

**FALKIRK COUNCIL**

**Subject:** CONSULTATION ON AN APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE A BIOMASS RENEWABLE ENERGY PLANT WITH A NET ELECTRICAL OUTPUT OF 100 MEGAWATTS (MWE) AT SITE TO THE WEST OF FORTH PORTS PLC, CENTRAL DOCK ROAD, GRANGEMOUTH, FOR FORTH ENERGY – ENQ/2010/0408

**Meeting:** PLANNING COMMITTEE  
**Date:** 23 February 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Grangemouth  
Depute Provost Allyson Black  
Councillor Angus MacDonald  
Councillor Alistair McNeill  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** Julie Seidel, (Planning Officer) Ext. 4880

**UPDATE REPORT FOLLOWING SITE VISIT**

1. Members will recall that this consultation on an application under the Electricity Act was originally considered by the Planning Committee on 26 January 2011 (copy of previous report appended), where it was agreed to continue the matter for a site visit.
2. This visit took place on 7 February 2011 where Members viewed the application site and the height of existing structures in the surrounding area. Particular attention was paid to the adjacent Biomar stack at North Shore Road, Grangemouth Dock. Biomar have confirmed that the height of their stack is approximately 100 metres.
3. Grangemouth Community Council spoke, raising concerns that the proposal would not be sustainable or carbon neutral and would be contrary to Scottish Planning Policy (SPP). The Community Council also commented that the plant and HGV traffic would have an unacceptable impact on air quality in the area and would raise further concern in relation to traffic movements on Beancross Road as a result of the proposal. Grangemouth Community Council fears that the proposal would have a negative impact on the regeneration of Grangemouth Town Centre.

4. In response, the applicant, Forth Energy, advised that the proposal would result in approximately 29 HGV movements each day, including transporting timber, ash removal and the delivery of fuel oil for auxiliary boilers. Of these, 24 trips per day would be fuel delivery only. In relation to air quality concerns the applicant advised that the proposal would meet all air quality standards.
5. Members asked if the proposed Biomass Plant could burn sewage. The applicant advised that this would not be possible. Additionally Members queried whether up to 30% of biomass could come from UK sources and questioned the sustainability of shipping biomass fuel to the site. The applicant advises that research undertaken by the Scottish Institute for Sustainable Technology has demonstrated that renewable energy power stations would have a carbon footprint around 90% lower emissions than a traditional coal fired power station.
6. Members raised general issues about the management of forestry and impact on wildlife habitats. Additionally it was queried whether the dock could be dredged to allow access for the delivery vessels directly adjacent to the proposed plant.
7. Following a request at the site meeting, the applicant has submitted additional factual information (copy of document appended). Comparator plants, using biomass arriving at a port location and in an urban area, are at Helsingborg and Sodertalje, Sweden. The largest operational plant in the UK is Slough Heat and Power with a capacity of 101 MWe. The second largest is Steven's Croft, Lockerbie with a capacity of 44 MWe. Other operational plants include Ely, Cambridgeshire and Thetford, Norfolk. A plant is being built at the Tullis Russell factory at Markinch, Fife for a 45 MWE plant. A range of Section 36 consents have been granted in port locations including Port Talbot, Wales 350 MWe, Avonmouth, Bristol 100 MWe, Tilbury, Essex 60 MWe and Stallingborough near Grimsby 65 MWe.
8. No matters were raised which would amend the original recommendation. Members should note that conditions 5 and 18 have been amended following discussions with the applicant regarding storage and traffic impacts.

## **9 RECOMMENDATION**

- 9.1 It is recommended that Falkirk Council inform Scottish Ministers that, in principle, it supports the proposal, subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact.**

**Thereafter, if Scottish Ministers are minded to grant consent under Section 36 of the Electricity Act 1989 and a deemed planning permission, it is recommended that the following conditions are imposed:**

- (1) Development shall commence no later than the date occurring 3 years after the date of this consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.**

- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of condition 16 of this consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:
  - (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
  - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;
  - (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
  - (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
  - (e) Details of permanent artificial lighting;
  - (f) Details of permanent fencing or other means of enclosure;
  - (g) Details of all hard and soft landscaping; and
  - (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) Prior to development commencing on site, a traffic flow analysis in relation to the M9 off ramp, junction 6, shall be submitted to and approved in writing by the Council. Thereafter any required mitigation measures shall be installed at the applicant's cost, prior to any commencement of works on site.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.
- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures

for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.

- (9) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (10) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (11) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (12) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.
- (16) Unless otherwise agreed in writing with the Council, within 12 months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. 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 and 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.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.
- (18) Unless agreed in writing by the Council, or unless in an emergency, the movement of biomass fuel feedstock by conveyor and the storage of any recovered biomass fuel feedstock (such as recovered wood, paper and cardboard) and all post-combustion residues shall be undercover at all times during the operation of the development.
- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than 12 months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant

and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.

- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

**Reason(s):**

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.
- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.
- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.

- (23) To ensure that the local community is informed about the progress of the development.

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**Pp Director of Development Services**

**Date:** 16 February 2011

**LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Scoping Statement, December 2009
5. Participation Strategy, February 2009
6. Scoping Statement, March 2010
7. Application Main Documents
8. Environmental Statement, Volume 1 -Technical Summary
9. Environmental Statement, Volume 2 - Main Text
10. Environmental Statement, Volume 3 - Appendices
11. Environmental Statement, Volume 4 - Transport
12. Environmental Statement, Volume 5 - Figures
13. Supplementary Information
14. Letter of objection from Grangemouth Community Council dated 27 November 2010
15. Examples of Operational Biomass Plants, February 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

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**Meeting:** PLANNING COMMITTEE  
**Date:** 26 January 2011  
**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Grangemouth  
Depute Provost Allyson Black  
Councillor Angus MacDonald  
Councillor Alistair McNeill  
Councillor Robert Spears

**Community Council:** Grangemouth

**Case Officer:** Julie Seidel, (Planning Officer) Ext. 4880

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 Forth Energy (a joint venture between Forth Ports and Scottish & Southern Energy) has made an application to the Scottish Ministers under Section 36 of the Electricity Act 1989 to construct and operate a Biomass Renewable Energy Plant, with a net electrical output of 100 Megawatts (MWe).
- 1.2 The application site is within the operational Port of Grangemouth. The main plant area would be bounded by Central Dock Road and the Western Channel to the north, Central Dock Road to the west, a railway line to the south and industrial works to the east. The application site also includes an area of cooling water intake within the Western Channel, an area for cooling water outfall in the vicinity of the River Carron and an infrastructure corridor for fuel transfer along Central Dock Road. The port is accessed from the A904 Earls Road/Station Road and there is access to the M9 via junctions 5 and 6.
- 1.3 The Scottish Government's Energy Consents Unit (SGECU) administers the consent process under the terms of the Electricity Act 1989. 'Deemed planning permission' under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 is also sought from the Scottish Ministers alongside the application for consent under Section 36 of the Electricity Act 1989. Falkirk Council is a statutory consultee in respect of this application. Should Scottish Ministers grant a detailed planning permission for the development, application for matters specified in conditions would be submitted to Falkirk Council for determination.

- 1.4 The proposal is referred to the Planning Committee for consideration as the Council is a consultee in terms of the Electricity Act 1989.

## **2. BACKGROUND**

- 2.1 The proposed Biomass plant would export up to 100 MWe of electricity to the local electricity network and up to 200 MWth of heat to local users utilising up to 1.55 million tonnes of biomass fuel per year. The biomass is burnt in a boiler which produces high pressure steam. The steam is then passed through a steam turbine to produce electricity. Steam can also be taken from the process and used for heat processes, space heating or hot water.
- 2.2 The proposal would incorporate fuel storage, a power plant area, an electrical switchyard and a covered conveyer transfer system for fuel transportation. The design includes a 110 metre high stack, a 65 metre high boiler hall, a 30 metre high turbine hall, a main fuel and mixed fuel stores (33 metres and 30 metres high respectively), 12 metre high ash silos and two auxiliary boilers with a single 45 metre high stack, containing two flues.
- 2.3 Fuel would be transferred to the storage area and from the storage area to the power plant via a covered conveyer system. Cooling water infrastructure would be installed in the impounding dock (Western Channel) to provide a supply of cooling water to an evaporative cooling system, using mechanical draught cooling structures. The cooling water would be discharged via an outfall into the Carron River. A new onsite 123 kV substation would be built to transform and transmit the electrical output from the plant, to the local 123 kV network, via an underground electrical connection onto the main national transmission network at Bainsford Substation. It should be noted that the off-site electrical connection is not included within this application or the Environmental Impact Assessment (EIA).
- 2.4 It is intended that the plant would operate with a range of biomass fuels. The fuel mix would primarily comprise wood chip or wood pellets with the other remainder fuel (approximately 10-30%) purpose grown energy crops i.e. grasses and agricultural residues and recovered biomass materials i.e. timber, paper and cardboard. The applicant states that all biomass fuels would be sustainably sourced.
- 2.5 Fuel would mainly be delivered to the plant by ship (anticipated to be at least 90%), discharged at the existing operational quay and then transferred to the fuel storage area via the covered conveyer system. The plant would also be able to accept fuel by road (up to 10%). Rail borne supplies are not expected as there are currently no facilities suitable for handling biomass, from the line which serves the Grangemouth container terminal and petrochemical plant. Envisaged fuel deliveries would result in approximately 120 sea vessels per annum (1 – 2 per week) and 24 lorry loads per day.
- 2.6 The construction workforce is expected to be approximately 300 staff over a three year construction period, peaking at approximately 500 staff. The operational workforce is anticipated at 40 staff, with an additional 10 existing and 21 new port operation staff to handle fuel.

### **3. SITE HISTORY**

- 3.1 A planning application (Ref: P/09/0074/FUL) for the installation of a 70 metre high meteorology mast at the same site was granted on 16 March 2009.

### **4. CONSULTATIONS**

- 4.1 Falkirk Council's Development Management Unit has consulted with the Roads Development Unit, Environmental Protection Unit, Education Services, Emergency Planning, Transport Planning Unit and the Health and Safety Executive (HSE). The SGECU has consulted statutory agencies and carried out public consultations.
- 4.2 The Roads and Development Unit do not object to the proposals and have not recommended any conditions be imposed in relation to matters within their remit.
- 4.3 The Environmental Protection Unit request that the results of the commissioning noise survey should be submitted to Falkirk Council for approval. The Unit suggest conditions in relation to ground contamination.
- 4.4 The application site is located within the Grangemouth Air Quality Management Area. This area has been declared as a result of a breach of the 15 minute sulphur dioxide (SO<sub>2</sub>) objective. The Unit are concerned that SO<sub>2</sub> emissions from the main stack height are close to significant with a maximum process contribution towards the objective of 9.2% (10% is defined as significant). While the NO<sub>2</sub> and PM<sub>10</sub> objectives should continue to be met, the proposed development would reduce the headroom available for other developments. The report identifies a main stack height of 110 m as being the most suitable. Whilst there is an air quality benefit in increasing the stack height to 110 m, the benefit becomes less significant with an increase beyond this height.
- 4.5 No modelling has been carried out in relation to air quality impact of road traffic. Emission information in relation to the auxiliary boilers is required and the Unit request that the applicant comment on the impact of the development in comparison to exceeding emissions at Municipal Chambers in 2007 and 2008, where monitoring breached the (SO<sub>2</sub>) objective.
- 4.6 Education Services do not object to the proposal.
- 4.7 The Emergency Planning Unit request that the applicant carry out a risk assessment with particular reference to identifying potential accident or emergency situation affecting the proposal, either from within the site or an external source. This assessment should address both construction and operational phases of the proposal.
- 4.8 The Transport Planning Unit advises that there is an increase in the overall fuel supply tonnage from that previously identified through the Environmental Impact Assessment scoping exercise and this may have an effect on the impact of the operation of the development. A further analysis will be required if there is a change in the delivery of the raw materials including traffic congestion at the M9 off ramp, junction 6. The assessment is based on 90% being delivered by sea. The Unit agrees with Transport Scotland and supports their recommendation for traffic signals to be installed to reduce queuing congestion in particularly as a result of construction traffic.

4.9 The proposal has been considered using the Health and Safety Executive's (HSE) planning advice software tool, PADHI+, where HSE does not advise on safety grounds against the granting of planning permission.

## **5. COMMUNITY COUNCIL**

5.1 The Grangemouth Community Council and the Bo'ness Community Council were consulted. The Grangemouth Community Council objected to the application, raising the following issues:

- The proposal is unsustainable, to grow, harvest and process biomass overseas in an effort to improve Scotland's carbon footprint;
- The location and scale of the proposed structures would have an unacceptably dominant presence in close proximity to the community's commercial centre and residential area. The existing industrial structures surrounding the application site do not mitigate the proposals; and
- The application site is located within a designated Air Quality Management Area (AQMA) and concerns are raised in relation to the cumulative affect of plant emissions and traffic emissions undermining efforts to improve local air quality.

5.2 Bo'ness Community Council has not responded.

5.3 Polmont Community Council made objection to the Scottish Ministers on 25 October 2010, raising the following issues:

- The height of the chimney could result in fumes blowing over Polmont;
- Concern in relation to the burning of household waste as a fuel; and
- Developing countries are reducing food production to grow biomass fuel, of detriment to the indigenous population and animal life.

## **6. PUBLIC REPRESENTATION**

6.1 The Scottish Ministers received 986 public representations to the proposal and no supporting representations, raising the following issues:

- Impact on designated / protected sites;
- Impact on location and amenity;
- The sites proximity to residential areas;
- Fuel supply and sustainability;
- Health and safety concerns and fire hazard;

- Negative environmental impacts;
- Air pollution;
- Visual impact;
- Negative economic impacts;
- Transportation and road safety concerns;
- No existing infrastructure;
- Food security;
- Alternative sources of renewable energy; and
- Effects of wildlife.

6.2 Of the consultations submitted to the Scottish Ministers, particular note is given to the response from Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA).

6.3 SNH advise that the proposal has the potential to affect several European designated sites, several Sites of Special Scientific Interest (SSSI), and protected species outwith designated sites. SNH consider that the proposal would not adversely affect the integrity of the protected sites subject to mitigation being undertaken as described in the application. SNH consider that the significance of the landscape and visual impacts would be reduced by the existing industrial setting of the site.

6.4 SEPA have no objection to the proposal and advise of conditions to be attached to any permission.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

#### ***Falkirk Council Structure Plan***

7a.1 Policy ECON.1 ‘Strategic Development Opportunities’ states:

*“The Council will promote the following as strategic locations for major economic development:*

*Town Centres*

- 1 *Falkirk Town Centre*
- 2 *Grangemouth Docks*  
*Gateways*
- 3 *Middlefield/Westfield, Falkirk*
- 4 *Falkirk Canal Interchange*
- 5 *North Larbert / Glenbervie*
- 6 *Gilston, Polmont*  
*Urban/rural Regeneration Areas*
- 7 *Langlees/Bainsford, Falkirk*
- 7a *Former Manuel Works, Whitecross*  
*Specialist Sites*
- 8 *Grangemouth/Kinneil Kerse*

*Site boundaries will be defined or confirmed in Local Plans. The range of acceptable uses at each of these strategic sites is indicated in Schedule ECON.1.“*

7a.2 Policy ECON.2 ‘Strategic Development Opportunities - Development Criteria’ states:

*“Development of the strategic development opportunities identified in Policy ECON.1 will be subject to the following conditions:*

- (1) high standards of design will be required through a development brief and masterplan for each opportunity which will be approved by the Council and ensure a comprehensive and sensitive approach to site planning;*
- (2) provision must be made for walking, cycling and public transport infrastructure to allow a high level of access by transport modes other than the private car;*
- (3) the scale of any residential use must comply with the general housing allocations set out in Chapter 4 and adequate social and physical infrastructure must be in place to serve them;*
- (4) the scale and nature of out-of-centre retailing and leisure provision must be complementary to provision in Falkirk Town Centre and the District Centres. Accordingly, a Retail/Leisure Impact Assessment will be required to demonstrate this for all retail developments of 2,500 sq. m. gross floorspace or more, and for major commercial leisure developments. Assessment of smaller retail developments (between 1,000 and 2,500 sq.m. gross) may also be required in certain circumstances; and*
- (5) development at Grangemouth Docks must not prejudice the operation of the port. and should be compatible with the continuing activities of the petrochemical and chemical industries.”*

7a.3 The Grangemouth Docks are allocated as a strategic development opportunity under policy ECON.1 ‘Strategic Development Opportunities’. The Structure Plan outlines a number of uses for the docks including leisure/tourism and residential uses. The Falkirk Council Local Plan has been modified to take account of Forth Port’s desire for business, industry and port related activity only in the Docks. Policy ECON.2 ‘Strategic Development Opportunities - Development Criteria’ establishes criteria for strategic development including at Grangemouth Docks. It is considered that the proposal is in accordance with policy ECON.2 (5) as the proposal would not prejudice the operation of the port and would be compatible with the

continuing activities of the petrochemical and chemical industries. The application accords with policies ECON.1 and ECON.2.

7a.4 Policy COM.5 ‘Developer Contributions’ states:

*“The Council will ensure that proper provision is made to meet the physical and social infrastructure needs of new development and to mitigate the impact of such development on the locality. Where it is required to make a proposal acceptable in land use planning terms, serve a planning purpose and is directly related to the proposed development, developer funding for on- or off-site works will be sought in respect of:*

- (1) environmental enhancement required to mitigate, or compensate for landscape, townscape or ecological impacts;*
- (2) physical infrastructure required to make the development acceptable, particularly transport provision required to ensure that the development meets sustainability criteria;*
- (3) community and recreational facilities required to meet demand generated by the development.*

*The required provision will be reasonable and related to the scale and nature of the proposed development, taking into account the relevant Council standards and will be specified within Local Plans and development briefs as appropriate. Examples of the range of matters which developers may be asked to address are provided in Schedule COM.5.”*

7a.5 Traffic mitigation is required as a result of increased traffic flows through Newlands Roundabout M9, Cadgersbrae Interchange, Timber Basin Roundabout and M9 Earlsgate Interchange. An increase in the overall road tonnage of biomass to be transported to the site, which is more than indicated in the EIA scoping exercise, is now proposed. A further analysis will therefore be required if there is a change in the delivery of fuel, the assessment being based on 90% being delivered by sea. The Transport Planning Unit raise concerns in relation to congestion, delay and queuing vehicles at the M9 off slip, junction 6. The Unit supports Transport Scotland’s recommendation to the Scottish Ministers that traffic signals be provided to manage the likely capacity issues during construction. Provision of traffic signals would accord with policy COM.5.

7a.6 Policy ENV.3 ‘Nature Conservation’ states:

*“The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:*

- (1) Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:
  - (a) it will not adversely affect the integrity of the site, or;*
  - (b) there are no alternative solutions and there are imperative reasons of overriding national public interest.**

- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*
- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.7 An appropriate assessment must demonstrate that the proposal would not adversely affect the integrity of the Firth of Forth SPA. The work carried out for the EIA will form the basis of this work and SNH's view is that the proposal would not have a significant affect on the SPA. The application does not offend the terms of policy ENV.3.

7a.8 Policy ENV.4 'Coastal Planning and Flooding' states:

*"The Council will apply the following general principles with regard to coastal planning and flooding issues:*

- (1) *There will be a general presumption against development in the undeveloped coastal zone (as indicated generally on the key diagram), unless it is clearly demonstrated that a coastal location is essential for that development.*
- (2) *In assessing proposals for development within the coastal zone or coastal defence measures on the developed coast, particular attention will be paid to the likely implications in terms of flooding, existing and future coastal defence works, nature conservation, landscape impact, water pollution and the need to work in partnership with other agencies to promote the integrated management of the estuary and its resources.*
- (3) *The Coastal zone north of the River Carron will be a priority area for evaluating the feasibility for managed retreat and other coastal zone management measures.*
- (4) *In areas where there is a significant risk of flooding, there will be a presumption against new development which would be likely to be at risk or would increase the level of risk for existing development. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications."*

7a.9 The application site is not within the undeveloped coastal zone. The site is not considered to be at significant risk of flooding and SEPA do not object to the proposals. However, the application site is at a medium to high risk of flooding and as such information is required to

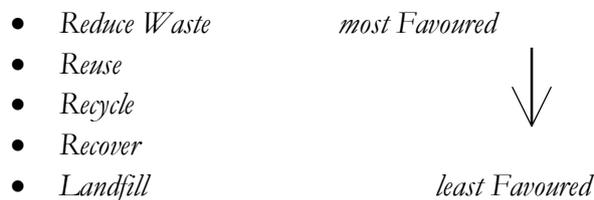
demonstrate that the risk of flooding both within and out with the application site can be adequately managed. The proposal does not offend the terms of the above policy.

7a.10 Policy ENV.11 ‘General Approach to Waste Management’ states:

*“Provision will be made for a range of waste management facilities which will adequately treat the waste generated in the area and assist in meeting any specific regional waste management needs identified by the National Waste Strategy and any subsequent Regional Waste Strategy, subject to the following general principles:*

- (1) *A general presumption in favour of new facilities which support the aims of the ‘Waste Hierarchy’ (see Figure 2) in shifting the emphasis away from landfilling of waste towards other options including: waste minimisation, re-use of materials, re-cycling and recovery of waste materials.*

*Fig. 2: The Waste Hierarchy*



- (2) *The treatment of waste as close as possible to the area in which it is generated.*
- (3) *The minimisation of the impact on the local environment and the amenity of communities through the selection of appropriate sites and adoption of best operational practices.*

*The preferred location for new waste management facilities will be within or adjacent to existing waste management sites or alternatively within general industrial areas.”*

7a.11 The proposal includes an aspiration to find users for the waste ash produced, although it is acknowledged that the waste ash may be classified as hazardous waste. Clarification is sought in relation to an established market for this product, particularly if it is hazardous, or whether it would be going to landfill. Zero Waste, the Government’s waste policy, wishes to see a reduction in waste going to landfill although it is accepted that there will always be a need for some waste to go to landfill. The proposed plant would also be capable of diverting recyclates from the waste stream. SEPA’s Thermal Treatment of Waste Guidelines 2009 (which form part of the government’s National Waste Management Plan (the Zero Waste Plan) along with National Planning Framework 2 (NPF2), the SPP and PAN’s) acknowledge that thermal treatment plants should only treat residual waste once all efforts have been made to recycle materials. It also acknowledges, however, the need to reduce the amount of biodegradable commercial waste going to landfill and the proposal could potentially deliver this. The proposal is classed as a thermal treatment plant and supported by policy ENV.11, provided the waste hierarchy is adhered to and only residual waste is used alongside biomass.

7a.12 Policy ENV.13 ‘General Principles for Renewable Energy’ states:

*“Proposals for the generation of energy from renewable sources will generally be supported subject to an assessment of individual proposals in relation to Structure Plan Policies ENV.1-ENV.7.*

*The council will work in partnership with other agencies to set out, in the local plan, the criteria for the location and design of renewable energy developments.”*

7a.13 Policy ENV.13 reinforces the Structure Plans support for the principle of renewable energy.

7a.14 Policy ENV.14 ‘Air Quality’ states:

*“The Council will contribute to the improvement of local air quality through the development and implementation of the Structure Plan Strategy including: consideration of air quality standards in selecting locations for new development and in assessing development applications; reducing the need to travel through protecting the viability of individual settlements and shopping centres; and in promoting public transport and an integrated transport system.”*

7a.15 The Environmental Protection Unit seek clarification on a number of matters relating to air quality. The proposal does not appear to contribute to the improvement in air quality in an area which already has air quality issues as such the application is considered contrary to policy ENV. 14.

7a.16 Policy TRANS.3 ‘Transport Assessment’ states:

*“Proposals which could result in a significant increase in travel demand will be required to submit a Transport Assessment and where appropriate a Green Transport Plan. These should demonstrate how the impact of the development on the surrounding traffic network can be minimised and how other modes of travel rather than the car will be encouraged.”*

7a.17 Policy TRANS.4 ‘Freight Operations’ states:

*“The Council will direct developments generating significant volumes of freight to sites accessible by rail and/ or sea.*

*The preferred locations for freight related uses that require port and/ or rail access will be:*

- (1) Grangemouth Docks;*
- (2) Grangemouth branch line; and*
- (3) Allandale.”*

7a.18 A Transport Assessment has been produced in accordance with policy TRANS.3 ‘Transport Assessment’. The Transport Assessment does not model any changes in the supply methods, from the proposed 90% minimum by sea and 10% maximum by road. Further analysis would therefore be required if there were a change in the expected delivery of material ratios. As such it is considered that any permission should be conditioned to allow any future changes to be accounted for through the planning system. Policy TRANS.4 supports the location of freight operations at Grangemouth Docks.

## **Falkirk Council Local Plan**

7a.19 Policy EQ1 ‘Sustainable Design Principles’ states:

*“New development will be required to achieve a high standard of design quality and compliance with principles of sustainable development. Proposals should accord with the following principles:*

- (1) Natural and Built Heritage. Existing natural, built or cultural heritage features should be identified, conserved, enhanced and integrated sensitively into development;*
- (2) Urban and Landscape Design. The scale, siting and design of new development should respond positively and sympathetically to the site’s surroundings, and create buildings and spaces that are attractive, safe and easy to use;*
- (3) Accessibility. Development should be designed to encourage the use of sustainable, integrated transport and to provide safe access for all users;*
- (4) Resource Use. Development should promote the efficient use of natural resources, and take account of life cycle costs, in terms of energy efficient design, choice and sourcing of materials, reduction of waste, recycling of materials and exploitation of renewable energy;*
- (5) Infrastructure. Infrastructure needs and their impacts should be identified and addressed by sustainable mitigation techniques, with particular regard to drainage, surface water management, flooding, traffic, road safety and noise; and*
- (6) Maintenance. Proposals should demonstrate that provision will be made for the satisfactory future management and maintenance of all public areas, landscaping and infrastructure.”*

7a.20 Policy EQ2 ‘Implementation of Sustainable Design Principles’ states:

*“In order to ensure that the principles set out in Policy EQ1 are incorporated into development proposals:*

- (1) Masterplans will be required for development proposals requiring a comprehensive approach to design and infrastructure. The Council will set out the basis for the preparation of Masterplans in Development Frameworks or Briefs;*
- (2) Development Briefs will be prepared by the Council for other development sites where merited by the size, sensitivity or complexity of the site;*
- (3) Supplementary Planning Guidance Notes will be produced to provide detailed advice on the application of the sustainable design principles; and*
- (4) Planning applications for significant residential, business or commercial development, or smaller proposals affecting protected sites or buildings, should be accompanied by a Design Statement explaining how each of the factors in Policy EQ1 has been complied with.”*

7a.21 Not enough detail is available at this stage to allow consideration of the criteria in policy EQ1 ‘Sustainable Design Principles’. The proposal is set within an industrial setting, with the surrounding port and petrochemicals plant of particular note. The application site is also in an edge of town centre location and whilst it is acknowledged that the proposal is acceptable within the heavy industrial backdrop, the proposal could potentially have an impact on the local area. The siting of the highest structures to the rear, north of the application site is welcomed. Policy EQ2 requires the design statement to specifically address the points in EQ1, however it is considered that the design statement fails to adequately address the policy. It is considered that the proposal could achieve the aims of policies EQ1 and EQ2 with the full consideration of detailed proposals.

7a.22 Policy EQ3 ‘Townscape Design’ states:

*“New development will be required to contribute positively to the quality of the built environment. Proposals should accord with the following criteria:*

- (1) The siting, layout and density of new development should create a coherent structure of streets, amenity space and buildings which respects and complements the site’s environs and creates a sense of identity within the development;*
- (2) Streets and public spaces should have buildings fronting them, and where this is not possible, a high quality architectural or landscape treatment will be required as an alternative;*
- (3) The design of new buildings should reflect the surrounding urban fabric in terms of scale, height, massing and building line;*
- (4) Building materials, finishes and colours should be chosen to complement those prevailing in the local area;*
- (5) Existing buildings or structures which contribute to the local townscape should be retained and integrated sensitively into the layout; and*
- (6) The contribution to the townscape of important landmarks, skylines and views should be respected.”*

7a.23 Policy EQ3 ‘Townscape Design’ requires new development to contribute positively to the built environment and lists criteria including the consideration of scale and mass, building materials, skylines and views. While the design statement addresses some of these issues, in principle the detail of the proposal is unknown at this stage. It is, however, considered that the location of the application site within a port with surrounding heavy industry and large petrochemicals plant, would mitigate the impact on the surrounding urban area. Any consent should be conditioned to ensure full design details are submitted to ensure the criteria of policy EQ3 are adequately addressed.

7a.24 Policy EQ4 - ‘Landscape Design’ states:

*“Development proposals should include a landscape framework which enhances the development and assists integration with its surroundings. The landscape scheme should:*

- (1) Be informed by the surrounding landscape;*
- (2) Retain and incorporate existing vegetation, natural and cultural features where they contribute to the amenity and biodiversity of the site, with provision for replacement planting where removal is authorised;*
- (3) Integrate with strategies for the provision of open space, pedestrian access, and sustainable urban drainage systems on the site;*
- (4) Promote biodiversity, including the use of native tree and plant species (see Policy EQ25);*
- (5) Incorporate robust structure planting to provide structure in larger developments, and screen the edge of developments where necessary;*
- (6) Incorporate street trees and informal open space planting to assist in structuring and unifying streets and spaces;*
- (7) Incorporate high quality hard landscaping, including surface materials, boundary enclosures and street furniture which are robust and complement the development; and*
- (8) Demonstrate that satisfactory arrangements have been made for the future maintenance and management of all landscaped areas.”*

7a.25 The application site is located within a port, however a landscape scheme may be appropriate to consider the boundary treatments of the site and to address any screening of the fuel storage

areas. Any consent should be conditioned to allow full consideration of these details and accordance with policy EQ4.

7a.26 Policy EQ22 'Landscape and Visual Assessment' states:

*“Development proposals which are likely to have a significant landscape impact must be accompanied by a comprehensive landscape and visual assessment as part of the Design Statement, which demonstrates that the setting is capable of absorbing the development, in conjunction with suitable landscape mitigation measures, and that best environmental fit has been achieved, in terms of the landscape character of the area.”*

7a.27 It is considered difficult to absorb the proposal into the landscape, however it is accepted that its setting when viewed from out with Grangemouth, will generally be seen within the context of the many industrial sites at Grangemouth. Given the height of the various components of the proposal, most notably the proposed 110 metre high stack, it is considered that the site setting would not absorb the development, in particular when viewed from the immediate surrounding urban areas of Grangemouth. Whilst it could be argued that the proposal harmonises with much of the development contained within the heavy industrial area and in particular the adjacent petrochemicals plant, it is considered more difficult to ensure the building fits into the landscape within Grangemouth, particularly when viewed from the surrounding roads and ASDA Supermarket car park. The application fails to accord with policy EQ22.

7a.28 Policy EQ24 'Ecological Sites and Features' states:

- (1) Development likely to have a significant effect on Natural 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers)..*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and*

*secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required.*

- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.29 As discussed previously an appropriate assessment is required to ensure the proposal accords with policy EQ24.

7a.30 Policy EQ30A – ‘Air Quality’ states:

*“The Council will seek to contribute to the improvement of air quality. Impacts on air quality will be taken into account in assessing development proposals, particularly within Air Quality Management Areas (AQMAs). Air Quality Assessments may be required for developments within AQMAs.”*

7a.31 The Environmental Protection Unit seek clarification on a number of matters relating to air quality. Further information is required to ensure compliance with policy EQ30A.

7a.32 Policy EP1 - ‘Strategic Development Opportunities’ states:

*“The Council will give priority to the sites detailed in Table 5.1 as the site-specific parts of the Strategic Development Opportunities identified within Policy ECON.1 and Schedule ECON.1 of the Structure Plan. These should be developed in accordance with the principles set out in Structure Plan Policy ECON.2.”*

7a.33 Policy EP2 - ‘Land For Business And Industrial Use’ states:

*“In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:*

- (1) *The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
- (2) *The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only.*

*Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business / industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies.”*

7a.34 ED.GRA4, Grangemouth Docks – Zone 3

*Opportunity: Port related general industrial/storage*

*Site Area: 8.9 hectares*

*Agency: Forth Ports*

*Comments: Land identified for port related development. The retention and setting of the old Docks should be taken into account in the development of the area. A transport assessment would be required, and off-site contributions to upgrading of motorway junctions may be required. Proposals must have no adverse impact on the integrity of the adjacent Firth of Forth SPA. The Habitats regulations will apply to any detailed proposal (see tests in Policy EQ24(1)). Site has been identified as being at medium to high risk of flooding. A flood risk assessment*

*and drainage impact assessment will be required. These assessments may influence the scale, layout and form of development.*

7a.35 The proposed site is allocated as business and industry site in the Local Plan and as a strategic development opportunity area in accordance with the Structure Plan, Economic Development Proposals and Opportunities. ED.GRA4 notes that off-site contributions to the up-grading of motorway junctions may be required.

7a.36 Policy EP18 - 'Major Hazards' states:

*"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:*

- (1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and*
- (2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."*

7a.37 It is considered that the additional long term working population associated with the proposal, located in the outer zone of a consultation distance for a major hazards site, and the industrial nature of the development, is in accordance with policy EP18. The proposal has been considered using the Health and safety Executive's (HSE) planning advice software tool, PADHI+, where HSE does not advice on safety grounds against the granting of planning permission.

7a.38 Policy ST7 - 'Transport Assessments' states:

- "(1) Falkirk Council will require transport assessments of developments where the impact of that development on the transport network is considered likely to require mitigation. In all cases, this mitigation will be delivered to a level that achieves no net detriment to the capacity of the network.*
- (2) Transport assessments will include travel plans and, where necessary, safety audits of proposed mitigation measures and assessment of the likely impacts on air quality as a result of proposed development.*
- (3) Developers will agree the scope of the assessment with Falkirk Council, then undertake the assessment in accordance with the scoping. In all cases, the assessment will focus on the hierarchy of transport modes, favouring the use of walking, cycling and public transport over unnecessary use of the car.*
- (4) The Council will only grant planning permission where it is satisfied that the transport assessment and travel plan has been appropriately scoped, the network impacts properly defined and suitable mitigation measures identified."*

7a.39 Policy ST9 - 'Managing Freight Transport' states:

- "(1) Freight intensive development will be directed to locations that can be accessed without significant impact on local communities, or on the local and strategic road network. Areas*

*with rail or sea access, notably Grangemouth Docks and the connecting branchline, will be particularly favoured.*

- (2) *Development which will encourage the transfer of freight from road to rail, including the development of freight handling facilities, will be supported subject to other Local Plan policies.*
- (3) *Signage strategies, junction improvements and network upgrades will be considered where these contribute to improved access for freight.*
- (4) *The Council will work where appropriate with freight companies, developers and others to bring forward freight quality partnerships.*
- (5) *The Council will work with other agencies and developers to explore freight use of the lowland canal network where appropriate.”*

7a.40 A transport assessment has been carried out in accordance with the premise that the majority of fuel will be delivered by sea. As stated previously, consideration should be given to conditioning any consent to take this into account the potential impact on the road network if this were to change in the future. Policy ST9 supports freight developments which can be accessed without significant impact on the road network. The proposal accords with policy ST7 and ST9.

7a.41 Policy ST11 - ‘Sustainable Urban Drainage’ states:

*“Surface water management for new development should comply with current best practice on sustainable urban drainage systems, including opportunities for promoting biodiversity through habitat creation. A drainage strategy, as set out in PAN 61, should be submitted with planning applications and must include flood attenuation measures, details for the long term maintenance of any necessary features and a risk assessment.”*

7a.42 Policy ST12 - ‘Flooding’ states:

*“In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site.”*

7a.43 The application site is not in an area of significant risk of flooding, but is identified as being at a medium to high risk. The applicant is therefore required to submit information that demonstrates that flood risk can be managed both within and out with the site. The applicant has not submitted a drainage strategy. It is considered appropriate that a drainage impact assessment and flooding mitigation measures are submitted at the detailed stage and should be the subject of condition to ensure compliance with the above policy.

7a.44 Policy ST20 - ‘Renewable Energy Development’ states:

*“The Council will support development required for the generation of energy from renewable sources, and the utilisation of renewable energy sources as part of new development, subject to assessment of*

*proposals against other Local Plan policies. Renewable energy development will be viewed as an appropriate use in the countryside where there is an operational requirement for a countryside location.”*

- 7a.45 The proposal is supported by the terms of policy ST20 ‘Renewable Energy Development’ where Falkirk Council supports renewable energy development, in accordance with other Local Plan policies.
- 7a.46 Accordingly, it is considered there is a need for additional information to confirm the proposals conformity with the Development Plan.

## **7b Material Considerations**

### ***Scottish Planning Policy***

- 7b.1 Scottish Planning Policy (SPP) states (paragraph 51) that strategic sites for business should be identified in the Development Plan. These should be protected from inappropriate uses and development which would compromise them.
- 7b.2 The submitted Planning Statement details relevant policies. While NPF2 supports the development of renewable energy projects including biomass there is no specific support in NPF2 for such a project at Grangemouth Docks which is specifically noted in NPF2 as a national development site for freight expansion.
- 7b.3 SPP highlights the need to protect sites with statutory nature conservation designations. SNH’s response is noted and it is understood that an assessment under the Habitats Regulations is still required to confirm that there is no adverse impact on the Firth of Forth Special Protection Area (SPA) and any other qualifying interests.
- 7b.4 Hydro-electric and onshore wind power are noted (paragraph 182) as being the main sources of renewable energy with biomass one of the additional technologies which may contribute to renewable energy. It is also stated that planning authorities should support the development of a diverse range of renewable energy technologies (paragraph 184).

### ***Contribution to the Local Economy***

- 7b.5 The project has the potential to reduce reliance on the fossil fuel based economy which is likely to decline in the near future and is in keeping with the Scottish Government’s low carbon economic strategy.
- 7b.6 The statement suggests that up to 30% of biomass could come from UK sources. Falkirk Council has a strong working relationship with the Central Scotland Forest Trust which is keen to develop markets for wood products both short and longer term. The Council is keen to see synergy between local businesses.
- 7b.7 Whilst it makes sense that the UK cannot currently meet the level of wood chip supply that the plant would require, the commitments to develop them are vague and very probably non binding in their current state. A key weakness in the sustainability statement is the proposal to source the majority of wood chip from N. America/the Americas. Once the plant is operational, based on commitments in the sustainability statements, the operator would be free to source material based purely on the economic case. Fundamentally, biomass is only

sustainable as a source of 'renewable' energy if the energy plant is adjacent or very close to the fuel source.

7b.8 An ideal strategy would contain:

- (a) Clear plans to minimise distance travelled by fuel source & emissions arising from that transport
- (b) Clearly stated, time bound targets to increase supply from firstly, Scotland, secondly, the UK, thirdly, Scandanavia, fourthly, the United States. They would also clearly exclude countries where chain of custody is extremely hard to police such as in South America and Russia.
- (c) This commitment would be accompanied by details of how they intend to work with UK suppliers to foster development of a domestic supply.

7b.9 The Scottish Government is keen to diversify Scotland's energy sources and increase the security of future supplies in the light of rocketing energy demands in developing countries. The use of wood based biomass would contribute to this, however, the further the fuel travels, obviously the greater the threat to supply. This risk will increase as global demand for biomass wood fuel increases.

### ***Optimum Efficiency of the Plant***

7b.10 The plant's primary aim is to produce electricity which means roughly 30% efficiency compared with combined heat and power (CHP) which has roughly 90% efficiency rate. The sustainability statement makes reference to use of excess heat elsewhere in the area in future, however, this appears to be vague. There have been numerous studies done of the potential to use excess industrial waste heat in the area to heat homes, schools, businesses etc. Waste heat from the Callendar Flats CHP scheme is already being used to heat Callendar House and sets a welcome precedent.

7b.11 Development of this initiative in the Grangemouth area, however, has been very limited, due mainly to the complexity of retrofitting it to existing plant, existing homes and the upfront cost involved. If this were factored in as a fundamental part of the plant design then it could have potential. It would require a very clear demand and market for the excess heat in advance. If this were done, it would strengthen the sustainability statement's case considerably. It would also clearly demonstrate community benefit from the development which at present is unclear.

### ***Landscape Impact***

7b.12 It is considered that the Design Statement puts forward some interesting images and ideas which should be progressed when the detailed proposals are prepared. The architectural treatment, textures and colours of the energy plant require to be fully considered as these will influence the appearance and visual impact of the biomass energy plant, in particular on the surrounding community. Due to the scale and height of the proposal these will be of particular importance. The integration of the biomass plant into the site should also be fully considered and addressed with high quality design solutions.

### ***Flooding***

- 7b.13 The Supplementary Planning Guidance Note on 'Flooding and Sustainable Urban Drainage Systems' advises that the adjacent Grangemouth Petrochemicals Facility is at a high risk of flooding. The application site is identified in the Falkirk Council Local Plan of similarly being at a medium to high risk of flooding. A flood defense scheme has been constructed to protect the adjacent town of Bo'ness, however there are no flood defenses which protect the application site at this time.
- 7b.14 The submitted Flood Risk Assessment (FRA) acknowledges that the application site is at a medium to high risk of flooding in a 1:200 year event. As such appropriate mitigation is required to offset the risk of flood.
- 7b.15 The applicant recommends mitigation for the site which includes the safeguarding of sensitive equipment and providing adequate drainage infrastructure. The FRA advises that the levels over the application site including the biomass storage area would not be increased to take account of their safe level of 5.50 metres AOD. The applicant advises that areas of safe refuge, including within office building, would be provided. It is considered that the mitigation strategy be fully considered, developed and submitted as part of the detailed design proposals including a drainage impact assessment.

### ***Consultation Responses***

- 7b.16 the issues raised through consultation are noted. No major issues or objections have been received and it is considered that the matters raised could be the subject of condition of any permission issued by the Scottish Ministers.

### ***Issues Raised Through Third Party Representation***

- 7b.17 986 third party objections were received by the Scottish Ministers in relation to the proposals. The Scottish Ministers will assess the content of representations made and issues raised when determining the application. It is considered that the matters raised by third party representation can be appropriately addressed by condition.
- 7b.18 The comments raised by Grangemouth and Polmont Community Council are noted and the Scottish Ministers have copy of their objection.

### **7c Conclusion**

- 7c.1 Forth Energy is seeking consent from the Scottish Ministers under Section 36 of the Electricity Act 1989 to construct and operate the proposed Grangemouth Renewable Energy Plant at the Port of Grangemouth. At the same time a detailed planning permission is also sought from the Scottish Ministers to run alongside the Section 36 consent. The combination of these two consenting procedures, mean that Scottish Ministers have the power to grant consent to generate electricity and also planning permission to use the land for the purposes of electricity generation.
- 7c.2 Should Scottish Ministers be minded to grant a deemed planning permission, a subsequent planning application to discharge matters specified in conditions would require to be submitted to Falkirk Council for determination.

7c.3 Falkirk Council support the use of sustainably sourced biomass, which is a recognized source of renewable energy. It is considered that the location within the Port of Grangemouth is a suitable and appropriate location for the proposed facilities, but there is still a need for additional information to confirm the proposals conformity with the Development Plan and to address the issues raised by consultees.

## **8. RECOMMENDATION**

8.1 It is recommended that Falkirk Council inform Scottish Ministers that, in principle, it supports the proposal, subject to the submission and assessment of additional information in respect of detailed design, landscaping, phasing, contamination, site restoration, drainage, flooding, air quality and traffic impact.

Thereafter, if Scottish Ministers are minded to grant consent under Section 36 of the Electricity Act 1989 and a deemed planning permission, it is recommended that the following conditions are imposed.

- (1) Development shall commence no later than the date occurring 3 years after the date of this consent. If development does not commence by such a date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Council.
- (2) Unless otherwise agreed in writing by the Council, in the event of the Biomass Renewable Energy Plant not generating electricity or heat for a continuous period of twelve months, the development shall be decommissioned and the site restored, in accordance with a decommissioning scheme and detailed restoration and aftercare scheme approved by the Council in terms of condition 16 of this consent.
- (3) Prior to commencement of development, the detailed design of the Grangemouth Biomass Renewable Energy Plant, shall be submitted to and approved in writing by the Planning Authority. The detailed design shall include:
  - (a) Details of the siting, design and external appearance of all buildings and structures to be erected and retained following the commissioning of the development hereby approved;
  - (b) Details of the colour, materials and surface finish in respect of those building and structures referred to in (a) above;
  - (c) Details of the existing and proposed ground levels, building and structure levels and including cross sections through the site;
  - (d) Details of all proposed roads, parking, hardstandings, loading and unloading areas and turning facilities;
  - (e) Details of permanent artificial lighting;
  - (f) Details of permanent fencing or other means of enclosure;
  - (g) Details of all hard and soft landscaping; and
  - (h) Phasing of all proposed works.

Development shall not commence on site until written approval is given by the Council, thereafter the development shall proceed in accordance with the approved details.

- (4) The development shall be undertaken in accordance with the Application, EIA, Environmental Statement and Supporting Documents, except in so far as it is amended by the terms of the consent or as agreed in writing by the Council.
- (5) Prior to development commencing on site, details of the proposed traffic signals at the M9 off ramp, junction 6, shall be submitted to and approved in writing by the Council. Thereafter the traffic signals shall be installed at the applicants cost, prior to any commencement of works on site.
- (6) All forest derived fuels to be used in operating the Grangemouth Renewable Energy Plant shall be certified by accepted sustainability certification systems.
- (7) The applicant shall continuously, throughout the lifetime of the Grangemouth Renewable Energy Plant, record and hold available for inspection by the Council and the Scottish Environmental Protection Agency a written register recording the quantities, nature and sources of fuel combusted including details of certification and transported to the site.
- (8) Prior to commencement of development on site a Construction Traffic Management Plan and Freight Management Plan shall be submitted to and approved in writing by the Planning Authority. This shall include procedures for the movement of traffic including sized loads and escorting requirements. Thereafter work shall commence in accordance with the approved plans.
- (9) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.
- (10) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.
- (11) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

- (12) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.
- (13) Prior to commencement of development, detailed flood mitigation measures shall be submitted to and approved in writing by the Council. The scheme shall include an assessment of the safety of personnel and include acceptable mitigation including consideration of methods of safe access and egress to and from the development. Thereafter the measures approved shall be implemented and maintained for the duration of operational development.
- (14) Prior to commencement of development on site a drainage impact assessment shall be submitted and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved strategy.
- (15) Prior to commencement of operation of the Grangemouth Renewable Energy Plant the applicant shall submit a Biomass Sustainability Policy in consultation with Falkirk Council, Scottish Government, SEPA and SNH. Thereafter the plant shall operate in accordance with the approved policy.
- (16) Unless otherwise agreed in writing with the Council, within 12 months of the site ceasing to be used for the purposes of electricity and heat generation, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval. 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 and 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.

Thereafter the demolition and removal of the development (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access road) and subsequent restoration of the site shall be implemented in accordance with the approved scheme.

- (17) Prior to development commencing on site, a risk assessment shall be submitted to and approved in writing by the Council identifying potential accident or emergency situations affecting the energy plant from either within the plant or an external source, for both construction and operational phases of the proposal.
- (18) Unless agreed in writing by the Council, or unless in an emergency, the conveyance and storage of biomass fuel feedstocks and post combustion residues shall be undercover at all times during the operation of the development.

- (19) The commissioning of the development shall not commence until a scheme for monitoring air quality, within an area to be prescribed by the Council and SEPA, is submitted to and approved in writing. The scheme shall include measurement location(s) within the relevant areas from which air quality will be monitored, the equipment and methods to be used and frequency of measurements, not less than 12 months prior to the commissioning of the development and for measurements to be undertaken continuously thereafter until plant decommissioning.
- (20) Development shall not commence until evidence has been provided to demonstrate that there will be no exceedences of the National Air Quality Strategy S02 objectives. The methodology shall be agreed with the Council and SEPA and shall include air dispersion modelling and ambient monitoring of baseline conditions. Where the assessment predicts an exceedence of any of the LAQM national air quality objectives for S02, the applicant shall provide a scheme for mitigating their impacts for approval by the Council and SEPA and thereafter implemented in accordance with said details.
- (21) Prior to commissioning of the development an updated CHP Feasibility Review assessing potential commercial opportunities for the use of heat from the development shall be submitted to and approved in writing by the Council. This shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development and for the provision of subsequent reviews of such commercial opportunities as necessary. Where viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site shall be submitted to and approved in writing by the Council. Any plant and pipework installed to the boundary of the site to enable the use of heat shall be installed in accordance with the agreed details.
- (22) Commissioning of the development shall not take place until sufficient plant and pipework has been installed to ensure that there are no barriers to the future supply of heat to the boundary of the site under Condition 21 at a later date if opportunities to do so are identified.
- (23) Commencement of the development shall not take place until a scheme for informing the local community about the progress of the development has been submitted to and approved in writing. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

**Reason(s):**

- (1) To ensure work commences within a reasonable time period.
- (2,16) To ensure that the buildings are removed and the site is properly restored in the interests of visual amenity.
- (3) To enable the Council to fully consider these details and to exercise reasonable and proper control over the design and appearance of the development.

- (4) To ensure compliance with commitments made in the extant application.
- (5,8) To ensure the development does not cause unreasonable congestion within the surrounding urban road network and in particular at the M6 off ramp, junction 6, during construction and operation.
- (6-7) To ensure that only certified biomass fuel stocks are used and to ensure that the plant operates according to sound sustainable principles and policies.
- (9-12) To ensure the ground is suitable for the proposed development.
- (13,14) To ensure the site is adequately mitigated against the risk of flooding.
- (15) To ensure that only certified biomass fuel stocks are used and to ensure the plant operates according to sound sustainable principles and policies.
- (17) To ensure that the development is adequately risk assessed.
- (18) In the interest of visual amenity.
- (19) To protect air quality.
- (20) To protect public health in respect of sulphur dioxide.
- (21-22) To ensure that medium and low grade heat is available for use to the benefit of the local domestic, commercial and industrial users when the demand arises.
- (23) To ensure that the local community is informed about the progress of the development.

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**Pp Director of Development Services**

**Date:** 19 January 2011

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Scoping Statement, December 2009
5. Participation Strategy, February 2009
6. Scoping Statement, March 2010
7. Application Main Documents
8. Environmental Statement, Volume 1 -Technical Summary

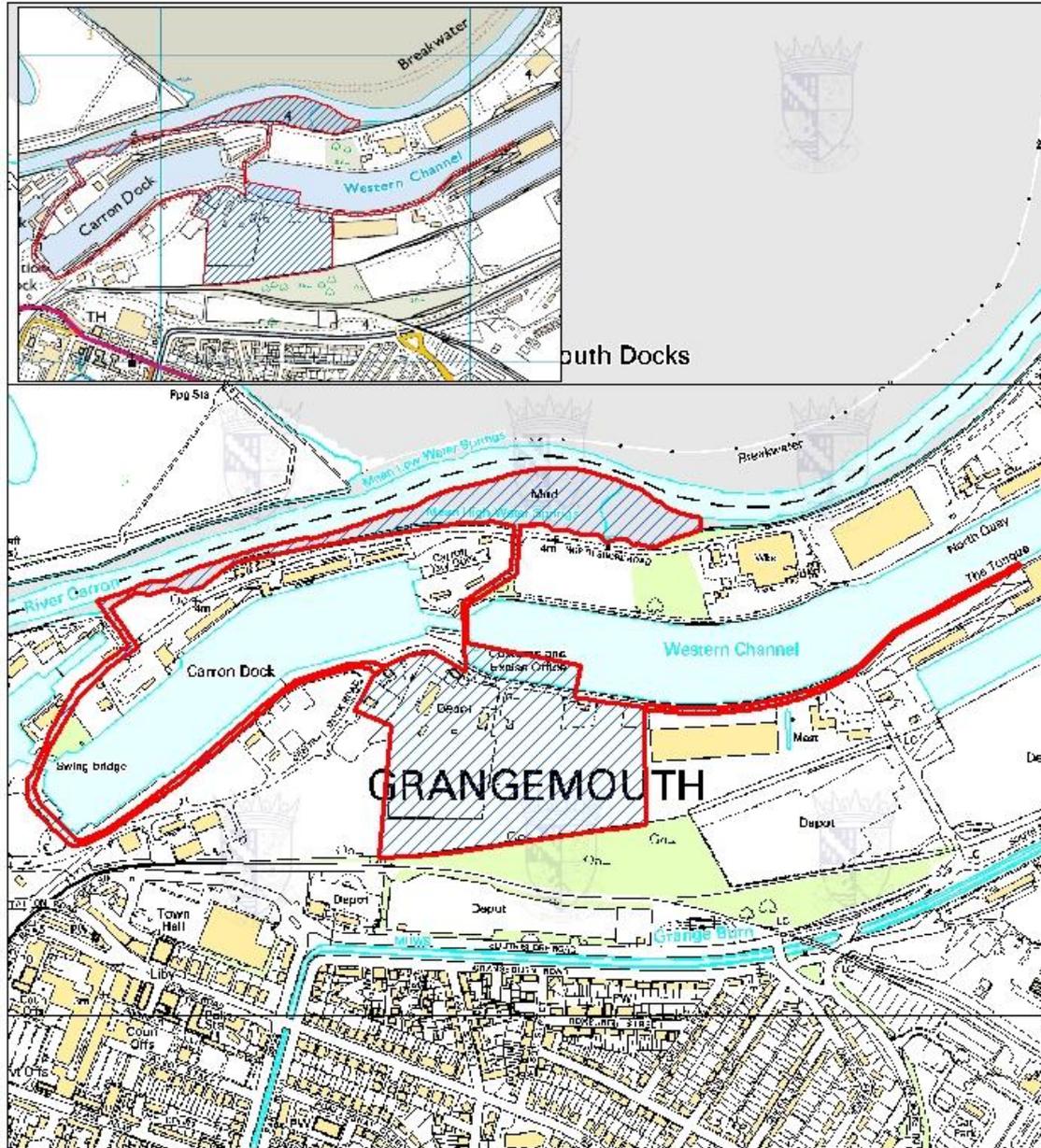
9. Environmental Statement, Volume 2 - Main Text
10. Environmental Statement, Volume 3 - Appendices
11. Environmental Statement, Volume 4 - Transport
12. Environmental Statement, Volume 5 - Figures
13. Supplementary Information
14. Letter of objection from Grangemouth Community Council dated 27 November 2010

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

# Planning Committee

## Planning Application Location Plan **ENQ/2010/0408**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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