

Issue 15	Waste Management & Binn Eco Park	
Development plan reference:	Policy 34: Waste Management Infrastructure, page 56-58 Policy 35: Management of Inert and Construction Waste, page 58 Binn Farm, page 128	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Scottish Government (0451) Royal Society for the Protection of Birds (RSPB) (0546) Binn Group (0741) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Policies relating to Waste Management Infrastructure, Management of Inert and Construction Waste. Issues relating to the potential for expansion at the Binn Farm waste management site	
Planning authority's summary of the representation(s):		
<u>Policy 34: Waste Management Infrastructure</u> SEPA (0742/01/007): Support for Policy 34 Waste Management Infrastructure. We support the clear approach taken in the proposed Waste Management policies including the commitment to the waste hierarchy and reference to circular economy along with commitment to safeguard existing waste management sites for expansion. We support the identification of waste management sites on the settlement maps. We consider that this approach is consistent with Scottish Planning Policy, paragraph 178; TAYplan Policy 7; SEPA guidance regarding sustainable management of waste; and will support the delivery of the Scottish Government's Zero Waste Strategy targets and ambitions (CD113). SNH (0353/04/001): Following the completion of the Habitats Regulations Assessment (HRA) SNH have updated their holding representation to now recommend amendments to the Proposed Plan in line with the outcomes of the HRA and Appropriate Assessment. Policy 34 should reflect the outcome of the Habitats Regulations Appraisal (Table 8.1, pages 144-145) Scottish Government (0451/01/013): Amend the reference to the Environmental Statement at the start of middle paragraph on page 58 to refer to Environmental Impact Assessment (EIA) report to accord with the 2017 EIA Regulations (CD028), which change the terminology from Environmental Statements to Environmental Impact Assessments RSPB (0546/01/008): Replace 'Environmental Statement' with 'Environmental Impact Assessment (EIA) report' to reflect the terminology used in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, which use the term 'EIA report' instead of the previously used terms of 'Environmental Statement'. RSPB (0546/01/028): Object that the policy does not set out that supplementary guidance		

will be provided on the use of financial mechanisms for site restoration in relation to waste management sites and other large development sites. Reference is made to the guidance produced by East Ayrshire Council in respect of financial guarantees. The guidance will help to ensure that there are robust procedures for ensuring financial guarantees are appropriately quantified and monitoring to minimise financial and legal risks to the Council as well as risks to the environment and communities. Reference is also made to compliance monitoring of major development and results are reported to the planning committee and published on the Council website.

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008): Support for Policy 35 Management of Inert and Construction Waste. We support the policy commitment with regards recycling and processing of inert and construction waste as we consider that this approach is consistent with Scottish Planning Policy; SEPA guidance regarding sustainable management of waste; and will support the delivery of the Scottish Government's Zero Waste Strategy targets and ambitions.

Binn Eco Park

Binn Group (0741/01/001): Extend settlement boundary to expand the physical size and range of uses and types of processes undertaken at the Ecopark (sites E295 & E429). These include facilities for research and development into new technologies and the development of processes relating to zero waste and the circular economy. Representation includes a map (Fig 1) that shows the existing boundary and the suggested boundary enlargement.

- Proposed Plan policies are supportive of both employment and economic growth at Binn Ecopark, with the benefits of clustering waste industries and complementary / downstream industries
- The existing designation has potential for expansion both in terms of physical size and range of uses and types of processes undertaken
- Masterplan submitted that shows present and future land uses; infrastructure; access; landscaping and biodiversity. Masterplan provides development framework for business growth and land use aspirations at the site
- Existing uses include former landfill site (landfilling ceased 2014) now under remediation; anaerobic digestion facility; two materials recycling facilities; and a solid recovered fuel facility and waste wood fuel processing and storage
- The suggested extension land is currently farm land on Binn Farm situated within the topographic bowl of the Binn Burn Glen.
- The existing land and suggested extension is an area of approximately 210 ha
- Uses consented but still to be implemented include an energy from waste facility; and a wind farm of four turbines
- Much of the suggested extension land was included in an in principle consent for the development of 114 ha of heated and unheated polytunnels for sustainable food production (13/02084/IPM – now lapsed). This land would be used for sustainable food and second-generation bio-fuel production
- Proposed uses include energy from waste plant; sustainable food production; renewable energy production; education, training and research facility accommodated through conversion or addition to former farm buildings; and biodiversity and habitat creation and enhancement
- The site would increasingly use advanced sustainable drainage systems
- An important element of the masterplan would be a land allocation for Resource

Management and associated Circular Economy and clean technology developments, including carbon capture and utilisation, which would include complementary Class 4, 5 and 6 business uses

- Representation assesses the environmental impact of the suggested extension

Modifications sought by those submitting representations:

Policy 34: Waste Management Infrastructure

SEPA (0742/01/007): No specific modification is sought.

SNH (0353/04/001): In order to ensure no adverse impacts on the integrity of the European sites as a result of development under Policy 34 as a whole, it is recommended that the following text is added to the end of Policies 34A and 34B on page 58 of the Proposed Plan:

‘Development proposals for existing and new waste management infrastructure will only be approved where they will not result in adverse effects, either individually or in combination, on the integrity of the River Tay SAC and Loch Leven SPA.’

Scottish Government (0451/01/013); RSPB (0546/01/008): Replace ‘Environmental Statement’ with ‘Environmental Impact Assessment (EIA) report’

RSPB (0546/01/028): Amend policy 34 to incorporate a reference to the provision of separate supplementary guidance on the use of financial mechanisms for site restoration in relation to waste management sites (and other large development sites).

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008): No specific modification is sought.

Binn Eco Park

Binn Group (0741/01/001): Change settlement boundary to accommodate an extension to Binn Farm that will expand the physical size and range of uses and types of processes undertaken at the Ecopark.

Summary of responses (including reasons) by planning authority:

Policy 34: Waste Management Infrastructure

SEPA (0742/01/007): Support only, no response is necessary

SNH (0353/04/001): It is considered that amending Policy 34 to incorporate the mitigation measures as set out in Table 8.1 of the Appropriate Assessment (refer to AA document), and detailed in the previous section, would provide greater clarity and transparency for applicants as to which settlements and in what circumstances the provisions of the Plan’s Policy 36A: International Nature Conservation Sites (refer to policy 36A) will apply for proposals arising under these policies. It would also set out what will be expected of them in making a planning application.

No modification is proposed to the Plan, however if the Reporter is so minded the

suggested additional text by the respondent should be added to Policy 34 as detailed in the 'Modifications Sought' section.

Scottish Government (0451/01/013); RSPB (0546/01/008): In terms of the request to replace the phrase 'Environmental Statement' with 'Environmental Impact Assessment (EIA) report', the Council agrees with the respondents' suggestion and suggests to the reporter that this may be a non-notifiable modification to the Plan that the Council could make prior to the Plan's adoption, instead of making this issue part of the LDP examination.

No modification is proposed to the Plan.

RSPB (0546/01/028): Turning to the use of financial mechanisms for site restoration in relation to waste management sites, Policy 34 specifically requires appropriate restoration, aftercare and after-use proposals to be agreed in advance, and the policy provides for financial mechanisms for site restoration. The Council considers this wording to be sufficient for the determination of planning applications. The matter of restoration can be addressed to the extent RSPB require when assessing the development proposal.

No modification is proposed to the Plan. However should the reporter be considering accepting RSPB's recommendation to amend the policy to incorporate a reference to separate supplementary guidance, the planning authority would be comfortable in accepting this suggestion. Supplementary guidance could be prepared that encompasses a wider range of financial guarantees than bonds alone. In respect of the comments on regular reporting of compliance monitoring and reviews of financial guarantees, these are good suggestions and can be implemented without requiring modifications to the Plan.

Policy 35: Management of Inert and Construction Waste

SEPA (0742/01/008): Support only, no response is necessary

Binn Eco Park: Development Plan Policy

Binn Group (0741/01/001): Although not specifically set out as a Proposal in the Plan, the suggested expansion of the Ecopark at Binn Farm has policy support both from TAYplan and the Proposed Plan and the suggested site is located at an existing waste management site identified in the Plan.

TAYplan (CD022) policy 7 Energy, Waste and Resources states that LDPs should identify areas that are suitable for different forms of energy, waste and resource management and policy to support this. The policy provides a definition for energy, Waste and resource management infrastructure that encompasses the uses suggested by the respondent. Part D of the policy sets out a range of ten criteria (i – x) against which development proposals are assessed. The explanatory notes that accompany the policy confirm that the provision of low carbon and zero waste infrastructure and the principles of a circular economy are essential and the issue is not about whether infrastructure is needed, but instead about ensuring it is delivered in the most appropriate locations.

In the Proposed LDP, Policy 8 Rural Business and Diversification offers support to the expansion of new businesses outwith settlements where they are related to an existing site-specific resource or opportunity and sets out a range of nine criteria (a – i) against which proposals are assessed. Policy 31 supports proposals for the utilisation, distribution

and development of renewable and low-carbon sources of energy, subject to identified criteria.

Policies 34 and 35 support identified waste management sites and encourages facilities at those locations for research and development of new technologies and processes relating to zero waste and the circular economy. There is a particular emphasis on encouraging clustering of processes that need materials arising from other processes or that require co-location with other facilities to bring synergistic benefits. The policy sets out a range of 12 criteria (a-l) against which infrastructure proposals will be assessed, including the need for Environmental Information sufficient that the environmental impacts of the construction and operation of the process may be assessed and mitigation provided. Supplementary Guidance on Zero Waste has been prepared in support of policy 34.

Binn Eco Park: Existing area, range of uses and types of processes

Binn Ecopark currently operates wholly within the settlement boundary identified on the Proposals Map. This proposed boundary has been drawn to reflect the existing planning consents and is the same as the settlement boundary identified in the Adopted LDP.

The Ecopark started with consent for a landfill site (that is now closed); and planning permission has been granted on a case-by-case basis for a range of complementary processes, some employing novel technologies. These include generating energy from recovered landfill gases; two material reclamation facilities; an anaerobic digestion facility for food waste; in-vessel and green waste composting; a residual waste solid recovered fuel facility and an area for storing and processing waste wood.

For each of these uses and processes, an application for planning permission was accompanied by Environmental Information that was used in the determination of the application. There are also two further planning applications that have been submitted but not yet determined

18/00689/FLL Erection of plastics processing facility and associated works at Waste Recycling Centre, Binn Farm, Glenfarg, Perth, PH2 9PX, for PI Polymer Recycling Ltd

18/00865/FLL Erection of four wind turbines and ancillary infrastructure at Binn Eco Park Wind Farm, Glenfarg

Development of the existing range of uses and types of processes has taken place over approximately 25 years and in addition to its physical development, a body of industry knowledge and expertise in innovation has grown at the site. This has led the respondent to suggest that continued operations and future expansion ought to be best informed by a masterplan, especially in light of the large body of Environmental Information that has already been gathered and assessed in respect of the site. Much of the Environmental Information that would be needed to assess a suggested expansion at the site is already known.

Binn Eco Park: LDP1 Examination

At the LDP1 examination, the reporter considered the issue of whether that Proposed Plan (2012) contained enough information about Binn Farm for the Plan to appropriately and accurately shape future development at the site (see CD015 Issue 18: Environmental Protection and Public Safety). The reporter agreed with the Council's suggestion that a

masterplan by way of supplementary guidance could be developed for the site to address these concerns. It ‘...at a minimum will:

- justify the site boundaries;
- identify the uses to be accommodated on the site and the processes and technologies to be accommodated;
- identify the impacts on the environment and any appropriate mitigation necessary
- hours of working
- address the array of consequential traffic matters and explain how these will be dealt with.’

Binn Eco Park: LDP2 Main Issues Report

The suggestion to expand the area, range of uses and types of processes was discussed in the Main Issues Report (sections 4.2.16-20). The MIR sought views on whether the size and scope of activities at the Ecopark should be expanded. The Council’s preferred option was that it should be expanded, but ‘...to be consistent with the findings of the LDP examination, a masterplan should be drawn up by the landowner and consulted on before the Proposed Plan’ and this has not happened.

Instead the respondent submitted the Masterplan in response to the Proposed Plan without carrying out public consultation.

Binn Eco Park: Suggested area, range of uses and types of processes

Turning to the range of uses and types of processes that the respondent suggests would be undertaken at an expanded Ecopark, an outline masterplan has been prepared by Binn Group that sets out some background and history of the site; provides a map showing the suggested development of the Ecopark; and identifies some likely environmental effects of the suggested expansion including an assessment of the likely scale of the impact and necessary mitigation. Reference is made to existing Environmental Information gathered and assessed in determining previous planning applications at the site. The masterplan also emphasises that in addition to resource management, renewable energy and food production businesses, the Ecopark would function as a research, education and training facility that would develop the circular economy and clean technology industries.

The nature of the masterplan does not allow full consideration of the environmental impact of prospective operation on the site. This is in part understandable as this industry is rapidly evolving and many of the technologies which may be utilised are yet to be developed. As a result it would not be possible to conduct a comprehensive SEA of the masterplan as it stands. The masterplan envisages that planning applications for the various uses and processes not already consented at the site will be accompanied by full Environmental Information at that time to support their determination. It is acknowledged that this may be the only practical way forward.

LDP2 Proposed Plan response

The suggested expansion was discussed in the Main Issues Report because the principle of supporting the provision of low carbon and zero waste infrastructure and the principles of a circular economy have policy support from TAYplan. Binn Ecopark is developing demonstrator projects that support Tay Eco Valley, which is a partnership in the Tay Cities economic region of four local authorities, Scottish Enterprise, universities, colleges, Zero Waste Scotland and industry and features in the Tay Cities Deal. The Council set out its

preferred option at Main Issues Report stage, which was for a masterplan to be prepared to be consistent with the reporter's findings.

It is acknowledged that the Council already has a lot of Environmental Information available about the site that has been submitted in support of various planning applications at the site. Some of this information remains current but some of it (for example habitats surveys) will need work before it may be considered up to date. But the amount and quality of information about the site and the suggested expansion area is known.

As noted above the suggested masterplan does set out the suggested expanded area and it does state a range of uses and types of processes that could take place. But it does not set out in much detail what types of uses or processes would take place in the expansion area, and it does not set out the relationship between the processes (describing locational or synergistic benefits as required by the policy).

The Council would like to support the range of uses and types of processes suggested at an expanded Ecopark. And although not set out explicitly in the representation it is clear that while these processes could in theory be located independently of each other, there is a good co-locational reason why the materials recovery and recycling, heat generation and other processes should take place together at the Ecopark, subject to appropriate controls relating to environmental protection. There are existing sorting and recovery processes that in the future could be married with new technology and processes to use those outputs in a more efficient way to generate energy (or at least extract further value) and prevent those materials ending up as waste.

Synergistic benefits could be realised through the co-location of uses and processes that facilitate the treatment of waste material since in that industry the outputs of one process are frequently valuable as an input to another complementary process and maximum value is realised when these are used at the point at which they are produced.

There is policy support for the suggested amendment to the Plan however the Environmental Information that is required to support a full assessment of an expanded settlement boundary is not in the representation. Instead the respondent plans to submit up to date supporting information with each planning application.

The Council considers that there is value in the respondent's suggested amendment to the Plan however considers the best way to shape future development at the Ecopark would be in the form of a masterplan; and the Plan already contains criteria to be addressed in the masterplan on page 128.

No modification is proposed to the Plan.

Reporter's conclusions:
Reporter's recommendations: