

Graham, Rachel

From: Loudon, Sandy <Sandy.Loudon@east-ayrshire.gov.uk>
Sent: 16 October 2020 12:10
To: Graham, Rachel
Subject: RE: GM11372 Killoch Energy Recovery Park - EAC Data request [OFFICIAL]
Attachments: PWS April 2020 Public updated.xlsx; 2019 Copy of Private Water Supplies - Data Return template update 2019.xls

CLASSIFICATION: OFFICIAL

Hi Rachel,

I hope you are keeping well.

With regard to the private water supplies surrounding the Killoch Energy Recovery Park, please refer to attached East Ayrshire Council's PWS Register. The PWS Register is being continually updated, so I have attached a copy of the most up to date information as well as a copy of the annual PWS return. The list is not exhaustive, as there is no requirement to register a private water supply with the council, therefore all properties within the search area should be checked. I can provide extra information if required as I have visited some of the properties mentioned. I have hand written notes and some photographs and under normal conditions you would be welcome to visit the office to view this additional information, but due to homeworking it is best if you contact me by e-mail or telephone in the first instance. My mobile number is 07703 172474.

The legislation states that the public register can be accessed at the council offices, but as you are based at a distance from Kilmarnock we have sent you a copy with personal information removed. Although public information, this is restricted as I have sent you the full register, and therefore the information contained in the register should only be used for the purposes of carrying out the PWS risk assessment with regard to the windfarm, and the full register should not be published on paper or online.

I hope this information assists you.

Regards,

Sandy

From: Graham, Rachel <rgraham@wardell-armstrong.com>
Sent: 08 October 2020 14:01
To: environmentalhealth <environmentalhealth@east-ayrshire.gov.uk>
Cc: Loudon, Sandy <Sandy.Loudon@east-ayrshire.gov.uk>
Subject: GM11372 Killoch Energy Recovery Park - EAC Data request

Good afternoon

Wardell Armstrong is preparing an EIA for a proposed development located at national grid reference NS 47871 20324 (eastings: 247871, northings: 620324) the nearest postcode is KA18 2RN.

Could you please provide me with digital copies of the following within 2km of NS 47871 20324 (eastings: 247871, northings: 620324);

Private water supplies:

- source type (surface water/ borehole/ spring)

- source location with coordinated
- volumes quantity abstracted
- associated property name and coordinates

Many thanks in advance.

Kind regards

Rachel

Rachel Graham | Senior Environmental Scientist
Wardell Armstrong LLP
City Quadrant, 11 Waterloo Square, Newcastle Upon Tyne, NE1 4DP
m: 07969 102 593



COVID-19: For all the latest information and details of support available across East Ayrshire, please visit www.east-ayrshire.gov.uk/coronavirus

Graham, Rachel

From: FOI Helpdesk <FOI.Mail@sepa.org.uk>
Sent: 02 November 2020 11:12
To: Graham, Rachel; foi@sepa.org.uk
Subject: SEPA Response - [F:0192547]
Attachments: F0192547 Release.zip; EIR Response F0192547 .pdf



Dear Rachel Graham

REQUEST FOR INFORMATION - RESPONSE

Thank you for your request, received by SEPA on 08/10/2020. Please see the enclosed response.

If you are not satisfied with our response below, you have 40 working days from the date of this letter to request a formal review from SEPA at:

Access to Information
SEPA
Strathallan House
Castle Business Park
Stirling
FK9 4TZ
Email: foi@sepa.org.uk

If you are still not satisfied, you can appeal to the Scottish Information Commissioner.

www.itspublicknowledge.info/appeal

Your unique reference number is F0192547. Please quote this in any future contact with us about your request.

Regards

Fiona Laird
SEPA Access to Information team
Email: foi@sepa.org.uk
Tel: 01786 457700

The information contained in this email and any attachments may be confidential and is intended solely for the use of the intended recipients. Access, copying or re-use of the information in it by any other is not authorised. If you are not the intended recipient please notify us immediately by return email to postmaster@sepa.org.uk

SEPA registered office: Strathallan House, Castle Business Park, Stirling, FK9 4TZ. Under the Regulation of Investigatory Powers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh a-rithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk

Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ. Fo Achd Riaghladh nan Cumhachdan Rannsachaidh 2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm

RESPONSE TO F0192547

Requested Information,

Preparing an EIA for a proposed development located at national grid reference NS 47871 20324 (eastings: 247871, northings: 620324) the nearest postcode is KA18 2RN.

Could you please provide me with digital copies of the following within 2km of NS 47871 20324 (eastings: 247871, northings: 620324);

1. Confirmation of published Flood Map for this area i.e. are there any known issues with the accuracy of the published flood map in this area
2. Details of any known Flood Defences on adjacent watercourses
3. Historic flood data for adjacent watercourses (last 5 years)
4. Historic Flood Event Map for adjacent watercourses or any other available details
5. Surface water quality monitoring records (last 5 years)
6. Groundwater quality monitoring records (last 5 years)
7. Groundwater level monitoring records (last 5 years)
8. Consented surface water and groundwater abstractions CAR (license holder, license number, coordinates, quantity abstracted, groundwater levels, purpose of abstraction, source of abstraction)
9. Consented surface water and groundwater discharges CAR (holder, license number, coordinates, receiving water, quantity of discharge per day)

Response

We can confirm that we have handled your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs)

A search of SEPA recorded information was conducted, please see table below for the results of this search. Any attached files/folders mentioned can be found in the attached Release.zip folder.

Further information regarding the regulations/exceptions applied in the table can be found in [Application of Regulations/Exceptions](#)

Q	Response	Data Reuse
[1]	<p>Confirmation of published Flood Map for this area i.e. are there any known issues with the accuracy of the published flood map in this area</p> <p>The SEPA Flood Map is designed as strategic community level tool to support the development of co-ordinated Flood Risk Management Plans and Strategies as well as public awareness raising of flooding issues where they live or work. The identification of those parts of Scotland potentially at risk of flooding has been undertaken at a national scale and this level of modelling, whilst providing the most comprehensive national source of information on flooding, does have certain necessary limitations and simplifications. These limitations make them unsuitable to explicitly quantify the potential flood risk at a street or individual property level and as such we do not provide detailed information for non-statutory/commercial use. Further information can be found on our website: https://www.sepa.org.uk/environment/water/flooding/developing-our-knowledge/#Floodmaps</p> <p>Should detailed information be required, this should be informed by a site specific investigation.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 6(1)(b) Publically available & easily accessible • Regulation 9 – Advice and assistance • Regulation 10(4)(a) – Information not held 	<p>Re-using this data: Terms & Conditions - You may use the Flood Maps for Your own personal use only. The Flood Maps cannot be used for or related to any commercial, business, professional or other income generating purpose or activity, nor by value added resellers. You must not copy, assign, transfer, distribute, modify, create derived products or reverse engineer the Maps in any way. Your use of the Flood Maps must not be detrimental to SEPA, its activities or the environment.</p>

Q	Response	Data Reuse
[2]	<p>Details of any known Flood Defences on adjacent watercourses</p> <p>We are unable to undertake site specific flood risk enquiries. However, we can provide any flood information we have which will provide a first indication of potential flood risk. We currently have no record of the area having been subject to any form of flooding.</p> <p>Review of the SEPA Flood Map 200-year flood outline (i.e. the flood with a 0.5% chance of occurring in any single year) indicates that parts of the area within 2km of the national grid reference provided, lie within this envelope and as such are potentially at medium to high risk of surface water flooding. The surface water hazard map combines pluvial and sewer model outputs. The map shows their interaction as a composite surface water extent. There may be a need to contact Scottish Water as the risk might be associated with the sewerage system.</p> <p>There are no known issues with the accuracy of the SEPA Flood Map. There are no known flood defences on the adjacent watercourses within a 2km radius.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 9 – Advice and assistance • Regulation 14(1)(b) – other authority 	

Q	Response	Data Reuse
[3]	<p>Historic flood data for adjacent watercourses (last 5 years) SEPA does not hold historic flood data for the adjacent watercourses for the last 5 years.</p> <p>We would recommend that you contact the Roads Department of East Ayrshire Council who, as Flood Risk Management Authority, should be able to provide further information regarding flooding and flood alleviation in the area.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 9 – Advice and assistance • Regulation 10(4)(a) – Information not held • Regulation 14(1)(b) – other authority 	
[4]	<p>Historic Flood Event Map for adjacent watercourses or any other available details The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 6(1)(b) Publicly available & easily accessible 	<p>Re-using this data: Terms & Conditions - You may use the Flood Maps for Your own personal use only. The Flood Maps cannot be used for or related to any commercial, business, professional or other income generating purpose or activity, nor by value added resellers. You must not copy, assign, transfer, distribute, modify, create derived products or reverse engineer the Maps in any way. Your use of the Flood Maps must not be detrimental to SEPA, its activities or the environment.</p>

Q	Response	Data Reuse
[5]	<p>Surface water quality monitoring records (last 5 years)</p> <p>Please refer to attached folder Q5 for surface water data within 2 km of site.</p> <p>The attached data includes results from the current year and caution should be exercised when using these data as they have yet to undergo the full SEPA quality checks. For most purposes it is unlikely that the data will change once all these checks have been completed. However if these data were being used as part of a scientific paper for publication it should be made clear that this data has not yet been officially signed off.</p> <p>For information the data provided covers the following: Date range: 2015– 2020 (last full 5 years plus most recent data) Determinands: All available paramaters Locations: No WFD sites (water quality) matched your request, we have therefore provided any available data within the search parameter which is effluent data from 2 locations.</p> <p>SEPA's chemical water monitoring networks has been designed based on risk - targeting the sites of greatest concern - whilst meeting SEPA's legislative obligations. SEPA's water quality monitoring is designed to provide information on long-term trends, to allow the detection of improvements where we have found pollution problems, and to assess water quality at sites which may have a problem in the future i.e. are at risk. Data collected through this monitoring informs SEPA how the risk is changing across the network. SEPA undertakes regular review of its chemical monitoring to better target resource whilst continuing to protect the environment. It is in relation to this strategy that SEPA does not hold chemical data, or only has historical data, for the particular requested areas.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 9 – Advice and assistance 	<p>Re-using this data: The terms and conditions of SEPA's Data Re-use Statement do not permit the use of this data for commercial purposes. However, under Section 15 of SEPA's Data Re-use Statement we grant permission for the use of this data for the purpose of providing information to the land-use planning process.</p>

Q	Response	Data Reuse
[6]	<p>Groundwater quality monitoring records (last 5 years) SEPA currently has no groundwater level or quality monitoring locations within 2 km of the site.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 10(4)(a) – Information not held 	<p>Re-using this data: The terms and conditions of SEPA’s Data Re-use Statement do not permit the use of this data for commercial purposes. However, under Section 15 of SEPA’s Data Re-use Statement we grant permission for the use of this data for the purpose of providing information to the land-use planning process.</p> <p>In cases where no information is held, data reuse does not apply.</p>
[7]	<p>Groundwater level monitoring records (last 5 years) SEPA currently has no groundwater level or quality monitoring locations within 2 km of the site.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 10(4)(a) – Information not held 	<p>Re-using this data: The terms and conditions of SEPA’s Data Re-use Statement do not permit the use of this data for commercial purposes. However, under Section 15 of SEPA’s Data Re-use Statement we grant permission for the use of this data for the purpose of providing information to the land-use planning process.</p> <p>In cases where no information is held, data reuse does not apply.</p>
[8]	<p>Consented surface water and groundwater abstractions CAR (license holder, license number, coordinates, quantity abstracted, groundwater levels, purpose of abstraction, source of abstraction) Please refer to attached folder Q8 for spreadsheet of CAR abstractions and discharges within 2 km of site. I have provided copies of all licences which will provide details requested.</p> <p>Groundwater Levels are not recorded in licences and there are no groundwater sites within 2 km of site.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none"> • Regulation 6(1)(b) Publically available & easily accessible • Regulation 11(2) Personal Data • Regulation 10(4)(a) – Information not held 	<p>Re-using this data: This data is available in the public domain, via https://beta.sepa.org.uk/publicregister/</p>

Q	Response	Data Reuse
[9]	<p>Consented surface water and groundwater discharges CAR (holder, license number, coordinates, receiving water, quantity of discharge per day)</p> <p>Please refer to spreadsheet and licences in Q8 for details requested above.</p> <p><i>Exceptions/Regulations Applied:</i></p> <ul style="list-style-type: none">• Regulation 6(1)(b) Publically available & easily accessible• Regulation 11(2) Personal Data	

Application of Regulations/Exceptions

Section 39(2)

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Regulation 9 – Advice and assistance

Where we have issued additional information or advice this is provided in line with SEPA's duty to advise and assist under Regulation 9 of The Environmental Information (Scotland) Regulations 2004.

Regulation 11(2) Personal Data

Personal data relating to SEPA staff and private individuals has been redacted from the released documents in accordance with Regulation 11(2) of the EIRs and Data Protection Principles. SEPA has not withheld complete documents which contain such personal data and have released all other information within the document.

Regulation 6(1)(b) Publicly available & easily accessible

Where we have advised above that information is publicly available & easily accessible Regulation 6(1)(b) applies, the text of which is reproduced below:-

6(1) Where an applicant requests that environmental information be made available in a particular form or format, a Scottish public authority shall comply with that request unless-
(b) the information is already publicly available and easily accessible to the applicant in another form or format.

Regulation 10(4)(a) – Information not held

Where we have advised above that SEPA does not hold this information it is excepted under Regulation 10(4)(a) of the Environmental Information Regulations 2004. The text of which is reproduced below;

(4) A Scottish public authority may refuse to make environmental information available to the extent that;-
(a) it does not hold that information when an applicant's request is received.

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

Regulation 14(1)(b) – other authority

As confirmed above SEPA does not hold this information, therefore we advise that you contact Scottish Water and East Ayrshire Council direct as in accordance with the terms of The Environmental Information (Scotland) Regulations 2004 section 14 b, The text of which is reproduced below;

14(1) Where a Scottish public authority has received a request to make environmental information available and does not hold that information but believes that another public authority holds the information requested then it shall

(b) supply the applicant with the name and address of that other authority,

In accordance with the above, please note that the below contact details;-

Scottish Water
Pitreavie Castle
Dunfermline
KY11 8GG

<https://www.scottishwater.co.uk/help-and-resources/access-to-information>

foi@scottishwater.co.uk

Freedom of information
East Ayrshire Council Headquarters
London Road
Kilmarnock
KA3 7BU

freedomofinformation@east-ayrshire.gov.uk

<https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/DataProtectionAndFreedomOfInformation/How-to-make-a-Freedom-of-Information-Request.aspx>

What to expect when making a Request for Information

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

How you will be kept informed

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

What happens once your enquiry has been responded to?

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website;
<http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 2018.

What to do if you are not happy with how your enquiry and review were handled

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

www.itspublicknowledge.info/appeal
<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.

Our ref: PCS/140812
Your ref: 15/0413/PP

Graham Cann
East Ayrshire Council
The Johnnie Walker Bond
15 Strand Street
Kilmarnock
KA1 1HU

If telephoning ask for:
Julie Gerc

24 July 2015

By email only to: submittoPlanning@east-ayrshire.gov.uk

Dear Sir

Town and Country Planning (Scotland) Acts

Planning application: 15/0413/PP

Barr Killoch Energy Recovery Park which will include an energy recovery gasification plant with associated stack, plant and infrastructure, waste reception hall, material recovery facility and a visitor centre

Killoch Depot, Killoch Colliery Off A70 West Of Ochiltree, Ochiltree, Cumnock, East Ayrshire, KA18 2RL

Thank you for your consultation letter which SEPA received on 11 June 2015.

The developer proposes to segregate recyclable materials from incoming waste prior to using continuous gasification technology for the treatment of the residual solid waste component. This technology is in use in other applications within the United Kingdom (and elsewhere) and has the potential to meet the requirements of the Waste Incineration / Industrial Emissions Directive. SEPA therefore considers that this proposal is potentially consentable. Upon receipt of an application to operate a PPC activity, aspects of the proposal such as stack height may have to be reviewed to meet PPC requirements. It would be for the planning authority to determine if such changes were acceptable and whether they would necessitate submission of a new planning application.

SEPA has reviewed the information provided with this consultation and would ask that planning **conditions** relating to flood risk and monitoring for an Agricultural Impact Assessment are attached to any planning consent granted for this application see sections 3.1 and 8.5. If any of these will not be applied, then please consider this representation as an **objection**.

It should be noted that much of the detailed information required to make a determination on whether a PPC permit could be issued is not normally available at the planning stage and therefore our position on consentability of the proposed activity can only be made in principle at this stage. Further information on the detailed technology design, operation, and control systems will be required as part of any future PPC application and there is no guarantee that a PPC Permit will ultimately be issued. We consider that this approach is in keeping with the guidance provided in PAN 51, Planning, Environmental Protection and Regulation, paragraph 38.



Chairman
David Sigsworth

Chief Executive
Terry A'Hearn

Angus Smith Building
6 Parklands Avenue, Eurocentral,
Holytown, North Lanarkshire ML1 4WQ
tel 01698 839000 fax 01698 738155
www.sepa.org.uk

In preparing this response we have followed the guidance provided in Annex B of Scotland's Zero Waste Plan and have therefore not provided comment on the issues of 'need' or 'proximity'.

Advice for the planning authority

1. Licensing and Consentability

- 1.1 Based on the information submitted in the planning application and in the supporting Environmental Statement (ES), it is SEPA's view that upon submission of an appropriate, robust, and complete application, this proposal is potentially consentable in terms of the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC).
- 1.2 In addition to a PPC Part A licence, the facility will also require a PPC part B permit. The Energy Efficiency Directive Cost Benefit Analysis (EED CBA) for this proposal will be complex with a requirement for a large amount of information. The applicant should note their responsibility for providing the relevant information.
- 1.3 SEPA's Thermal Treatment of Waste Guidelines (TTWG) set out the requirements for energy efficiency and what is expected in terms of an acceptable Heat and Power Plan. The planning application provides information on how the developer plans to meet the minimum targets specified in TTWG, however at any future PPC Permit Application stage, SEPA will expect a robust demonstration that the stated energy efficiency targets can be achieved. Particular focus will be placed on the applicant demonstrating the calculations of energy efficiency on start-up are achievable and that the mooted future heat off-take users are likely to come to fruition. The viability of this proposal relies on attracting new industrial/commercial operators to the area who will make use of heat off-takes.
- 1.4 Critically, it should be noted that the speculative industries proposed for using heat from the facility would require separate planning approval and/or separate regulatory approval prior to their installation and operation. Despite indicative assurances within the Heat Plan, at this stage, the feasibility and potential approval of such uses cannot be confirmed, nor have guarantees for future take up from potential organisations, been provided.
- 1.5 Accordingly, both the planning authority and the applicant should be mindful of the risks associated with the inclusion of speculative uses within the energy efficiency calculations. Any changes to current proposals are likely to result in significant impacts on the potential for adjacent "industry" to use heat. The ability of the proposed facility to be compliant with the TTWG energy efficiency requirements will, in part, be dependent on having local heat "users".
- 1.6 Notwithstanding this, it would be for the local planning authority to be satisfied that the speculative uses proposed could be accommodated, in principle, at this location and therefore that the resultant heat demand could facilitate the attainment of the aforementioned energy efficiency requirements.

2. Noise and Odour:

- 2.1 SEPA control potentially polluting emissions from regulated processes under Part A of the PPC Regulations 2012 through conditions of issued Permits. These conditions ensure that Best Available Techniques are employed to prevent or (where that is not practicable) minimise pollution. However, due to the nature of the proposed activity, even with the use of best industrial practice, mitigation and abatement techniques, it is possible there may be adverse noise impact and residual odour detected in close proximity to the site.

- 2.2 The location of one property (Killoch Farmhouse) ~30m from the site boundary does give cause for concern. The impact upon residents at this property will require close scrutiny and further information is likely to be required to satisfy SEPA at any future PPC Application stage.
- 2.3 Residual odour may not necessarily represent non-compliance with the site licence conditions relating to offensive odours and therefore cannot be controlled by us. However we would investigate complaints or issues arising from any perceived impacts in order to assess overall compliance with the site licence.

3. Agricultural Impact Assessment

- 3.1 The applicant has stated that they will carry out an agricultural impact assessment. We would request that should planning permission be granted that a condition requiring baseline monitoring, as set out in the model which will be used, is carried out to the satisfaction of the planning authority in consultation with SEPA.

4. Thermal Treatment of Waste Guidelines (TTWG)

- 4.1 Scottish Planning Policy (SPP), paragraph 189 requires that thermal treatment plants comply within the SEPA's Thermal Treatment of Waste Guidelines. Minimum long term targets for energy efficiency set out in the Guidelines for facilities with a capacity greater than 70,000 tons per annum (tpa) are set at 35% (20% for electricity recovery).

5. Electricity

- 5.1 An initial feasibility study for using surplus power has highlighted a connection point at the nearby sub-station with Scottish Power confirming a connection is feasible and the preferred connection route. The applicant has confirmed that an application for connection has been lodged (Appendix 2 of Heat Plan). This arrangement is supported as it should allow for the transfer of renewable electricity back into the grid.
- 5.2 The proposed power energy efficiency on commencement of the facility of 20.14% exceeds the 20% minimum requirement

6. Heat

- 6.1 In order to meet the future 35% energy efficiency requirement, various speculative heat uses are proposed and includes:
- BEL Offices (5,450m² / 500MWh/yr);
 - Coal Drying Operations (15,600KWhr/yr)
 - Glasshouses (Horticulture) (6,000m² / 3,135MWh/yr)
 - Woodchip drying (31,200MWhr/yr)
 - RDF Drying (11,700MWh/Yr)
- 6.2 A conceptual review of the potential heat network route within the subject site has been identified (Section 3 of Heat Plan and Drawing LE12479-012); however, the location of heat off takers and links to potential heat users has not been provided.

6.3 It would appear that the majority of the speculative heat users would be located within the boundary of the subject site, with the coal drying facility being located directly to the north of the site. Any proposed heat pipeline enabling users to receive residual heat would be dependent on the applicant agreeing terms with these users during subsequent discussions, which would largely be considered in the PPC licence application. The local authority may wish to consider any planning issues associated with the route and installation of heat pipelines and offtakes.

7. Human Health

7.1 Emissions which could impact upon health are entirely under the control of our regulatory powers and can be restricted to acceptable levels which can be determined following a Health Impact Assessment (HIA) at the environmental regulatory stage.

7.2 We would carry out a detailed assessment of the HIA at any PPC permitting stage (which includes consultation with the Local Authority and Health Board).

8. Local Air Quality

8.1 Given the amount of uncertainties and assumptions with atmospheric dispersion modelling and the issues surrounding cumulative impact from vehicle and point source emissions from the roadstone coating plant (situated on-site) and the nearby Egger Barony process, it is SEPA's opinion that the Council requires the developer to undertake background monitoring prior to development.

8.2 The air quality report states that baseline conditions are already taken account of by the use of Defra air quality background maps; however these modelled predictions are rudimentary and are not a substitute for ambient monitoring. Pollutant contribution of the installation to ambient air quality levels will be fully assessed as part of the PPC Permit determination and original model inputs may be re-analysed. This method is justified given the number of receptors in the immediate vicinity and the, as yet, unsubstantiated pollutant background concentrations, particularly the contribution from the A70.

9. Surface Water

9.1 The levels of SUDS proposed appear to be satisfactory but SEPA will require further information on the use/possible contamination of the hard standing area. However, subject to the confirmation of the hard standing area usage, the SUDS proposals will in principle satisfy our requirements provided they are designed and constructed in accordance with the CIRIA manual C697. The applicant acknowledges that they will need to provide more detailed surface water drainage proposals. If the 600mm culvert requires diversion then the option should be considered of realigning it in an open channel and the applicant should contact SEPA in this regard.

9.2 It is understood that currently, in times of heavy rainfall, there are issues with the surcharging of manholes which take surface water from the existing site. Attenuation of surface water is primarily the responsibility of East Ayrshire council and you may wish to consult with your flood risk colleagues with regard to this issue.

10. Foul Drainage

10.1 Scottish Water's assessment of the site must demonstrate that the existing sewerage system can accommodate the new development's flow with no detriment to the current

situation. If this is not the case a Development Impact Assessment (DIA) should be carried out to identify mitigation measures that provide either betterment or no detriment to the existing system to Scottish Water's satisfaction.

- 10.2 We are of the view that drainage is a material planning consideration and further that potential impacts on the water environment must also be considered in the determination of planning applications. Planning Advice Note 79 (Water & Drainage) provides guidance on new development's connection to waste water infrastructure. Paragraph 12 states "Where a development is proposed in an area already served by Scottish Water's network, connection to that network will be the preferred option." Paragraph 42 states that "The Planning Authority should be satisfied that proposals would not have an adverse impact on water quality, public health or the environment".

11. Flood Risk

- 11.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect East Ayrshire Council to undertake their responsibilities as the Flood Prevention Authority.
- 11.2 We consider the assessment of flood risk undertaken by Wardell Armstrong to be thorough and fully in line with the risk framework as set out in Scottish Planning Policy. Its conclusions correspond with our assessment of the level or risk on site and the mitigation measures proposed will ensure that the risk associated with the existing culvert on site can be managed.
- 11.3 We can confirm that this site is located wholly within an area of little to no risk (less than 0.1% annual probability) of fluvial flooding and that the development falls within the 'less vulnerable land use' category as set out in our vulnerability guidance. We do not consider coastal risk to propose any potential risk and on the basis of the site investigation work undertaken we consider the risk posed by groundwater to be low. We also consider that the risk posed by settlement lagoons to the west of the site is low on the basis of the topography of the area and the existence of a protective earth bund.
- 11.4 The only concern we have relates to the existing 600mm surface water culvert. From the information provided we do not know the exact route that this culvert takes, nor do we have confirmation as to its current condition. Paragraph 15.6.2 states that; "The existing 600mm diameter culvert may require diverting to suit the layout proposals. The design will ensure that should the culvert fail for any reason that surface water will discharge temporarily into non-essential and sacrificial areas until such time as remedial works can be undertaken".
- 11.5 On this basis we assume that it is the intention of the applicant to ensure that no built development takes place above this culvert. We consider this to be a very sensible measure that will, in conjunction with an inspection and maintenance regime, ensure that the risk posed by this culvert is mitigated. We therefore require that **a planning condition** which will ensure that no built development takes place over the culvert is attached to planning permission, should it be granted.
- 11.6 Local authorities sometimes have additional requirements with regards to no-build zones in proximity to culverts. We recommend that advice is sought from East Ayrshire Council's own flood risk section regarding this matter.
- 11.7 The updated SEPA – Planning Authority Protocol on Planning and Flooding specifies that all water quantity aspects of surface water drainage are a matter for the Flood Prevention

Authority to consider. Again, it is therefore for East Ayrshire Council to confirm that the broader drainage arrangements and SUDS system will be correctly sized and in line with any internal requirements.

12. Contaminated Land

- 12.1 The Local Authority is the lead authority in relation to contaminated land and we therefore request that you consult your Environmental Services Department and those responsible for implementing the contaminated land regime regarding this proposal. These contaminated land specialists will take a lead on commenting on the planning application, with SEPA's contaminated land specialists providing input directly to them in relation to impacts upon the water environment.

Detailed advice for the applicant

Please note our requirements and comments above. As additional information will be required, it is strongly recommended that you continue to liaise with our technical support unit.

While it is preferred that this information is available at the planning stage, it should be noted that it will be at the developer's own commercial risk if it is not provided. Occasionally, this may result in a development with planning permission being refused environmental consent.

13. Best Available Techniques (BAT)

- 13.1 The proposed Heat and Power Plan does not set out how Best Available Techniques (BAT) would be implemented. The Environmental Statement (ES) indicates that the BAT would be provided at the Pollution Prevention & Control (Scotland) Regulation 2012 (PPC) permit application stage. The TTWG specifically require BAT to be identified. Accordingly, we recommend that this requirement is provided within any subsequent PPC permit application.

14. Piperuns

- 14.1 A requirement to incorporate adequate piperuns is an approach advocated by paragraph 159 of the Scottish Planning Policy and should allow for the provision of adequate heat network connections. Given that the majority of the proposed heat users would be located within the boundaries of the subject site; this proposal is less problematic than other sites, with extensive pipelines crossing land within third-party ownership. Nevertheless, one proposed use is located outwith the application site as is the connection to the nearby substation. Accordingly, the feasibility of these arrangements is likely to be required within the PPC permit application stage to ensure the adequacy of the proposed approach.

15. Residual Waste

- 15.1 In reviewing compliance with the TTWG, it is important to review the ability for the proposed facility to demonstrate that only residual waste would be used within the facility by identifying what reasonable efforts would be made to extract as much remaining recyclable material as is 'reasonably practicable' prior to the incineration of unsorted waste. This information is likely to be required within any subsequent PPC permit application to demonstrate commitments to the use of residual waste within this facility.

16. Flood Risk Caveats & Additional Information for Applicant

- 16.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.
- 16.2 We refer the applicant to the document entitled: "*Technical Flood Risk Guidance for Stakeholders*". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction with Policy 41 (Part 2).
- 16.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from www.sepa.org.uk/flooding/planning_flooding/fra_checklist.aspx
- 16.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 16.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to East Ayrshire Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

17. Air Modelling

- 17.1 While we have no major concerns regarding this proposal, we do have some minor comments, which can be addressed at the PPC application stage
- More details should be provided about the time varying emission profile used to model the roadstone coating plant and should include a graph of the diurnal emission profile.
 - Contour plot labels should specify the year that each plot represents
 - Modelled concentrations should be presented for each of the years modelled, so that inter annual variability can be assessed. The worst year for each assessment standard should be highlighted.
 - Wind roses for each year of meteorological input data used should be included.

Regulatory advice for the applicant

18. Regulatory requirements

- 18.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Ayr
31 Miller Road
Ayr
KA7 2AX
Tel: 01292 294000

If you have any queries relating to this letter, please contact me by telephone on 01698 839337 or e-mail at planning.sw@sepa.org.uk.

Yours faithfully

Julie Gerc
Senior Planning Officer
Planning Service

Copy To:

Wardell Armstrong
2 The Avenue
Leigh
WN7 1ES

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).

16th November 2018



Wardell Armstrong
City Quadrant 11 Waterloo Street
Newcastle Upon Tyne
NE1 4DP

SCOTTISH WATER

Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Customer Connections
Freephone Number - 0800 3890379
E-Mail - CustomerConnections@scottishwater.co.uk
www.scottishwater.co.uk

Dear Mr Bulley

**KA18 Ayrshire Ochiltree Killoch
Pre-Development Enquiry Application – Network Assessment Required
Our Ref: 768185**

Thank you for your application regarding the above proposed development. Please note our reference number, which should be quoted on all future correspondence.

Following a capacity review we can now confirm the following:

Assessment of capacity at our treatment works:

There is currently sufficient capacity in the Afton Water Treatment Works to service your development.

There is currently sufficient capacity in the Drongan Waste Water Treatment works to service your development.

Assessment of our network:

Further studies are required to be carried out to determine if our existing water network can adequately service the demands of your development, or if any mitigation/enhancement work is necessary -

Water: A Flow and Pressure test (F&PT) is required for this development.

You may appoint your preferred consultant to undertake these works, or alternatively, if you wish Scottish Water to obtain a quote on your behalf we will arrange this via one of our commercial partners who will contact you directly.

Please contact me to confirm how you wish to proceed with these works.

Scottish Water is committed to assisting development in Scotland and has funding under our current investment period to upgrade our water and waste water treatment works however our regulations from the Scottish Executive for our current investment programme (2015-2021) state that should your development require Scottish Water networks to be upgraded this cost will have to be met by the developer; Scottish Water may contribute towards the cost of these works, including the required study, via Reasonable Cost Contribution regulations.

Please Note:

Water

A flow and pressure test will be required to confirm that the development can proceed and to ensure existing customers are not adversely affected.

Waste Water

The above waste water assessment is based on a foul only connection. All surface water to discharge to surface water sewer at an attenuated rate of 17.6l/s as per application. Foul and surface water to be separated within the site.

Trade Effluent

Where a new or altered sewer connection is being made, a Form B application will also be required.

In Section 7, the applicant states trade effluent will be discharged from the proposed development.

Where sufficient capacity exists to accommodate a new discharge of trade effluent from the development, a separate Form H (Application to discharge trade effluent into the public sewer) must be completed and submitted to Scottish Water via the Licence Provider before the discharge commences. Trade effluent must be discharged into a drain which connects to the foul sewer, discharging trade effluent into surface water drainage systems is illegal and will not be authorised.

Activities such as ground works dewatering, or pipe cleaning and flushing carried out as part of the construction of the development may be considered to be trade effluent. As such temporary discharge consent would need to be granted by Scottish Water before any waste water from these activities would be authorised to be discharged into a public sewer. Where appropriate, a Form H (Application to discharge trade effluent into the public sewer) must be completed and submitted to Scottish Water via the License Provider.

Asset Impact Team

Stand-off distance to Scottish Water Infrastructure

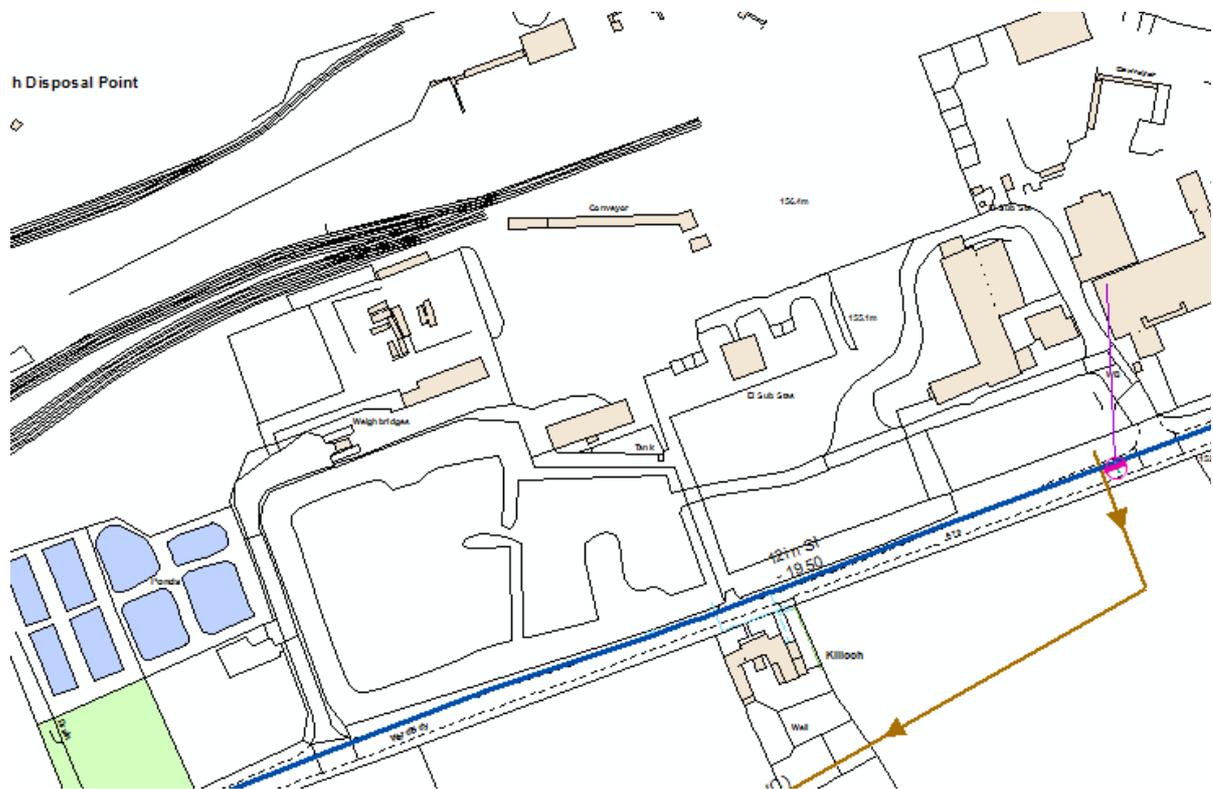
The stand-off distance for this asset is 5.9 metres in every direction on the horizontal plane. No building, private garden or other obstruction should be located within the stand-off distance of a sewer. However if you discover the pipe is closer to your development than 5.9 metres or wish to change your plans or develop the site further you should send the proposals to the Scottish Water Asset Impact Team at the below

address for review and acceptance. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

Stand-off distance to Scottish Water Infrastructure

The stand-off distance for this asset is between 3-6 metres dependant on the depth in every direction on the horizontal plane. No building, private garden or other obstruction should be located within the stand-off distance of a sewer. However if you discover the pipe is closer to your development than between 3-6 metres or wish to change your plans or develop the site further you should send the proposals to the Scottish Water Asset Impact Team at the below address for review and acceptance. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

GIS Snapshot



General Notes:

You will require to apply for technical approval for your waste water/water infrastructure from our technical design team. In order to apply for technical approval you will need to apply through a licensed provider.

All non-domestic connections required as of 1st April 2008 will need to be submitted via a licensed provider. For further details on the licensed providers available at

present please go to www.scotlandontap.gov.uk for information on market separation etc.

On agreement of any quote issued by your Licensed Provider, certain procedural elements of the actual request for connection have altered under market competition. You should be aware that approximately **35 business days**' notice will have to be supplied to your Licensed Provider for connection requests made from mid-February 2008 onwards.

I trust that the above is acceptable however, if you have any questions relating to the above do not hesitate to contact me at the above address.

Yours sincerely

Holly Henderson
Development Operations Modern Apprentice
Holly.Henderson@scottishwater.co.uk

Scottish Water Disclaimer:

“It is important to note that the information on any such plan provided on Scottish Water’s infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation”