**Notes on the Planning Application for Installation of an Anaerobic Digester Facility for the Production of Biomethane**

The following document contains a series of notes based upon discussions chaired by the Kippen Community Council and in correspondence with a planning expert. These notes should be used to inform, not copied, any letter that you may wish to use in support or objection to the planning application.

The main documents that this application will be assessed against are:

The Zero Waste Plan for Scotland. (ZWP) particularly Annex B

<https://www.gov.scot/publications/scotlands-zero-waste-plan/pages/8/>

The Stirling Local Development Plan 2018 (SLDP)

<https://stirling.gov.uk/media/21012/2018-main-report.pdf>

These abbreviations are used throughout this document. If quoting these documents in any objection, please use the full title of it in the first instance with the abbreviation in brackets after which the abbreviation can be used.

The material considerations which are issues that can be raised are grouped around policies in both of these documents under different topics. Issues which should not be included are at the end of this document.

**The Proximity Principle and Locational Criteria**

The proposed Anaerobic Digester will primarily use waste from Graham’s Dairy at Cowdenbeath about 30 miles away. The resulting methane energy will not be used on site at Mains de Boquhan but the vast majority used as a fuel to transport the waste whey from Cowdenbeath, with any excess being used back at the Cowdenbeath Dairy via a cleaning hub at Airthray in Stirling.

This proposal does not meet any of the locational criteria in the ZWP Annex B,” the Proximity Principle” (in both the European Waste Directive and the ZWP) and Policy 6.1 “The Provision and Safeguarding of Waste Management Infrastructure criteria a (i-iv)”, that waste should be treated close to its source. The methane, a source of fuel, is simply being used to transport waste a significant distance rather than being used on site.

The use of the methane as a fuel will not sequester carbon, as this is released through the exhaust fumes. Therefore, due to the proposal failing the proximity principle, the proposal is also contrary to “Primary Policy 4 Greenhouse Gas Reduction” of the SLDP, because whilst a renewable fuel is being produced, the proposal is not in a sustainable location. (meets “criteria d” but does not meet “criteria a” of that policy)

Because the proposal is not co located with a use for the fuel on site, and only as a significant transport fuel which will lose carbon dioxide via exhaust fumes, the proposal is contrary to the general principles of “Policy 4.3 Heat Generation” of the SLDP.

In order to meet Policies 4 and 4.3 and 6.1, more details are required around the decarbonisation claims of the application; how carbon would be sequestered and how the proposal meets the policies.

**Air Quality, Bio-aerosols and Public Health**

No report has been provided on Odour and Air Quality. This could significantly impact on the immediate area.

In addition, within 250m of the AD plant and adjacent to the proposed internal access road within the site are two residential properties and three small businesses (all buildings are owned by Grahams and leased to third parties). These properties would be considered *sensitive receptors* and SEPA and Public Health must be made aware of their existence, so the location of these receptors, so close to the plant, can be taken into account when responding to this application. Moreover, their views must be taken into account when this application is determined.

It is of concern that in the Flood Risk Assessment in relation to surface water management in paragraph 5.2.5 the site is regarded as a light industrial site and therefore a low pollution risk. It is not. It is a **waste site** with a subsequent high risk of polluting water courses unless there is a “clean floor regime” and proper bunding of plant. The storage of both feedstock and digestate seems to be inadequate and there are concerns that there could be leakage of hazardous materials into the surface runoff drains and into the watercourse causing a risk to public health. The notion of this site being an industrial one rather than a waste site with potential effects off site is a theme carried throughout the application and is of concern.

More information is required to ensure that this does not cause a public health risk.

**Flood Risk and Surface Water Arrangements**

It is acknowledged in the accompanying Flood Risk Assessment (FRA) that part of the application site lies within the Functional Floodplain. This land is currently grazing land. The part of the development that sits on the floodplain is the Digestate storage, if this leaks into the nearby watercourse, then it runs a risk to public health.

The area within the functional floodplain does not appear to be 10m sq. either as stated in the FRA, but considerably larger according to SEPA flood maps. No development should be proposed in the functional floodplain. In its current form this application is not in conformity with “Primacy Policy 5 Flood Risk Management of the SLDP criteria b” which states that the functional floodplain will be safeguarded from development.

A sustainable urban drainage scheme has been included with this application. However, the flood alleviation area is located outside the application area. This means that the application is incapable of being implemented in its current form. It should be noted that if the flood alleviation pond area had been included in the application, then it’s area would be greater than 2ha and be considered a major application.

In addition, it is noted that the geological records show that the land has poor permeability in which case, it is recommended that the alleviation pond has a volume of 2x the rainfall i.e. twice the size of that proposed to allow for two climatic events in succession to allow water to drain away naturally.

Given that the alleviation pond has been incorrectly sized and moreover is not in the application area, this present application must be withdrawn, the correct area stated and categorised accordingly.

This application, given that the alleviation pond is not of an adequate size and not included in the application area, is not in conformity with “Primary Policy 5 criteria d” of the SLDP.

**Highways and Access**

The A811 in this spot has been subject to many accidents and near misses. It is a fast road. It should be noted that previous planning applications at Birkenwood and Fordhead Farms have been turned down based on the planning policy that an increase of more than 5% of traffic turning onto or off the A811 would be unacceptable.

The current access is unsuitable for HGV access. The turning radii are too small to allow an HGV to turn without crossing the other carriageway. The transport statement states it is 10.5m when it should be 12.5m. Therefore, it is inexplicable that whilst improvements to the access are proposed, the turning radii are not proposed to be increased allowing more HGV in an already dangerous situation.

The presence of the other users of this access should also be noted. As previously stated, there are 3 other businesses and two residences who use the access. It is proposed that the access will be configured for HGV to be only allowed to turn left. This may be convenient for the dairy but not other users and lead to dangerous turning, especially since the next roundabout to the east is 7 miles away!

This application is not in conformity with the draft supplementary guidance Transport and Access for New Development and Policy 1.1 Site Planning criteria a and e and Policy 3.1 Addressing the Travel Demands of New Development criteria a and b of the SLDP.

**Biodiversity**

It is noted that an ecological appraisal has been submitted with this application. However, the survey area is confined to the application area only. This is insufficient and therefore the application has not thoroughly investigated the potential biodiversity impact close to the application site. In particular 2 waterways just to the east and south have not been included in the study although shown in the Flood Risk Assessment. They are clearly of ecological merit. It should be noted that Otter and Beaver amongst other potential species have been spotted in the wider local area.

This application is therefore not in conformity with “Primary Policy 8 Conservation and Enhancement of Biodiversity criteria d” and “Policy 8.1 Biodiversity Duty 8.1 criteria a”.

Flanders Moss Special Area of Conservation lies approximately 3 km to the west of the proposal. It is designated for its active raised bog bed raised bog capable of regeneration, being the largest raised bog in the UK. Amongst its features are lichens and bryophytes on woodland in the east of the site, both of which are very susceptible to changes in air quality. According to the Air Pollution information System ( APIS)

<http://www.apis.ac.uk/> Flanders Moss already exceeds the Critical Load for deposition on the ground i.e. that which can affect plant viability. This means that additional Nox and other pollutants could add to the excess and be detrimental to the features of the Flanders Moss SAC. A development such as this ( and slurry ponds and others in the pipeline already  ) can give rise to additional air quality issues .

Further work is therefore needed and in the very least a Habitat Regulations stage 1 assessment made to be certain that there would be certainty that there are no significant likely effects (LSE) from this proposal. If LSE cannot be ruled out, then a more detailed Stage 2 Habitat Regulation Assessment may need to be carried out.

It should be noted that a decision cannot be made until this assessment is carried out and it is certain there would be no adverse effects. It is highly recommended that Nature Scot is consulted on this proposal if they have not been already.

**Landscaping**

A landscape assessment has been submitted with this application. The proposal will bring an industrial development change to an area which is currently predominantly agricultural. This change should be mitigated against. The low bunds proposals are insufficient and require a greater landtake (out of the functional floodplain) to successfully mitigate the impacts. There is currently too great a reliance on vegetation which takes a long time to grow and is not always successful nor effective 12 months of the year.

There are no lighting proposals included with the application. This is an omission and should be submitted as part of the application and not by condition, because the necessary health and safety lighting requirements may be unacceptable in a dark sky area

**Things which are not material considerations.**

There is also a list of considerations that would not be considered as relevant: -

• Private interests such as, financial loss and impact on property values

• Loss of view

• Precedent

• Land ownership and construction related matters

• Personal circumstances of the applicant

• The perceived merits of another proposals or the same proposal on another site.