

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations  
2013**

**Application for Planning Permission**

**Reference: 15/00792/FUL**

**To: Ivor Gaston & Son per Bain Swan Architects 28 Harbour Road Eyemouth Scottish Borders  
TD14 5HG**

With reference to your application validated on **10th July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Installation of 125 KW anaerobic digester plant and associated work**

**At: Land North East Of Ravelaw Farmhouse Whitsome Scottish Borders**

The Scottish Borders Council hereby **grants planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 5th October 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE: 15/00792/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
100A	Location Plan	Approved
200A	Site Plan	Approved
300B	Elevations	Approved
L/01	Location Plan	Approved

**REASON FOR DECISION**

The application is consistent with national and local policy on waste management and renewable energy. The installation of the anaerobic digester assists in the sustainable management of the land and minimises waste. Appropriate conditions will protect the environment, public health and safety.

The development will aid diversification of income generating streams to support the farm business through the conversion of waste to generate energy and reduction in farm costs (fertilisers) for improvement to yields. Employment opportunities will be created in associated business (construction/operation/maintenance).

It is considered that the proposal complies with policies G1, H2, NE3, NE4 Inf7, D1 and D4 of the Scottish Borders Consolidated Local Plan Adopted 2011. The location of the development 350m from nearest residential properties is such that impacts on those properties are not significant. Potential environmental effects can be controlled to an acceptable level by planning conditions so that the proposal does not harm visual amenities of the area or residential amenities of occupiers of adjacent properties.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 The details and samples of all external finishing materials of the gas holder and CHP building shall be submitted to and approved in writing by the Planning Authority. The development shall be carried out in the materials so approved.  
Reason: To ensure the high quality design of the development in the interests of visual amenity.

- 4 Only waste/feedstock produced on Ravelaw Farm shall be used to feed the anaerobic digester plant.  
Reason: To reduce the potential for further intensification of development at the site in the interests of the local residential amenities and to minimise vehicle movements on the surrounding road network.
- 5 Any noise emitted by plant and machinery associated with the anaerobic digester shall not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within any noise sensitive dwellings (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.  
Reason: To protect the residential amenity of nearby properties.
- 6 The anaerobic digestion plant shall be constructed and operated in accordance with the Ravelaw Farm Environmental Statement (08 July 2015) and Odour/Risk Management Plan (05 August 2015) unless otherwise agreed in writing with the Planning Authority.  
Reason: To safeguard residential amenities.
- 7 All plant must be strictly maintained in accordance with manufacturer's instructions and timescales, as submitted as part of this planning application.  
Reason: To safeguard residential amenities.
- 8 Any works to be undertaken during the bird breeding season shall require to be carried out in accordance with details that have first been submitted to, and agreed in writing by the Planning Authority.  
Reason: To ensure that impacts on breeding birds are minimised.
- 9 The facility structure containing the effluent shall be sited at a minimum distance of 10m away from the Leet Water.  
Reason: A minimum 10 metre buffer is required to protect the water environment.
- 10 Prior to the commencement of works a Construction Environmental Management Plan, adopting SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) as appropriate, is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.  
In particular the CMS should include details of; i) how run off and pollution from oils will be controlled, and ii) the measures that will be employed to prevent discharge of concrete to the Leet Water.  
Reason: To protect the watercourse and ecological interest.
- 11 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include

  - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. location of new trees, shrubs, extended hedges grassed areas and ponds
  - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
  - iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 12 Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures for small woodland and hedgerow creation to benefit biodiversity and provide additional screening shall be submitted to and agreed in writing by the Planning Authority. Thereafter the works shall be carried out in accordance with the approved scheme.

Reason: To provide screening function to site and enhance ecological interest.

- 13 Prior to commencement of works details of measures to be undertaken in order to ensure construction traffic avoids the post-medieval farmstead 'Reavelaw', as depicted on the Archaeology Map 1 (16 Aug 2015 attached)(approximately 20 metres north of the proposal) shall be submitted to and agreed in writing by the Planning Authority. Thereafter the development will be carried out in accordance with the approved plans.

Reason: To protect the archaeological feature.

- 14 All potentially contaminated surface water and effluent shall be contained within the AD plant compound and shall be discharged to the AD plant for treatment.

Reason: To protect the water course and ground water.

- 15 No development shall commence until a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights specified on drawing number 300B has been agreed on site with the Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

- 16 No development shall take place until a traffic management plan, to address likely vehicle movements, during the construction phase has been submitted to and approved in writing by the Planning Authority. Thereafter, construction shall only take place in strict accordance with the management plan so agreed.

Reason: To safely manage vehicle movements on the public road network associated with construction of the development hereby approved.

#### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the third generation flood mapping prepared by SEPA indicates that the site may be at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

The applicant is advised to adopt water resilient materials and construction methods as appropriate in the development as advised in PAN 69 and raise above ground equipment that may be sensitive to flooding above ground level or protected against flooding to avoid any residual impact and damages.

The plant will be regulated by SEPA under a Waste Management Licensing Regulation exemption specifically under the terms of a Paragraph 51 exemption (the anaerobic

digestion of agricultural or distillery waste). Although the proposed activity may be exempt from Waste Management Licensing it is still subject to statutory controls to prevent environmental pollution (including odour and noise) and harm to human health.

SEPA advise that the applicant contacts the Borders Operations team if any further guidance is required with respect to the waste management exemption. Contact SEPA on 01896 754797.

Any water abstraction will require authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR).

The silage clamp will be regulated by way of the Silage, Slurry and Agricultural Fuel Oils Regulations.

The abstraction of water from the borehole will be regulated under the terms of General Binding Rules of the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).

Details of regulatory requirements and good practice advice for the applicant can be found on the website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx)

Supplementary checking surveys and appropriate mitigation for breeding birds will be required if habitat clearance is to commence during the breeding bird season.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 the 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 the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK11XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.