

APPENDIX 8

1 NPF4

1.1 Consideration

1.1.1 Since submission of the application, the draft NPF4 has been published and is being consulted on by the Scottish Government. At this stage the draft NPF4 holds little if any planning weight in determining planning applications. Notwithstanding, a number of aspects of this emerging framework are relevant to the proposal. For the sake of completeness these are considered below.

1.1.2 The draft NPF4 outlines a number of Spatial Principles for Scotland 2045, outlining ‘*As a nation, we will need to make the right choices about where development should be located. No single policy or development on its own will deliver sustainable, liveable, productive and distinctive places. To build a climate-conscious and nature-positive future, our strategy and the policies that support its delivery are based on six overarching principles*’.

1.1.3 Barr’s existing and proposed waste management facilities play a significant role in the nation’s current strategic waste management infrastructure network. This includes the proposed state of the art recovery park, as well as existing recycling centres, transfer stations and landfill sites. While the move away from landfilling certain waste streams is currently taking place in order to meet the Scottish Government’s 2025 ban of sending biodegradable municipal waste to landfill, there will be a requirement to continue to manage waste over the coming years. To complement existing facilities the proposed energy from waste facility at Killoch will be instrumental moving waste up the waste hierarchy in the west of Scotland, servicing East Ayrshire and neighbouring local authority areas.

National Planning Policy Handbook

1.1.4 Part 3 of the draft NPF4 consists of the National Planning Policy Handbook, which includes a specific section on Zero Waste. The key aim of this policy section sets out that ‘*we want our places to be more resource efficient, and supported by services and facilities that help to achieve a circular economy*’.

1.1.5 The pre-amble to the policy goes on to say: ‘*The circular economy is a significant economic and environmental opportunity to manage waste and resources in a way that contributes to Scotland’s net zero and sustainability ambitions and green recovery. The planning system should support development which reflects the waste hierarchy, prioritising the reduction and reuse of materials, and facilitate the delivery of new infrastructure required to achieve this. The Scottish Government has commissioned an independent review of the role that incineration plays in Scotland’s*

waste hierarchy. Any emerging outcomes will be taken into account in the finalised version of National Planning Framework 4'.

- 1.1.6 The Killoch ERP is identified within the ongoing Scottish Government review (lead by Dr Colin Church) of the role incineration plays in Scotland's waste hierarchy in terms of the future capacity it will provide when it comes online. The review is close to completion, at which point the independent findings will be passed to Scottish Ministers, after which it is assumed the findings will be made public later this year. Barr have contributed to the process and have lodged a response to the call for comments by the review. The timing of the review and the emerging NPF4 is potentially very beneficial in that there is the opportunity to incorporate the findings of the review into the final planning framework document.
- 1.1.7 Policy 20: Zero Waste then sets out the requirements that developments plans and development proposals should adhere to, to assist the Scottish Government in meeting its zero waste targets. The following sections are relevant to the Killoch Energy from Waste proposal.

*a) Local development plans should identify **appropriate locations for new infrastructure** to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.*

- 1.1.8 A precedent for the principle of development of an ERP at Killoch was established under the approval of the previous planning application (Ref. 15/0413/PP). This is further set out in the Report by the Head of Planning and Economic Development, Economy and Skills, dated 11 April 2017, which states that, "Killoch meets with current planning policy concerning the location of waste treatment plant, being an existing industrial site, is well connected to the main road network, is close to an electricity substation and there are opportunities for development of end heat users on adjoining land."
- 1.1.9 Therefore, the application site is considered a suitable location for a waste management facility.

*i) Development proposals which involve the **recovery of energy from waste** should only be supported where the proposal:*

- *is in a location identified or supported by the local development plan; and,*
- *is consistent with climate change mitigation targets and in line with circular economy principles; and,*

- *can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and that wherever possible, potential local consumers have been identified; and*
- *is supported by a heat and power plan, which demonstrates how energy recovered the development would be used to provide electricity and heat, including the scope to efficiently distribute heat to sites which have a long-term high heat demand and where consideration is given to methods to improve the sustainability of the facility, such as carbon capture and storage. The accompanying information should account for future and current annual figures of waste infrastructure capacity needs for a variety of technologies (e.g. those produced by SEPA) including thermal treatment infrastructure and that options for alternative technologies that retain the value of materials have been exhausted. It should also account for potential changes in waste composition and demonstrate that it will not prevent waste being moved further up the waste hierarchy; and*
- *comply with the Thermal Treatment of Waste Guidelines published by SEPA; and*
- *should supply a decarbonisation strategy aligned with Scottish Government decarbonisation goals and be refused where the strategy is insufficient; and*
- *deliver demonstrable community benefits if the energy from waste proposal would treat waste from an area wider than the local authority.*

1.1.10 The proposed ERP complies with the various requirements of the above emerging policy section (i). These are considered in further detail below.

Locational support within LDP

1.1.11 The proposal location aligns with the Local Development Plan, as an existing brownfield location and with consent issued for gasification, as such meeting the policy requirements of WM4 and WM6.

Climate change targets

1.1.12 The proposal is consistent with national and local climate change targets in that it is diverting waste away from landfill. This is covered in more detail within the Climate Change chapter of the EIA and EIA Addendum.

Functional Heat Network

1.1.13 It has been demonstrated that the Killoch site would include a heat offtake to facilitate a functional heat network. A number of discussions have been held with potential heat users. Until planning permission is granted it is difficult to progress those discussions further. In addition to this Barr are promoting a business and industrial park on land adjacent to the Killoch site through the local development plan process. The site would incorporate up to approximately 2.82ha of development, utilising heat and electricity from the proposed Energy Recovery Park. In this way Barr can directly facilitate a functional heat network. The business park does not form part of the current application and a separate planning permission would be sought subject to approval of the current application.



Figure A: Concept Masterplan for adjacent site showing indicative layout for business park

Heat and Power Plan

1.1.14 A heat and power plan has been prepared to support the application. This is included as Appendix 9. A number of potential local consumers have been identified, including neighbouring businesses. This has been updated to take account of the concept plan which Barr are seeking to promote.

1.1.15 The applicant is also open to discussion with East Ayrshire Council with regard to potential future collaboration with regard heat/ energy use, for example a logical option could be council refuse vehicles being able to recharge while disposing of waste

at the Killoch site. Alternatively, power from Killoch could be used to produce hydrogen which could fuel waste vehicles. Barr anticipate those discussions would be progressed post planning determination and secured via local authority waste contract requirements.

- 1.1.16 Since submission of the planning application, a decarbonisation strategy has been prepared to meet the requirements of the above emerging policy. A copy of this is appended to this EIA Addendum at Appendix 6.2. The decarbonisation strategy details how the proposed project will meet the Government’s decarbonisation target during the lifetime of the project, from the use of low carbon material during the construction phase through to implementation of carbon capture and storage during the latter stages of the project lifetime.
- 1.1.17 The applicant is committed to a long-term strategy during the project lifetime which seeks to make best use of all energy/ heat created during the waste management process – with both private and public sector partners.
- 1.1.18 The applicant is supportive of the aims of the draft policy and envisages Killoch ERP becoming an essential and strategic waste management facility within the wider waste management network.

Community Benefit

- 1.1.19 The Supreme Court case R (on the application of Wright) (Respondent) v Resilient Energy Severndale Ltd and Forest of Dean District Council (Appellants) confirmed that a material consideration for community benefit must be one which serves a planning purpose and that means it must relate “to the character of the use of the land”. Barr would be willing to provide community benefit within that context. To consider any other community benefit within the determination of the planning application would be ultra vires. It should also be noted that EAC have a duty to require community benefits when letting contracts and so we anticipate and would welcome that opportunity through the waste tender process. We also anticipate that with the landfill ban in 2025 it follows that the spending of a portion of landfill tax on community projects will cease as there will be little material going to landfill. We anticipate that it is likely that the Scottish Government will introduce a similar replacement tax on EfW which would provide community benefits.