression measures will be applied. The regulation of these will be for SEPA, if required and the EHS raise no further issue.

As regards assessing odour impacts, this is not an exact science, albeit the applicants have submitted an Odour Impact Assessment that uses modelling to predict that this development would not lead to significant effects on neighbours. The related Odour Management Plan states that for the majority of the time the reception building would be enclosed, with all waste transfer, handling and storage operations being enclosed, during which time the air will be extracted via the two stacks. During the working day the shutter doors would be open to allow entrance/exit of waste collection vehicles. Release of odour is said to be overcome by following working plan procedures and automated fast acting roller shutter doors will close behind vehicles as they enter and leave. The fast acting doors combined with the extraction system will prevent odour emissions from the doors and mist curtains will be installed around doorways to mitigate further. The OMP includes measures to minimise odour release as well as notification and complaint procedures and emergency measures. This is a matter for the Waste Management License and its detailed contents are not best addressed via the planning application. As noted, SEPA are aware of concerns regarding odour raised by an objector.

SEPA were concerned that the modelling would understate effects, and sought a focus on abatement measures. They also sought a stack height assessment. In response, the applicant's agents challenge SEPA's conclusion and maintain that the modelling is sound and complies with SEPA's guidance. They also consider that they have demonstrated that the stack heights are sufficient. SEPA have advised further that odour is capable of being controlled by the License, but more abatement measures may be needed. They also want to achieve an 'optimum' stack height. Conditions to achieve these are sought via planning consent, if granted. However, this matter has been discussed with SEPA and it has been agreed that doing so would duplicate SEPA's controls under licensing and, in any case, if the abatement measures and stack height changes result in material amendments to the proposal, a fresh planning application will be required in any event. SEPA are not able to confirm at this stage whether any abatement measures would affect the exterior of the development (interior works will not affect the planning approval) and are not able to say if any changes to the stack height would be significant or not. Ultimately, though, they do not raise concerns with the location of the development and its proximity to neighbours. While they also give no guarantees, they also appear to indicate that this scale and type of

development is capable of being licensed in this location. Changes sought by SEPA may be immaterial as regards the planning approval but, if not, the applicants will need to make a fresh application. This is a risk that would be associated with applying for a management license in any case.

Water supply

A connection to the public water supply is proposed. It is understood that this is achievable. The applicant will investigate the use of grey water from roof run-off to supplement the supply to the sprinkler system tank. This will help reduce water usage. A condition can require evidence of a public mains connection

Foul drainage

Foul drainage from the offices is proposed to a septic tank, as was approved for the MBT. It will not be discharged via SUDs as originally proposed, in answer to SEPA's concerns. SEPA, however, want evidence of a mains connection before considering a private treatment scheme, and note doubts over the soakaway proposal. The applicant's agents advise that connection to the main is not feasible. A drain to it exists but is at capacity. Policy IS9 of the LDP does note a preference for a public sewer before private treatment is considered. It would appear that this matter requires further consideration in liaison with SEPA. It would be reasonable to impose a condition to require an agreed scheme. It is unlikely that this issue will constitute a material change to the planning approval, if granted.

Surface water drainage

SEPA are content with the surface water drainage proposals. These are SUDs-based including filter trench, swale and off site soakaway. High risk run-off will be drained to the leachate lagoon which, despite its drain to the sewer being at capacity, will be negligibly affected by the volume of run-off according to the drainage strategy endorsed by SEPA. The drainage layout needs slightly adjusted to suit the site plan.

As regards flooding, the site is not at risk and the Council's Flood Protection Team does not raise concerns. SEPA are content on that basis. A condition can require that the drainage be managed to an extent that maintains pre-development run-off levels. The strategy identifies this to be the case.

Contaminated land

The permission for the MBT was conditional on a contaminated land strategy, and this was agreed. A study now requires to be agreed to account for this specific development and current guidance on the matter. The Council's Contaminated Land Officer is currently in discussion with the applicant's agent on this point. A standard condition can be applied to allow for a strategy to be finalised and agreed and measures applied as required.

Lighting

Lights are proposed on the building and on 8 metre high columns within the site. On a site this size there is no significant visual impact, and it is set well back from public view. The light spread will not affect neighbouring residential properties.

Waste

A site waste management plan is encouraged by the Supplementary Planning Guidance on waste and was a requirement of the previous consents for the site. This can be covered by condition

Long term adaptability

The WTS building would be a modular building designed for future adaption/extension. Structural landscaping is proposed to the south and west but there is scope to extend to the east. The submitted drawings indicate a possible extension. This would be considered under a separate planning application in visual terms as well as any associated traffic or amenity implications but does demonstrate the potential for longer term expansion.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions

1. The development shall be carried out in accordance with site plan 101-D6 and all other plans and drawings approved under this consent unless where required to be amended to suit any other condition in this schedule and unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure the development is completed as approved and to overcome any apparent inconsistencies between plans and drawings
2. No development shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The CEMP shall include:
 - i. Risk assessment of potentially damaging construction activities,
 - ii. Identification of any "biodiversity protection zones".
 - iii. Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - iv. A Drainage Management Plan
 - v. A Site Waste Management Plan
 - vi. An Accident Management Plan
 - vii. Responsible persons and lines of communication.
 - viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or equivalent

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise potential adverse effects on ecological interests and in order to ensure all practicable measures are taken to reduce the production of waste during the construction phase

3. No development shall commence until a Species Protection Plan (SPP) for badger and breeding birds has been submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved scheme. The SPP shall include provision of pre-development supplementary surveys and a mitigation plan to account for any works that may be carried out during the breeding bird season (March-August, though this is extended for some species including barn owl, barn swallow and pigeon)
Reason: To minimise potential adverse effects on ecological interests

4. No development shall commence until a ground investigation report has been submitted to and approved by the Planning Authority. The report shall include identification and assessment of potential contamination on the site (in accordance with PAN 33 (2000) and BS10175:2001) and shall include (as applicable) a remediation strategy, validation report and monitoring statements, including timescales for the implementation of all such measures. Development shall not commence until the report is approved by the Planning Authority and the development shall be carried out only in accordance with the approved report, including approved remediation, validation, monitoring measures and timescales for their implementation.
Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

5. No development shall commence until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation (WSI) outlining a Watching Brief. Development and archaeological investigation shall only proceed in accordance with the WSI.
The requirements of this are:
 - i. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
 - ii. If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
 - iii. Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
 - iv. If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
 - v. Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
 - vi. The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

6. No development shall commence until a detailed scheme, including plans, drawings and specifications, for those improvements referred to in the Transport Statement

(Goodson Associates February 2017), in addition to measures comprising edge reconstruction of a section of the C77 carriageway, including kerbing, have been submitted to and approved by the Planning Authority. The approved scheme of improvements, in addition to the approved access roads, yard and parking areas shall all be complete before the development is operational

Reason: To maintain road and pedestrian safety

7. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved by the Planning Authority. The construction traffic within the control of the applicant shall be operated in accordance with the approved CTMP
Reason: To maintain road and pedestrian safety
8. No development shall commence until a full schedule of external materials has been submitted to and approved by the Planning Authority. The schedule shall include finishes and colours, and samples where required by the Planning Authority, for the waste transfer station (including stacks), sprinkler tank, pump house, office and kiosk, notwithstanding the specifications given on any approved plan or drawing. The development shall be completed using the approved schedule
Reason: To limit the visual impact of the development
9. No development shall commence until evidence has been submitted to the Planning Authority that a public water supply will be available to service the development, or details of a private water supply have been submitted to and approved by the Planning Authority
Reason: To ensure the development can be adequately serviced
10. No development on the offices shall be commenced until a foul drainage scheme has been submitted to and approved by the Planning Authority
Reason: To ensure the offices are capable of being adequately serviced
11. Notwithstanding the layout on plan 6944-LD-001C a revised landscape layout shall be submitted to and approved by the Planning Authority before development commences that concurs with approved site plan 101-D6, and specifies a timescale for implementation of landscaping. The landscaping shall be implemented and maintained in accordance with the approved site layout plan and approved planting and maintenance schedule (accounting for any adjustments to the schedule to accommodate the revised site layout)
Reason: To mitigate the visual and landscape impacts of the development
12. Notwithstanding the layout on plan 590C a revised layout plan for site levels shall be submitted to and approved by the Planning Authority before development commences that concurs with the approved site plan 101-D6. The development shall be completed in accordance with the approved levels plan (accounting for any required adjustments to sectional drawings to concur with the revised layout)
Reason: To visually integrate the approved development with proposed site level changes
13. The construction works shall be carried out in compliance with the Odour Management Plan (SLR-January 2017)
Reason: To minimise, as far as practicable, potentially adverse effects arising from the construction on surrounding properties
14. The development shall not become operational until the surface water drainage scheme has been implemented in accordance with the approved plan 520 (adjusted

to suit the approved site layout) and Drainage Strategy Plan and Flood Statement March 2017 Rev A (Goodson Associates). The scheme shall maintain run-off from the site at pre-development levels in a 1:200 (plus climate change) event and shall be maintained throughout the operation of the development

Reason: To ensure surface water is treated in a sustainable manner without risk of run-off to neighbouring properties

15. The development shall not become operational until evidence is provided to the Planning Authority that the existing landfill facility at Easter Langlee has ceased operations with respect to disposal of incoming waste

Reason: To maintain road and pedestrian safety and the amenity of surrounding properties

Information for the applicant

1. Advanced works to alter ground levels carried out by the Council are Permitted Development where costing less than £250,000. Though conditions on this consent will not apply to works already capable of being carried out in advance of the development commencing, the applicant is strongly recommended to ensure compliance with the conditions imposed on this consent that would be potentially prejudiced by the advanced works, including ecological and archaeological mitigation and odour management
2. Should any part of the development require amendment to satisfy Waste Management Licensing requirements, these will require a fresh planning application where they are deemed by the Planning Authority to materially amend the approved development. Once the outcome of the WML is known, the applicant should discuss any such amendments with the Planning Authority to establish the required course of action as early as possible.
3. The extension referred to on the approved plans is not consented under this planning approval.

DRAWING NUMBERS

Location plan 'location'

Location plan 100 D4

Development area and proximity to course of Allan Water 103 D1

Proposed site layout 101 D6

Landscape general arrangement 6944-LD-001 C

Softworks construction details 6944-LD-002 B

Landscape planting and maintenance schedule March 2017 Rev C

Administration block and weighbridge office elevations 231 D1

Administration block sketch proposals no 2 230 D2

Sprinkler tank and pumphouse 220 D1

Proposed floor plan 202 D2

Elevation sheet 1 211 D4

Elevation sheet 2 212 D4

Cross sections 213 D2

3d images 214 D4

Weighbridge photos 4no

External works - surface water drainage 520

External works - cut and fill volumetric analysis 590 C

Cut and fill volumetric analysis site sections 591 C

External works site sections 593 A

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Lead Planning Officer



16/01417/FUL

Land South Of Easter Langlee
 Recycling Centre
 Galashiels

