

Local Review Body

3 March 2010

Planning Application for Review

Alistair McIntyre

**Change of use of water storage tanks to green waste treatment station and construction of buildings to accommodate storage and composting operations:
Former Water Treatment Works, Langhill, Inverkip (09/0214/IC)**

Contents

- Planning Application, supporting statement, plans and relative correspondence (nb plans circulated separately)
- Consultation responses
- Letters of representation
- Report of handling dated 13 November 2009
- Decision notice dated 16 November 2009
- Letter dated 15 December 2009 from Canata and Seggie enclosing notice of review form, supporting statement and photographs
- Draft conditions

7 UNION STREET • GREENOCK • PA16 8JH • tel: 01475 784517 • fax: 01475 888344
1915/KWM/VAC

**INVERCLYDE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL & CONSERVATION
CATHCART HOUSE
6 CATHCART SQUARE
GREENOCK
PA15 1LS**

16th July 2009

Dear Sir(s),

PROPOSED GREEN WASTE TREATMENT STATION AT LANG HILL, INVERKIP.

With reference to the above, we attach Planning Application consisting of the following:

- ❖ 2 No. completed application forms.
- ❖ 4 No. copies of our drawing nos. 1915-003, 004, SK-001, SK-002, SK-003, SK-004 & Location Plan.
- ❖ 1 No. copy of the notification schedule.
- ❖ 1 No. cheque to the sum of £390.00 to cover the processing and advertisement charges.
- ❖ 1 No. copy of a supporting statement.

We trust that you find everything in order to allow you to process the application and look forward to hearing from you in due course.

Yours faithfully,



**MARCO REBECCHI ACIAT
DIRECTOR**

Copy to: Client



MAC

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e-mail: info@canseg.co.uk

web: www.canseg.co.uk

INTERIOR DESIGNERS • PROJECT MANAGERS • CDM CO-ORDINATORS

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Inverclyde council

Head of Planning Services
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

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Reference No. 09/0214/1C
Date of Receipt
Fee Paid £290.00 / £100.00
Date Fee Received 17:07:09
Date Valid
Receipt No. 155

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant Name <u>Alistair McIntyre</u> Address <u>Shieldhill Farm, Loch Thom Road, Inverkip</u> Postcode <u>PA16 9NB</u> Telephone Number [REDACTED]	Particulars of Agent (if any) acting on applicants behalf: Name <u>Conata & Seggie</u> Address <u>7 Union Street, Greenock</u> Postcode <u>PA16 8JH</u> Telephone Number <u>01475 784517</u> Profession <u>Chartered Architects</u>
---	--

see note 2

2. Description of Development <u>Proposed green waste treatment station</u> Site Location <u>Lang Hill, Inverkip</u> Site Area (hectares) <u>0.635 hectares</u> Number of dwellinghouses proposed <u>Nil</u> New gross floorspace (sq. metres) <u>N/A</u>

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Outline Permission <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Reserved Matters <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input checked="" type="checkbox"/>	(c) Tenant <input type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: Water Storage tanks

(b) Was the original building erected before 1st July 1948? Yes/ No

Has the original building been altered or extended Yes/ No

If yes, please indicate nature of alteration / extension and if possible approximate dates NIA

If the land / buildings are vacant, please state last known use NIA

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

- (a) Not Applicable (e) Number of existing on site parking places
- (b) New vehicular access proposed (f) Number of proposed on site parking places
- (c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking
- (d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

- (a) Not Applicable (c) Connection to existing public sewer
- (b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

- (a) Not Applicable (c) Existing private supply
- (b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

- (a) Not Applicable Refer to drawings.
- (b) Outside Walls Material.....
Colour.....
- (c) Roof Covering Material.....
Colour.....
- (d) Windows Material.....
Colour.....
- (e) Boundary Treatment Material.....
Colour.....

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes No

Are any trees/shrubs to be cleared on site?

Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£ 500,000.00.

see note 12

12. Confirmation

Signature of applicant/agent

(Conata & Seggie)

on behalf of Alistair McInture

Date 16/7/2009

see note 13

CERTIFICATES UNDER ARTICLE 8(8) OF THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURES)(SCOTLAND) ORDER 1992

Either certificate A or certificate B must be completed together with certificate E

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
.....
.....
.....

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATES C AND D

If the applicant/agent is unable to ascertain the names and addresses of any owners of the land to which the application relates and are therefore unable to complete either Certificate A or B they should contact Planning Services for details of the appropriate Certificate to complete and details of the necessary newspaper advertisement.

CERTIFICATE E (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

* Delete whichever is inappropriate

Signature of Applicant/Agent



(Carole & Seggie)

On behalf of Alistair McIntyre

Date 16th July 2009

see note 18

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

FOUR SETS OF PLANS

NEIGHBOUR NOTIFICATION CERTIFICATE

NEIGHBOUR NOTIFICATION PLAN

FEE (Where appropriate)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and County Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

1915/VC

**INVERCLYDE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL AND CONSERVATION
CATHCART HOUSE
6 CATHCART SQUARE
GREENOCK
PA15 1LS
FAO Guy Phillips**

13th July 2009

Dear Sir,

PROPOSED GREEN WASTE TREATMENT STATION AT LANG HILL INVERKIP
SUPPORTING STATEMENT

The intention of the above proposal is to provide a facility to treat up to a maximum of 20,000 tons per annum of green and kitchen waste.

The facility could handle all the green and kitchen waste produced within the Inverclyde District area. At present this waste is transported by road, at a considerable cost, a considerable distance to facilities out with the area. Further transport costs are incurred in bringing treated waste, in the form of compost, back into the district.

The transport of this waste produces a very large carbon footprint. In addition the treatment of the waste presently produces no employment within the District.

In discussions with Inverclyde Councils Environmental Services Department it was indicated that that there would possibly be significant logistical savings for the Council if this proposal were to go ahead and a Local Authority contract awarded to the operator.

The creation of this facility could greatly assist the Department by taking and treating a large part of the existing waste collection locally and converting it into a useful product that could be recycled and used locally on agricultural land, landscaped areas and restoration of brown field sites.

At present, Inverclyde District produces approximately 4,000 tons of green waste per annum. In addition in the region of a further 4,000 tons of kitchen waste could be added per annum. At present these wastes are collected separately. The opportunity to handle them by a combined collection system would represent a considerable saving in servicing costs.

The site was previously used as part of a water treatment facility and consists of two large underground reinforced concrete storage tanks. The form of these tanks is such that they are ideal for conversion into a



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totally enclosed and sealed treatment works, incorporating the latest computer controlled internal composting vessels that will ensure that the facility satisfies the SEPA PAS100 Standard.

The site is in the green belt, surrounded by rough grazing land and forestry and as such there would not be any potential problems with respect to neighbours.

There will be little visual intrusion by the proposal as the majority of the structure is below ground and the additions very much of an agricultural form in sympathy with the surrounding land use.

The intention is to recycle the excess heat produced by the composting process to heat green houses to allow potting plants to be grown very economically. These plants could be used locally by, for example, the Local Authority in planting up the District's landscaped areas, as opposed to importing plants from out with the area, or indeed the UK, at a much higher financial and carbon foot print costs.

When the site was used by Scottish Water the access and approach road to the site was used by articulated vehicles to deliver products such as lime, phosphate aluminium and chlorine gas to the treatment works and the removal of sludge from it by skip lorries.

These operations have now ceased but the road is still being used for forestry operations. Approximately 4,000 tonnes of timber per annum are removed by 20 ton plus lorry and drag combination vehicles. In addition the road infrastructure also serves local farms. These operations have been ongoing for many years.

The proposed waste treatment facility would be served by agricultural vehicles such as a Fastrak and suitable trailer, 20 ton lorry or in the case of the Local Authority by their existing refuse collection vehicles.

On the basis of 8,000 tons of waste the vehicular traffic generated would be as follows:

- 8,000 tons
- 225 days per working year
- Average lorry load 15 tons
- Equates to 2.1 deliveries per working day
- A further 1.5 loads per day of finished product (compost) taken off site
- Green waste loses 45% volume through moisture evaporation during the treatment

The volume of vehicular traffic generated by the proposal would therefore be similar to the present or previous situation and therefore have little significant additional impact.

In conclusion our client is of the firm opinion that the advantages to be gained by Inverclyde in having a local facility such as this will totally outweigh any potential disadvantages. It would be our client's intention, as a local businessman, if this Planning Application is granted, to work closely with the Local Authority to maximise the benefit to the local community.


We trust that this statement will be of assistance to you in determining the application.

Yours faithfully

V. A. CANATA. DIP ARCH. ARIAS. RIBA.

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M E M O R A N D U M

To:	James McColl Development Management	Date:	13 August 2009
From:	Fergus Macleod Planning Policy and Housing Manager	Our Ref:	C1.1/MP
	01475 712493	Your Ref:	09/0214/IC
Subject:	Change of use of water storage tanks to green waste treatment station		

Policy UT5 of the adopted Local Plan 2005 details the criteria that are required to be met when identifying suitable sites for waste management facilities.

Complying with the Glasgow and the Clyde Valley Waste Strategy would involve applying the Best Practicable Environmental Option where the development would provide the most benefits and the least environmental damage.

In terms of the Proximity Principle a waste treatment station would be a benefit to the area provided the waste came from within Inverclyde, ensuring it would be treated as close to the source as possible.

Direct local access routes would also reduce the number of vehicles going to and from the site and therefore reduce both the environmental impact and the adverse impact on residential amenity.

The site lies in the Green Belt just outside the boundary of Clyde Muirshiel Regional Park (CMRP) and the West Renfrew Hills Scenic Area. There is a water works on a similar sized site to the east which lies within the CMRP and West Renfrew Hills but it is screened to some extent on three sides by woodland planting.

It would be necessary to ensure that the location of the proposed development had no adverse impact on the landscape of this area through appropriate screening and taking cognisance of the design guidance given in SPP10 – Planning for Waste Management and in PAN63 – Waste Management Planning in relation to size, topography, materials, colour etc.

Other effects on the natural environment of the area from the operation of a waste treatment station would also have to be addressed to ensure there would be no adverse impact.

Conclusion

Presuming the proposed development would only serve local needs, thereby reducing the environmental impact of transporting materials and that it can be located, constructed and operated on the proposed site in such a way as to have no adverse impact on the landscape, the natural environment and the residential amenity, this development would be acceptable.



Our Ref: 09/0214/IC
Your Ref:
Date: 21st August 2009

Canata & Seggie
Chartered Architects
7 Union Street
Greenock
PA16 8JH

Environment & Community Protection

Corporate Director: Neil Graham

Municipal Buildings
Clyde Square
Greenock
PA15 1LY
Tel: 01475 712712
Fax: 01475 712731
neil.graham@inverclyde.gov.uk

Dear Sir/Madam

Town and Country Planning (Scotland) Act 1997

Town and Country Planning (Development Management Procedure)(Scotland)Regulations 2008

Application No: 09/0214/IC
Applicant: Alistair McIntyre
Proposals: Change of use of water storage tanks to green waste treatment station

Site: Former Water Treatment Works, Langhill, Inverkip

I refer to the above planning application which has a current status of Pending Consideration.

On 3 August 2009 new procedures for the processing of planning applications were introduced by the Scottish Government. The changes apply to all application not determined by that date.

Firstly, the types of applications that may be submitted has changed, and in some cases application types have been revised to comply with the new descriptions. You applied for a Full Planning Application.

Dependant upon the size of the proposal, all applications require to be categorised as national, major or local. Your application is categorised as Local Application Development

The category of application will determine how your application is processed by Inverclyde Council. While national and major applications will require to be considered by the Planning Board with the right of appeal to the Scottish Ministers against the refusal of permission or any conditions attached to a permission, the majority of local applications will be determined by myself under delegated powers. My decision to refuse permission or impose conditions attached to a permission may be appealed to the Local Review Body. The Local Review Body will consist of elected members of Inverclyde Council.

Should you wish to discuss the implications of the changes or require further detail, then please do not hesitate to contact the case officer James McColl on the below mentioned telephone number

Yours faithfully

F K Williamson
Head of Planning and Housing

Enquiries To: James McColl
Cathcart House, 6 Cathcart Square, Greenock, PA15 1LS
01475 712462

1915/VC

**INVERCLYDE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL & CONSERVATION
CATHCART HOUSE
6 CATHCART SQUARE
GREENOCK
PA15 1LS
FAO JAMES McCALL**

21st October 2009

Dear Sir(s),

PROPOSED GREEN WASTE TREATMENT STATION AT LANG HILL, INVERKIP.

With reference to the above and our meeting with you of the 19th October we attach 4No copies of the following revised drawings: 1915-001-Rev B, 002-Rev B, 003-Rev B and 004-Rev B.

As you will see we have reduced the height of the portal framed section by approximately two metres. In addition we have also reduced the height of the barrel vaulted roof light and removed entirely the glasshouses.

With regard to screen planting we are proposing to plant a mix of Beech and Birch trees that will relatively quickly reach a height of 8 – 10 metres. This will effectively screen the proposal from the housing developments at Inverkip.

We have a meeting arranged with Roads on Tues 27th Oct and will report the outcome of this as soon as we have the result of our endeavours.

We trust that you find everything in order meantime and look forward to hearing from you in due course.

Yours faithfully

V. A. CANATA. DIP ARCH. ARIAS. RIBA.

Copy to: Client



09/024/ic

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Our Ref: PCS/102460
Your Ref: 09/0214/IC

If telephoning ask for:
Alasdair Milne

26 August 2009

Director of Planning
Inverclyde Council
Cathcart House
6 Cathcart Square
GREENOCK
PA15 1LS

Dear Sir

Town and Country Planning (Scotland) Acts

Planning Application: 09/0214/IC

Change of use of water storage tanks to green waste treatment station at former waste water treatment works, Langhill, Inverkip

Alistair McIntyre

Thank you for your consultation letter of 4 August 2009, which SEPA received on 5 August 2009. Based on the information currently available to us we have **no objection in principle** to this planning application. Please note the advice provided below.

1. Sustainable Waste Management

- 1.2 We can confirm that the principle of the development accords with the idea of moving waste up the waste hierarchy away from landfill disposal. Green waste would most likely otherwise be disposed of to landfill. Providing the waste is locally sourced and meets with the proximity principle, the development would meet with sustainable waste management principles laid out in the National Waste Strategy: Scotland 1999.
- 1.3 The applicant intends to achieve PAS100 standard for the compost produced at the site. The applicant should be aware that to comply with the PAS 100 quality standard the material for composting must be source-segregated bio-degradable waste only (National Waste Plan section 4.4.3).
- 1.4 The National Waste Plan also recognises that there are valid uses for the outputs of waste composted that do *not* reach quality standards but appropriate regulatory controls under Waste Management Licensing from SEPA will apply.
- 1.5 The Glasgow and Clyde Valley Area Waste Plan (section 2.6.1.3) states that the Best Practicable Environmental Option (BPEO) significantly increases the amount of municipal solid waste to be recycled and composted. This planning application is therefore in line with the long term aim of the BPEO as the application is working towards a higher quality end product by securing PAS 100 accreditation.

2. Licensing/Permitting

- 2.1 Pre application discussions have been held between the applicant and SEPA with regard to licensing the composting facility. A Waste Management Licence or Pollution Prevention and Control Permit (depending on waste types and tonnages) would be required for the activity. The applicant is considering accepting Animal-by product waste at the proposed site.

- 2.2 Composting processes such as this *may* give rise to odours. Whilst the proposed site is fairly isolated, any environmental licence issued for this site would contain condition(s) to control odour.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage.

3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice for applicant can be found at www.sepa.org.uk For further information please contact your local SEPA office at:

5 Redwood Crescent, Peel Park, East Kilbride, G74 5PP, tel 01355 574200

If you have any queries relating to this letter, please contact me on 01355 575665 or e-mail at alasdair.milne@sepa.org.uk

Yours faithfully

Alasdair Milne
Senior Planning Officer
Planning Service

Copy to:

Canata & Seggie
7 Union Street
Greenock
PA15 8JH



Scottish Natural Heritage

All of nature for all of Scotland

Mr James McColl
Cathcart House
6 Cathcart Square
Greenock
PA15 1LS

20 August 2009

Our Ref: CNS/DC/I

Your Ref: 09/0214/IC

Dear Mr McColl

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
CHANGE OF USE OF WATER STORAGE TANKS TO GREEN WASTE
TREATMENT STATION AT FORMER WATER TREATMENT WORKS,
LANGHILL, INVERKIP, GRID REF: NS221178**

Thank you for letter of 4th August 2009 consulting Scottish Natural Heritage on the above proposal. I hope that you will find the following comments to be of use.

SNH POSITION

This development has possible impacts upon protected species, however there is currently insufficient survey information to assess these impacts. SNH therefore reserves its position until such time as this information becomes available.

Designated sites

The closest designated site to the proposed works is the Renfrewshire Heights Special Protection Area (SPA) which is internationally important for its breeding population of hen harriers. This site is also designated as a Site of Special Scientific Interest (SSSI) for the same reason and lies approximately 740 metres from the former water treatment works.

The nature of the proposal site, its very limited area and its distance from hen harrier habitat within the SPA, mean it is very unlikely to be used by hen harriers. Therefore SNH are of the opinion that the SPA does not require any further consideration with regards to this proposal. SNH would however like to draw your attention to the potential for impacts upon European Protected Species and other species:

.../2



C191561

Scottish Natural Heritage, Caspian House, 2 Mariner Court, Clydebank, G81 2NR

Tel 0141 951 4488 Fax: 0141 951 8948 www.snh.org.uk

European Protected Species

Some species are listed for special protection as European Protected Species (EPS) on Annex IV of the EC Habitats Directive (92/43/EEC). This means it is illegal to:

- deliberately or recklessly capture, disturb, injure or kill a European Protected Species of animal;
- damage or destroy the breeding sites or resting places of such animal.

Where it is proposed to carry out works which will disturb EPS or their places of rest or shelter, whether or not they are present in these refuges at the time, a licence must first be acquired from the Scottish Government. Further information with regards to the legal implications of EPS can be found in Annex 1.

Bats

All UK species of bat are listed as EPS. Bats may roost in mature trees, particularly those with cracks, holes, or thick ivy. If any such trees could be felled or cut back, they should first be surveyed for use by bats. An initial survey to assess the potential for bat roosting can be undertaken at any time of year (best outwith summer). However if there is potential, then this needs to be combined with or followed up by a bat emergence survey, which should be performed during the season when bats are active (typically mid-May to late Aug).

Otters

Otters are also listed as EPS. The proposal involves removal of scrub at the site which could potentially provide a resting place for otters. Given the position of the proposal site in the landscape, and that the nearest watercourse is around 230 metres away, SNH are of the opinion that it is unlikely that otters would be using the site. Nevertheless, it would be prudent to ensure that the chosen badger surveyor (see below) has the necessary experience to identify any evidence of otters.

Suitably qualified surveyors should be engaged, and survey report(s) should determine any necessary mitigation and/or licensing requirements for bats and otters. Such mitigation should be incorporated into the proposals. SNH would be happy to advise further on the findings of any surveys undertaken.

Scottish Government advice regarding European Directives has emphasised that surveys and consideration of European Protected Species must be included as part of the planning application process. A consent issued without due consideration of EPS could potentially result in a breach of the UK Habitats Regulations.

.../3

Breeding birds

Protection for all wild bird species was significantly increased by the Nature Conservation (Scotland) Act 2004. It is now a criminal offence to deliberately or recklessly:

- take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built;
- obstruct or prevent any wild bird from using its nest.

The proposed works involve the clearance of trees and shrubs which have the potential to support breeding birds. SNH would recommend that any vegetation clearance works be undertaken outside of the breeding bird season (March to July inclusive). SNH advises that vegetation clearance works should only be undertaken during the bird breeding season if preceded by a survey to establish whether any active nests are in fact present. If birds are found to be breeding in the vegetation to be removed, steps must be taken to avoid such disturbance as doing otherwise could result in an offence being committed.

Badgers

Badgers are protected in Britain by the Protection of Badgers Act 1992 as amended by the Nature Conservation (Scotland) Act 2004. This makes it an offence to:

- deliberately kill, injure or capture a badger, or to attempt to do so;
- destroy, damage or obstruct access to a badger sett;
- disturb a badger while it is occupying a sett.

Badgers have been recorded in the local area. Although we have not visited the site, it appears to provide suitable badger habitat. As trees and part of the embankment are to be removed from the site, in addition to the building works involved, there is the potential to disturb badgers occupying a sett or cause damage to a sett. Therefore a survey should be performed to assess any use of the site by badgers.

Suitably qualified surveyors should be engaged, and the survey report should determine any necessary mitigation and/or licensing requirements. SNH would be happy to advise further on the findings of any surveys undertaken.

Unlike EPS, it is in practice acceptable for the survey to be stipulated in a suspensive planning condition. However, because the presence of a badger sett could potentially require modification to the proposals, it is in the interest of all parties for the survey to be undertaken before the application is determined.

.../4

Other natural heritage interests

In accordance with our Service Level Statement (SLS) issued to local authorities in summer 2008, our consultation responses are now focused on statutory interests (nationally designated sites and protected species). SNH acknowledge that the proposal involves other direct or potential impacts on non-statutory interests, including effects on landscape character. These should be addressed in the context of the relevant Local Plan policies.

I hope that this is sufficient to your requirements, however should you have any queries with regard to the above please do not hesitate to contact me.

Kind regards

VIKKI PATTON
Area Officer
Strathclyde & Ayrshire

Encs

EUROPEAN PROTECTED SPECIES: LEGAL POSITION

The Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 provide full protection for certain animal and plant species. Some of these species are further protected as 'European Protected Species' under Regulations 39 and 43 of The Conservation (Natural Habitats &c.) Regulations 1994 and Regulations 10 and 13 of The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004.

This means it is illegal to:

- Deliberately or recklessly capture or kill a European Protected Species of animal
- Deliberately or recklessly disturb any such animal
- Damage or destroy the breeding sites or resting places of such animals

Where it is proposed to carry out works, which will affect European Protected Species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the licensing authority (in this case likely to be Scottish Government). It is strongly advised that you refer to the Scottish Government information on the current interim licensing arrangements, which can be found in the document *European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements*, (October 2001) before applying for a licence. Copies of this are available at <http://www.scotland.gov.uk/library3/environment/epsg-00.asp> or by writing to the Landscape and Habitats Division, Scottish Government Rural Directorate, Room GH 93, Victoria Quay, Edinburgh, EH6 6QQ or by telephoning 0131 244 7140.

As highlighted in the Interim Guidance, 3 tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats &c.) Regulations 1994 or Regulation 14 of The Conservation (Natural Habitats &c.) Amendment (Scotland) Regulations 2004 to permit otherwise prohibited acts. An application for a licence will fail unless all of the 3 tests are satisfied.

Three tests as detailed in the Conservation Regulations.

The 3 tests which need to be applied in such cases, by both the planning authority when determining planning permission and the Scottish Government when considering a licence to allow damage or disturbance are as follows:

- Test 1 - The licence application must demonstrably relate to one of the purposes specified in Regulation 44(2). For development proposals, the relevant purpose is likely to be (e) for which Scottish Government is currently the licensing authority. This regulation states that licences may be granted by the Scottish Government only for the purpose of *"preserving public health or public safety or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."*
- Test 2 - Regulation 44(3)(a) states that a licence may not be granted unless the Scottish Government is satisfied *"that there is no satisfactory alternative"*.

- Test 3 - Regulation 44(3)(b) states that the Scottish Government cannot issue a licence unless it is satisfied that the action proposed "*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*" (the Scottish Government will, however, seek the expert advice of Scottish Natural Heritage on this matter).

Consideration of European Protected Species must be included as part of the planning application process, not as an issue to be dealt with at a later stage. Any planning consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously.



09/0214/IC
GMC

19 HARBOURSIDE,
KIP MARINA VILLAGE,
INVERKIP,
INVERCLYDE,
PA16 0BF.

MR. J. Mc COLL,
PLANNING and HOUSING,
CATHCART HOUSE,
6 CATHACRT SQUARE
GREENOCK. PA15 1LS.

24th SEPTEMBER 2009.

Dear Mr. McColl,

PLANNING APPLICATION 09/0214/IC

Regarding our telephone conversation of today, thank you for taking time to provide me with further information on the above planning application.

In the interest of clarity let me note my understanding from our conversation.

- A). There will be four deliveries of green waste delivered each day to Shielhill Farm, making a daily total of eight vehicle journeys through the village of Inverkip and also the Muirshiel Country Park. The deliveries will be from, as yet, unspecified source(s).
- B). SEPA are currently assessing whether to grant a licence.
- C). The Roads Department do not consider that additional traffic is a safety issue.
- D). Environmental Services do not consider that there will be an issue with, for example, objectionable smells emitting from the composting of the waste.

Having considered the application and in the interests of the residents of Inverkip, I and my colleagues of the Inverkip and Wemyss Bay Community Council wish to make a formal objection to this application based on the following four points:

- 1). The application is a new commercial enterprise and as such is not in keeping with the aims of the Muirshiel Country Park.
- 2). There will be further heavy commercial traffic traversing the village and Muirshiel Country Park, causing further pollution through the area.
- 3). There is the potential for effluent run off from the waste.

4). There is the potential of detrimental smells from the waste treatment.

I now look forward to your comments,

Yours sincerely,

Hugh Ritchie.
Acting Chairman,
Inverkip and Wemyss Bay Community Council



19 HARBOURSIDE,
KIP MARINA VILLAGE,
INVERKIP,
INVERCLYDE,
PA16 0BF.

MR. J. Mc COLL,
PLANNING and HOUSING,
CATHCART HOUSE,
6 CATHACRT SQUARE
GREENOCK. PA15 1LS.

2nd October 2009.

Dear Mr. McColl,

PLANNING APPLICATION 09/0214/IC

Further to my letter of objection, dated 24th September, regarding the above planning application, and having discussed this issue fully at our monthly business meeting I now wish to detail our objections/observations more fully.

1).

The applicant has provided an estimate of commercial traffic flow based on 8,000 tons of waste per annum. The applicant also states that there is capacity for treating up to 20,000 tons per annum. We therefore are of the opinion that the traffic estimate should reflect the larger capacity. This increase is 2.5 times the stated figures and would average 5.25 deliveries and 3.75 collections per day.

2).

The above amount of commercial traffic is based on the applicant's assumption that lorry loads will be at full capacity. It follows that if part loads are delivered then the traffic flow will be further increased.

3).

On information we obtained directly from Inverclyde Council's Refuse Department, the volume of green waste varies greatly throughout the year. The example given was that at this time of year approximately 20 tons per day of garden waste is collected; however collections earlier in the year rose to approximately 40 tons per day. At these peak times traffic will be doubled and these peak times coincide with the increase in recreational users. We therefore feel that there is a distinct safety issue involved.

As well as the safety issue, we are concerned that there may be potential spillage from vehicles which will further degrade users' enjoyment of the area.

PLANNING SERVICE

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09/0214/IC
P McC

4).

This commercial enterprise will be carried out on land designated as green belt and is adjacent to the Clyde Muirshiel Regional Park. In addition, vehicle access to the proposed treatment site will be along minor roads, which, in our opinion, are not suitable for such heavy commercial traffic.

5).

Given that there are many brown field sites with good road access within Inverclyde we feel that other locations should be considered in the first instance.

6).

We note that it is the intention to treat kitchen waste as part of the application. We are very concerned that there is the possibility of contamination from this type of waste, with unknown results, as we conclude that it will be impossible to police the contents of kitchen waste given that it is collected from numerous households, restaurants etc.

7).

All organic materials emit gases and smells as they decompose. We are concerned as to what the impact on the residents of Inverkip will be.

Taking the above into consideration, I now look forward to the results of your deliberations,

Yours sincerely,

Hugh Ritchie.
Acting Chairman,
Inverkip and Wemyss Bay Community Council

Inverclyde Council
Planning and Housing Dept
Cathcart House
6 Cathcart Square
Greenock
PA15 1LS

Submit to devcont.planning@inverclyde.gov.uk

Attention Mr James McColl, Planning Officer

3rd October 2009

Dear Mr McColl

Re: Planning Application 09/0214/PP – Green Waste and Foodstuff processing plant – change of use and new buildings.

As someone who spent a large part of my childhood in the parish of Inverkip and am still a lover of this area of Inverclyde, I feel it necessary to make comments on and object to this application as it stands.

Comments

I consider the application provides inadequate information for members of the public. In particular:-

- 1 There is no map provided from which the public can identify the whereabouts of the site. Some people currently advise it is the tank in the forest in which case it is in Clyde Muirshiel Regional Park and others say it is the tank outside the park to the west of Core path 5B. The public need to be informed.
- 2 There is no information on the definition of 'green waste', this could be anything from garden waste to agricultural slurry.
- 3 There is no information on the process by which the waste will be subjected, is it an anaerobic digester or what?
- 4 No Environmental Assessment has been undertaken
- 5 The only information available on your website are plans and the application form; there is no additional information

Objections

Based on the flimsy information supplied for this application and the belief that the site is outside CMRP I object for the following reasons

- 1 Based on a potential throughput of 20,000 tonnes per year, this is a major industrial operation more suited to an industrial site in the Greenock or Port Glasgow area. There are many industrial sites available.
- 2 Seeing the size of this development in comparison to others, it would appear that the

capacity could be greater than 20,000 tonnes p.a.

- 3 The supporting letter available to people that go to the planning office, but not on line, appears to make out that there would be very little increase in commercial traffic compared to the time when this place was a water treatment plant. According to the developer's agent, 8000 tonnes per year (I have no way of verifying this figure) was moved along this road by Scottish Water, equating to 4 truck trips per day each way. 20,000 tonnes p.a. would clearly be a very considerable increase. It should also be noted that at the time Scottish Water were involved, this road was not a Core Path.
- 4 Inverclyde have spent a considerable amount of time and money developing their excellent Core Path scheme in order to encourage cycling, horse riding and walking in the countryside on quiet roads away from the main road traffic. This development is proposed on Core Path No 5B which leads onto path No 11 which is an important route into Clyde Muirshiel Regional Park (CMRP) and should inevitably increase in popularity for exercise and leisure use.
- 5 It is noted that 20 tonne trucks, and Council rubbish trucks would be used. This presumes an Inverclyde Council contract. It is also suggested that Fastracs and trailers would be used; that sounds suspiciously like movements of slurry with all the risks of spillage on the Core path. Trucks from Wemyss Bay, Inverkip and all places north and east of the site would also require to transit on other Core Paths and even some roads within CMRP.
- 6 AOL are 'down' in this area and I am currently unable to go online so cannot check, but from memory the site of this application is also in the Green Belt which was designated for very good reasons.
- 7 The letter of support indicates that if a contract were to be achieved with Inverclyde Council, there would be a considerable reduction in vehicle miles. I cannot agree with this as it is reasonable to assume that if garden waste and food waste were the main raw material, most of this would be brought from Greenock, Port Glasgow and Gourock. The result of processing at this site would be likely to increase the Council's carbon footprint.
- 8 If the project proceeded and an insufficient amount of green waste available, there would be a likely temptation to encourage other types of digestible industrial waste.
- 9 The application for 'change of use' to an industrial development in the country would inevitably have an environmental impact and in my opinion a proper environmental assessment should have been made so that fuller information could be passed to your Consultees. Without this and information on the process to be used, they are not in a position to make any meaningful comment. In addition to SNH and SEPA, I consider that CMRP should be consulted with full information available to all.
- 10

Please note that I reserve the right to make further objections if more information becomes available and I have additional concerns.

Yours sincerely

Nigel A R Willis

James McColl

From: Nicholas McLaren on behalf of Devcont Planning
Sent: 05 October 2009 09:10
To: Audrey-Alaria Lever; James McColl; Fraser Williamson
Subject: FW: Proposed Green Waste Treatment Plant 09/0214/1C

From: Admin [mailto:admin@clydemuirshiel.co.uk]
Sent: 02 October 2009 13:44
To: Devcont Planning
Cc: Charles Woodward
Subject: Proposed Green Waste Treatment Plant 09/0214/1C

Our ref: CJW/aaj
2 October 2009

Mr James McColl
Planning Officer
Planning Department
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

Dear Mr McColl

Proposed Green Waste Treatment Plant 09/0214/1C

The Clyde Muirshiel Park Authority is a joint committee of Inverclyde, Renfrewshire and North Ayrshire Councils with the purpose of delivering the councils' functions in tourism, conservation and recreation.

It is recognised that the proposed development is adjacent to the boundary of Clyde Muirshiel Regional Park and the Park Authority has considered its potential impacts on the Park. The Park Authority wishes to comment on the application thus:-

The information supplied with the application suggests significant benefits to the local authority and its residents in terms of reducing transport movements for waste.

The proposal does not appear to have significant landscape and visual impacts on the Park or visitors' enjoyment of it.

The site is adjacent to Core Path 5B of the recently adopted Inverclyde Core Path Plan. Core Path 5B is a minor road giving access into the Regional Park. The Park Authority is concerned that the proposed development should not be allowed to significantly restrict the use or enjoyment of this route by recreational users. Nuisances could be caused by litter, noise and smell whilst safety concerns could arise from increased traffic movements on this route. The Park Authority suggests that these matters could, if the application is consented, be dealt with by mitigation measures set as conditions on the consent. Such measures may include, but are not restricted to, signage; enhanced sightlines with compensatory planting; provision of lay-bys; improvements to neighbouring Core Paths and access routes to the Regional Park; etc. The Council's Access

Officer and the Inverclyde Local Access Forum as well as the Park Authority may be able to advise on these matters.

In conclusion the Park Authority offers its comments and does not object to the proposed development. The Park Authority identifies some potential negative impacts on recreational users and offers suggestions for mitigation, whilst seeing the benefits to the local authority and wider community.

Yours sincerely

Charles J Woodward
Regional Park Manager

Alison Johnstone
Admin Assistant
Clyde Muirshiel Regional Park.
Park HQ, Barnbrock, near Lochwinnoch, Renfrewshire, PA10 2PZ
t 01505 614 791
f 01505 613 605
e alison.johnstone@clydemuirshiel.co.uk
Visit The Great Escape at www.clydemuirshiel.co.uk

Castle Sempie Centre, Lochwinnoch PA12 4EA
t 01505 842 882
Muirshiel Visitor Centre, near Lochwinnoch PA12 4LB
t 01505 842 803
Cornalees Visitor Centre, Loch Thom, near Greenock PA16 9LX
t 01475 521 458
Lunderston Bay, Cardwell Road, near Gourock PA19 1BB
t 01475 521 129
Barnbrock Campsite & Shielings, near Lochwinnoch, PA10 2PZ
t 01505 614 791

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- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;
- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

Local Plan Policy UT5 - Waste Management Facilities

Proposals for the development of waste management facilities will be assessed against the following criteria:

- (a) compliance with the Glasgow and Clyde Valley Area Waste Plan and National Waste Strategy (Scotland);
- (b) the facility being primarily required to cater for waste arising in Inverclyde;
- (c) there being no adverse impact on residential amenity;
- (d) there being no adverse impact on the built heritage or natural environment, including the landscape; and
- (e) where necessary, an acceptable restoration plan for the site will be required.

CONSULTATIONS

Head Of Environmental Services – The road accessing the proposed development from its junction with the A78 to the private access to Langhill is of limited width, has substandard forward visibility on the curves, the bridges are of limited width, there are few passing places, the road is overrun with HGV's and the road is breaking up as a result. HGV's accessing the site will confront other vehicles resulting in reversing movements and verges being overrun prejudicing road safety. Refusal of the application is recommended on the grounds that the proposal would be detrimental to road safety.

Head Of Safer Communities – No comments.

Scottish Environment Protection Agency West – A licence will be required from SEPA but there is no impediment to the development.

Scottish Natural Heritage – No impediment to the development.

PUBLICITY

The application was advertised in the Greenock Telegraph on 18th September 2009 as being contrary to the development plan and as there are no premises on neighbouring land to which notification could be sent.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was subject of neighbour notification and a press advertisement. Three letters of objection were received, two from the Inverkip and Wemyss Bay Community Council.

The objectors concerns can be summarised as follows:

1. The process is of a major industrial scale and would be better suited to an industrial site.
2. The access route is via a Core Path and the usage of this path would be subsequently impacted.
3. The traffic generated would be unacceptable, and may be in excess of that stated in the applicants supporting information.
4. Traffic movements would not be consistent throughout the year.
5. The local roads are unsuitable for large vehicles.
6. The application site is located within the Greenbelt.
7. Slurry maybe processed on the site, resulting in spillages on the Core Path.
8. The Council's carbon footprint will be increased.
9. Slurry may be processed on site.
10. Other digestible industrial waste may be processed on site.
11. The green waste may be contaminated.
12. A full environmental assessment should be undertaken and the additional information should be passed to the Consultees.
13. The Clyde Muirshiel Regional Park authority should be consulted.

The Clyde Muirshiel Regional Park authority submitted a letter of representation in respect of the application. They do not object to the proposal and do not consider that visitor's enjoyment of the park would be disturbed. The Park is concerned regarding traffic movement and the potential for nuisance from litter, noise and smell, and the impact on the Core Path which accesses the Park. They suggest improvements to the core paths as mitigation measures.

A supporting statement has also been submitted by the applicant.

I will consider the issues raised in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the development plan, the visual impact of the proposal on the existing landscape and the consultation responses.

The development is located within the Green Belt where policy DS8 presumes against new development. Development will only be considered favourably in exceptional or mitigating circumstances. In considering whether the development within the Green Belt can be justified, I must first consider the proposal against the criteria set out in Policy DS10. Whilst the composted

green waste could be used in agriculture, the facility is not specifically required for this purpose. It also fails to meet the other identified Green Belt uses of forestry, recreation, leisure and tourism. There is no specific locational requirement for the facility to be located on this particular site or any suggestion that this site is the only location suitable for such a facility within Inverclyde. Whilst the proposal would reuse the vacant water tank, there is no reason why the retention of the tank would be desirable. This is not a building of historic or architectural character. Consideration must therefore be given to whether there are any particular circumstances against which a departure from policy could be justified.

Assessing the visual impact of the proposal, I note that given the location on the hill above Inverkip, the site will be visible from distant public vantage points, particularly from parts of the Hill Farm residential area. The building would not however break the skyline and the backdrop would be the existing hillside. The applicant also proposes a strip of screen planting around the site in an effort to successfully mitigate any impact on the landscape. Whilst I appreciate that may take several years to establish and become fully effective, I am satisfied that adequate screening can be created and a condition requiring full details to be provided prior to the commencement work works and that the landscaping is properly managed and maintained on site can be imposed in this regard if required. I further note the existing steel structured water building in the vicinity of the site is of a similar design to that of the proposed shed and being finished in an appropriate colour helps mitigate against the visual impact. I further note the benefits to be gained in terms of processing locally produced green waste in a local facility rather than moving the waste to a remote facility outwith the Inverclyde area. The proposal could therefore be justified in principle against policies DS8, DS10 and UT5 of the Local Plan.

In further considering other relevant Local Plan policies I note the guidance contained within policy UT5 for the development of waste management. The requirement for the facility to primarily cater for waste from the Inverclyde area could be dealt with by way of a condition if required. I am also satisfied that the proposal may comply with the Glasgow and Clyde Valley Area Waste Plan and National Waste Strategy (Scotland) and would not affect residential amenity. As such the proposal is acceptable in terms of policy UT5.

In further considering the proposal, I note concerns raised regarding vehicle movements and that the applicant's suggested vehicle movements are based on 8,000 tonnes being processed per annum, whilst the site would be capable of processing 20,000 tonnes per annum. It is of course difficult to assess how a speculative proposal may operate in practice. However, based on the processing of the maximum tonnage, Monday to Friday working and the use of vehicles carrying 20 tonnes, there would likely be a minimum of 4 deliveries per day assuming each vehicle was used near capacity. Similar vehicle movements would likely be required to extract the processed material from the site. I acknowledge however, that vehicle movements may not be consistent and more vehicle movements could result during peaks in the production or green waste. Furthermore, vehicles will not necessarily be used to capacity or different contracts may result in additional vehicles, thus greatly increasing vehicle movements. I also note the comments of the Head of Environmental Services with regard to road safety, who has considered the proposal in full. Whilst the applicant in a letter of support highlights the continuing use of the local road network, including access to the site, by forestry lorries and previously Scottish Water vehicles, I am not in a position to dismiss the road safety fears of the Head of Environmental Services.

In considering the outstanding concerns raised, I note concern that slurry may be processed on site together with other digestible material. The actual material processed would be controlled by SEPA via their licensing requirements. SEPA note that slurry could be processed and do not object on this basis. There was no requirement for an Environmental Assessment to be submitted and none of the consultees required further information to be provided to allow assessment of the proposal. The application site whilst adjacent to the Regional Park, is not within, and it was not deemed necessary to consult the Regional Park Authority. Notwithstanding this, I note the letter of representation from the Regional Park Authority and that they do not object to the proposal. The access road from Millhouse Road to the application site (also the Core Path) is currently used by agricultural vehicles together with vehicles accessing the forestry area. This road would remain

available for use as a Core Path and in any case only forms a short section of the Core Path network. I consider the overall impact on the Core Path to be acceptable.

To conclude, I note the benefits of processing locally produced green waste in a local facility, and I am satisfied that whilst the site is within the greenbelt and features an element of new development appropriate landscaping would mitigate against the impact in the landscape. Notwithstanding the Head of Environmental Services considers that vehicles utilising the narrow access roads will compromise road safety and as such the site is considered unsuitable for the proposed new use. As such I am unable to support the proposal.

RECOMMENDATION

That the application be refused.

Reasons

1. The access roads to the site are narrow and substandard and the increase of large vehicles utilising these roads would compromise road safety.

Signed:

Case Officer: James McColl

F. K WILLIAMSON

Head of Planning and Housing

DECISION NOTICE

Inverclyde
council

Refusal of Planning Permission

Planning and Housing
6 Cathcart Square
Greenock PA15 1LS

09/0214/IC

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008***

Alistair McIntyre
Shielhill Farm
Loch Thom Road
Inverkip
PA16 9NB

Canata & Seggie
Chartered Architects
7 Union Street
Greenock
PA16 8JH

With reference to your application dated 17th July 2009 for planning permission under the above mentioned Act and Regulation for the following development:-

Change of use of water storage tanks to green waste treatment station and construction of buildings to accommodate storage and composting operations. at

Former Water Treatment Works, Langhill, Inverkip

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The access roads to the site are narrow and substandard and the increase of large vehicles utilising these roads would compromise road safety.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 16th day of November 2009


Head of Planning and Housing

∴ **Healthy
Working
Lives**

**INVEST IN
Inverclyde** 

**POSITIVE ABOUT
DISABLED PEOPLE** 

NATIONAL AND MAJOR APPLICATIONS AND LOCAL APPLICATIONS DETERMINED BY THE PLANNING BOARD

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Government under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The appeal should be addressed to **The Scottish Government, Directorate for Planning and Environmental Appeals, Unit 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk FK1 1XR.**
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.
3. In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Scottish Government on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Scottish Executive Circular 6/1990.

LOCAL APPLICATIONS DETERMINED UNDER DELEGATED POWERS

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months from the date of this notice. The request for review shall be addressed to the **Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.**
- 2 If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Refused Plans:

Drawing No:	Version:	Dated:
1915-LP		14.07.2009
1915-003		02.07.2009
1915-004		02.07.2009
1915-SK-001	B	07.07.2009
1915-SK-002	B	07.07.2009
1915-SK-003	B	07.07.2009
1915-SK-004	B	07.07.2009

1915/VC

INVERCLYDE COUNCIL
HEAD OF LEGAL AND ADMINISTRATION
MUNICIPAL BUILDINGS
GREENOCK
PA15 1LY

15th December 2009

Dear Sir,

8286
PIT

PROPOSED GREEN WASTE TREATMENT STATION AT LANG HILL INVERKIP
REVIEW SUPPORTING STATEMENT

We attach an application for Review of the Refusal of Planning Consent for the above proposal. The application was refused under delegated powers by the Planning and Housing Department on the 16th November 2009.

The application consists of:

- The notice of review form
- The review supporting statement
- Details of traffic deliveries
- Map and photographic survey of the access road.

Our client has expressed his willingness to arrange a site visit and or organise an illustrated talk on the details of the composting process and working of a green waste treatment station, should it be the review board 's opinion that this would be of assistance in arriving at a competent decision.

We trust that you find this all in order and await your acknowledgement.

Yours faithfully

V. A. CANATA. DIP ARCH. ARIAS. RIBA.

On behalf of Messrs McIntyre, Sheilhill Farm, Loch Thom Road, Inverkip.



INVESTOR IN PEOPLE



THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF
DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND)
REGULATIONS 2008

Notice of Review Form

1. Name and Address of Applicant	ALISTAIR MCINTYRE SHIELHILL FARM LOCH THOM ROAD INVERKILN PA16 9NB
2. Name and Address of Agent	CANATA + SEGLIE ARCHITECTS 7 UNION ST GREENOCK PA16 8JH
3. Do you wish correspondence on the appeal to be addressed to the agent?	*Yes/No No
4. Planning Application Reference Number	09/0214/1C
5. Date of Planning Authority Decision on Application	16th NOV 2009.
6. Reason(s) for Seeking Review (continue on separate sheet if necessary)	SEE SEPARATE STATEMENT

*delete as applicable

1915/VC

INVERCLYDE COUNCIL
HEAD OF LEGAL AND ADMINISTRATION
MUNICIPAL BUILDINGS
GREENOCK
PA15 1LY

15th December 2009

Dear Sir,

PROPOSED GREEN WASTE TREATMENT STATION AT LANG HILL INVERKIP
REVIEW SUPPORTING STATEMENT

Planning Consent for the above proposal was refused under delegated powers by the Planning and Housing Department on the 16th November 2009.

The reason for refusal is:

The access roads to the site are narrow and substandard and the increase of large vehicles utilising these roads would compromise road safety.

Background of the application:

The intention of the above proposal is to provide a facility to treat green and kitchen waste.

The facility could handle all the green and kitchen waste produced within the Inverclyde District area. At present this waste is transported by road, at a considerable cost, a considerable distance to facilities out with the area. Further transport costs are incurred in bringing treated waste, in the form of compost, back into the district.

The transport of this waste produces a very large carbon footprint. In addition the treatment of the waste presently produces no employment within the District. This facility if approved will provide up to 6 full time jobs for local people, as well as reducing Inverclyde Council's carbon footprint.

In discussions with Inverclyde Councils Environmental Services Department it was indicated that there would possibly be significant logistical savings for the Council if this proposal were to go ahead and a Local Authority contract awarded to the operator.

The creation of this facility could greatly assist the Department by taking and treating a large part of the existing waste collection locally and converting it into a useful product that could be recycled and used locally on agricultural land, landscaped areas and restoration of brown field sites.



At present, Inverclyde District produces approximately 4,000 tons of green waste per annum. In addition in the region of a further 4,000 tons of kitchen waste could be added per annum. At present these wastes are collected separately. The opportunity to handle them by a combined collection system would represent a considerable saving in servicing costs. It is estimated that this facility should reduce the costs to Inverclyde Council by about 25% – 30% based on current figures.

The facility has a maximum design capacity of 20,000 tons due to the size of the existing water storage tanks that are being converted to waste treatment bins. It is highly unlikely however that this capacity will ever be reached as Inverclyde and the immediate catchment area of the facility are unlikely to produce this level of waste. The proposal is therefore a small scale local facility aimed at handling local waste.

The site was previously used as part of a water treatment facility and consists of two large underground reinforced concrete storage tanks. The form of these tanks is such that they are ideal for conversion into a totally enclosed and sealed treatment works, incorporating the latest computer controlled internal composting vessels that will ensure that the facility satisfies the SEPA PAS100 Standard.

The great advantage of the site is that it can be converted at a fraction of the cost of a building a completely new facility. A completely new build facility would cost in the region of £3 - £4 million thereby making it totally economically unviable for a relatively small district such as Inverclyde.

The site is in the green belt, surrounded by rough grazing land and forestry and as such there would not be any potential problems with respect to neighbours.

There will be little visual intrusion by the proposal as the majority of the structure is below ground and the additions very much of an agricultural form in sympathy with the surrounding land use and well screened by tree planting.

The report by the Head of Planning and Housing notes the considerable benefits of processing locally produced green wastes in a local facility, addresses all points of contention and objections raised and concludes that the only the only reason for refusal is on the grounds of road safety.

Response to road safety issues:

Previously (2-3 years ago) there was very much more vehicular activity on this one mile section of road due to the dairying activities of local farms.

This has now totally ceased.

The following figures supplied by our client indicate the reduction in farm traffic:

Shielhill Farm	1,083 journeys by various large vehicles from daily milk tankers to large lorries and floats
Langhill farm	876 journeys (approximate figure)
Dunrod Farm	762 Journeys (approximate figure)

A detailed analysis of deliveries to /from Shielhill Farm for 2006 is attached.

Other activities such as the local fishing business and heavy vehicular traffic to and from the Scottish Water treatment works have also ceased.

When the site was used by Scottish Water the access and approach road to the site was used by articulated vehicles to deliver products such as lime, phosphate aluminium and chlorine gas to the treatment works and the removal of sludge from it by skip lorries.

Forestry activities, that are still ongoing, only take place every 1-4 years, with 5 - 6,000 tonnes being taken out at a time. This usually takes 2 - 3 weeks to do (information supplied by Scottish Woodlands).

Local villagers rarely use the road as it is much more convenient to use the main junction onto the A87 at Inverkip.

There is only one private property on the road. All others are businesses (two farms and dog kennels).

Visitor traffic to the Loch Thom area is predominately at weekends and therefore out with the normal cycle of deliveries to and from the green waste treatment facility.

The total traffic removed from road network by the cessation of dairy farming equates to in the region of 2721 journeys per annum.

In addition we also have the reduction in heavy traffic due to the closure of the water works. We estimate this to have been in the region of 200 / 300 journeys per annum.

The total traffic movement reduction is therefore in the region of 3,000 journeys per annum.

The proposed waste treatment facility would be served by agricultural vehicles such as a Fastrak and suitable trailer, 20 ton lorry or in the case of the Local Authority by their existing refuse collection vehicles.

On the basis of 8,000 tons of waste the vehicular traffic generated would be as follows:

- 8,000 tons
- 225 days per working year
- Average lorry load 15 tons
- Equates to 2.1 deliveries per working day
- A further 1.5 loads per day of finished product (compost) taken off site
- Green waste loses 45% volume through moisture evaporation during the treatment

The above equates to 810 journeys per annum for 8,000 tons, possibly rising to a maximum of 13,000 tons or 1429 journeys per annum.

These figures are based on the estimated maximum volume of waste produced within a commercially viable collection area. The viability of the collection is dictated by road haulage costs.

The volume of vehicular traffic generated by the proposal, working at maximum capacity, would therefore be less than 50% of that generated by the previous uses that burdened this section of road.

The present proposal will therefore have **no significant vehicular impact on road safety** over the previous uses and in fact will represent a **reduction**.

As far as we are aware there is no record of vehicular accidents over this stretch of road, despite the much heavier volume of traffic generated by the previous uses.

Due to the nature of the road, traffic is slow moving.

In addition 80% of the road is passable by lorries and cars meeting in a two way situation. Refer to attached photographs and map indicating passing places and road widths.

It would be possible to improve, add to, or extend the existing passing places to further improve the general traffic situation. Sight line would also be improved by the implementation of a hedge cutting programme.

Summary

The development proposal is to convert a former water works into an in vessel composting facility. This proposal will convert a derelict asset into an important composting facility providing a valuable service to the public and business community in the Inverclyde area. Waste that could be received at this facility is currently being transported out of the area to as far away as Perth. This is depriving the area of the benefit of work and compost produced from this process and putting businesses at a commercial disadvantage.

The need for the development is highlighted through policy as well as specific capacity requirements identified in the National Waste Plan 2003. The Plan states that:

The National Waste Plan requires a significant increase in the number of facilities to sort and process materials prior to recovery and treat remaining waste residues before disposal. In view of the lead times for waste related developments, it will be essential for Planning Authorities to have regard to the need for new facilities, in order to ensure the Scotland maintains an adequate capacity to handle its waste now and in the future.

The Inverclyde Joint Structure Plan supports and adopts the requirements of the National Waste Plan.

In conclusion we are of the firm opinion that the advantages to be gained by Inverclyde in having a local facility, such as this, will totally outweigh any potential disadvantages. It would be our client's intention, as a local businessman, if Planning Consent is granted, to work closely with the Local Authority to maximise the benefit to the local community.

We trust that this statement will be of assistance to you in determining the Review Application.

Yours faithfully

V. A. CANATA. DIP ARCH. ARIAS. RIBA.

On behalf of Messrs McIntyre, Sheilhill Farm, Loch Thom Road, Inverkip.

2006 TRAFFIC - DELIVERIES

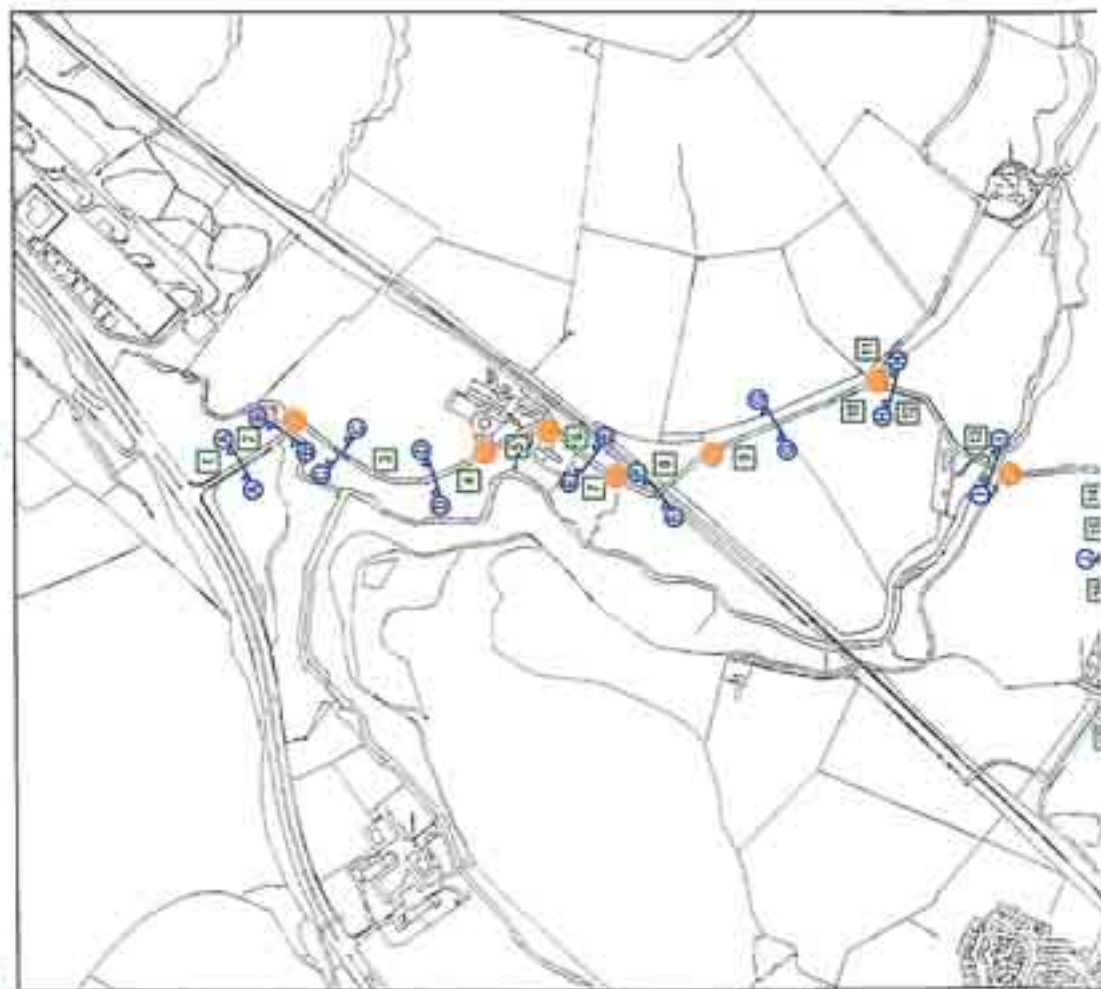
Date	Company	Product
05.01.06	Chance & Hunt	Cattle Feed
06.01.06	K W Alternative Feeds	Cattle Feed
10.01.06	James & Son	Cattle Feed
11.01.06	K W Alternative Feeds	Cattle Feed
12.01.06	Harbro Ltd	Cattle Feed
16.01.06	Harbro Ltd	Cattle Feed
24.01.06	K W Alternative Feeds	Cattle Feed
26.01.06	Harbro Ltd	Cattle Feed
28.01.06	James & Son	Cattle Feed
30.01.06	I M Hair	Sawdust
31.01.06	Fulwoodhead Dairy Supplies	Dairy Supplies
07.02.06	K W Alternative Feeds	Cattle Feed
09.02.06	Harbro Ltd	Cattle Feed
14.02.06	James & Son	Cattle Feed
16.02.06	Harbro Ltd	Cattle Feed
20.02.06	K W Alternative Feeds	Cattle Feed
02.03.06	James & Son	Cattle Feed
	Invergas Ltd	Gas Bottles
	Harbro Ltd	Cattle Feed
03.03.06	Hamilton Bros Ltd	Tractor Parts
07.03.06	K W Alternative Feeds	Cattle Feed
09.03.06	Harbro Ltd	Cattle Feed
16.03.06	Harbro Ltd	Cattle Feed
17.03.06	Air Products Ltd	Gas Cylinders
21.03.06	K W Alternative Feeds	Cattle Feed
22.03.06	Yara UK Ltd	Fertiliser
22.03.06	Yara UK Ltd	Fertiliser
22.03.06	Yara UK Ltd	Fertiliser
01.04.06	James & Son	Cattle Feed
01.04.06	Invergas Ltd	Gas Bottles
01.04.06	Harbro Ltd	Cattle Feed
04.04.06	I M Hair	Sawdust
05.04.06	K W Alternative Feeds	Cattle Feed
	K W Alternative Feeds	Cattle Feed

15 04 06	Harbro Ltd	Cattle Feed
	Fulwoodhead Dairy Supplies	Dairy Supplies
17 04 06	James & Son	Cattle Feed
18 04 06	Abbeydale Direct	Dairy Supplies
21 04 06	K W Alternative Feeds	Cattle Feed
24 04 06	Hamilton Bros Ltd	Tractor Parts
24 04 06	Harbro Ltd	Cattle Feed
26 04 06	Hamilton Bros Ltd	Tractor Parts
	James & Son	Cattle Feed
04 05 06	K W Alternative Feeds	Cattle Feed
05 05 06	Reid & Robertson	Animal Medicine
11 05 06	Harbro Ltd	Cattle Feed
13 05 06	James & Son	Cattle Feed
23 05 06	K W Alternative Feeds	Cattle Feed
24 05 06	James & Son	Cattle Feed
25 05 06	Harbro Ltd	Cattle Feed
26 05 06	Fulwoodhead Dairy Supplies	Dairy Supplies
02 06 06	K W Alternative Feeds	Cattle Feed
15 06 06	Abbeydale Direct	Dairy Supplies
15 06 06	Harbro Ltd	Cattle Feed
28 06 06	K W Alternative Feeds	Cattle Feed
30 06 06	Reid & Robertson	Animal Medicine
30 06 06	J M Hair	Sawdust
03 07 06	James Smith & Co	Fencing Supplies
13 07 09	Harbro Ltd	Cattle Feed
18 07 06	K W Alternative Feeds	Cattle Feed
20 07 06	K W Alternative Feeds	Cattle Feed
24 07 06	Agrihealth Ltd	Cattle Feed
27 07 06	Harbro Ltd	Cattle Feed
28 07 06	Fulwoodhead Dairy Supplies	Dairy Supplies
04 08 06	Chance & Hunt	Cattle Feed
08 08 06	K W Alternative Feeds	Cattle Feed
16 08 06	James & Son	Cattle Feed
16 08 06	James & Son	Cattle Feed
23 08 06	K W Alternative Feeds	Cattle Feed
24 08 09	Cattle Feed	Harbro Ltd

21.08.06	Fulwoodhead Dairy Supplies	Dairy Supplies
04.09.06	I M Hair	Sawdust
07.09.06	J.S Smellie & Sons	Cattle Feed
07.09.06	Cattle Feed	Harbro Ltd
11.09.06	K W Alternative Feeds	Cattle Feed
14.09.06	Harbro Ltd	Cattle Feed
18.09.06	R & L Miller	Dairy Supplies
28.09.09	Cattle Feed	Harbro Ltd
29.09.06	Hamilton Bros	Dairy Supplies
29.09.06	Agrihealth Ltd	Cattle Feed
30.09.06	Fulwoodhead Dairy Supplies	Dairy Supplies
02.10.06	James & Son	Cattle Feed
05.10.06	Cattle Feed	Harbro Ltd
06.10.06	Hamilton Bros	Dairy Supplies
07.10.06	Hamilton Bros	Dairy Supplies
18.10.06	Cattle Feed	Harbro Ltd
19.10.06	MC McVicar & Co	Hay and Straw
24.10.06	Hamilton Bros	Dairy Supplies
25.10.06	K W Alternative Feeds	Cattle Feed
31.10.06	Fulwoodhead Dairy Supplies	Dairy Supplies
01.11.06	Hamilton Bros	Dairy Supplies
02.11.06	Cattle Feed	Harbro Ltd
03.11.06	MC McVicar & Co	Hay and Straw
13.11.06	J& S Montgomery	Dairy Supplies
14.11.06	I M Hair	Sawdust
16.11.06	Cattle Feed	Harbro Ltd
20.11.06	Abbeydale Direct	Dairy Supplies
08.12.06	Cattle Feed	Harbro Ltd
18.12.06	K W Alternative Feeds	Cattle Feed
31.12.06	Davidson Animal Feeds	Cattle Feed

2006 ROAD TRAFFIC

Reason	Method	No of Journeys
Uplift of Milk	Milk Tanker	565
Zero Grazing	Tractor & Trailer	540
Delivery of Dairying Supplies, Feed etc	Various Lorries	99
Uplift of Deceased Beasts	Lorry	66
Beasts for Market	Lorry and Float	13
TOTAL		1,083



1. The development to which this permission relates must be begun within three years of the date of this permission.
2. That prior to the commencement of work on site, samples, including colour, of the external finish to the proposed new building hereby permitted be submitted to and approved in writing by the planning authority. Work shall then proceed as approved and the building shall be maintained in the approved colour at all times thereafter.
3. That prior to the commencement of work in site, full details of all soft landscaping works contained within the proposed landscaping strip including a schedule of plants to comprise species, plant sizes and density together with a programme for completion and future maintenance be submitted to and approved in writing by the planning authority. Landscaping works shall then proceed and be maintained as approved.
4. No tree felling, lopping or scrub clearance shall take place during the bird breeding season of March to July inclusive.
5. Prior to the commencement work works on site, a badger survey shall be undertaken by a suitably qualified person and submitted to the planning authority for consideration. Work shall not proceed on site until the written agreement of the planning authority is gained.

Reasons

1. To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the proposed materials are acceptable in terms of visual amenity
3. To ensure the provision of an appropriate landscaping scheme providing screening of the new development in the landscape.
4. To ensure species protection and to comply with the requirements of the Nature Conservation (Scotland) Act 2004.
5. To ensure species protection and to comply with the requirements of the Nature Conservation (Scotland) Act 2004.