



**Report by Chief Planning Officer
Planning and Climate Change Policy Board: 21 January 2025**

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| Reference No | 24/0221/PP |
| Application Type | Planning Permission-Full |
| Proposal | Section 42 application to vary conditions 3 and 4 (to clarify the types of waste operations permitted within the site and include for the handling of non-hazardous solid industrial and commercial waste) of planning permission 11/0431/PP |
| Location | 49 Burnbrae Road, Linwood, Paisley |
| Ward | 10 - Houston, Crosslee and Linwood |
| Community Council | Elderslie Community Council |
| Applicant | Mr Paul O'Brien Enva |
| Recommendation | Grant subject to conditions |
| All plans, reports, documents and representations relating to this application can be viewed in full online at https://pl-bs.renfrewshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SAL4XGMWG9L00 . | |

This report fulfils the requirements of regulation 16, Schedule 2, paragraphs 3(c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

The report is presented to the Planning and Climate Change Policy Board in line with the Council's Scheme of Delegation. While the application would normally fall within the scheme of delegation to be determined by officers, the scheme of delegation allows for officers to refer applications to the board. The application has been referred in this instance to allow the application to be fully considered given the site history and the potential environmental matters associated with waste management facilities.

Proposal

This application seeks permission under Section 42 of The Town and Country Planning (Scotland) Act 1997 (as amended) to vary conditions 3 and 4 of planning permission 11/0431/PP which relates to waste management operations at the ENVA facility on Burnbrae Road, Linwood.

Planning permission 11/0431/PP sought to vary conditions associated with the original planning permission 97/0920/PP with respect to changing the boundary whereby waste can be stored, recycled and transferred, and the types of waste which can be handled at the site.

Condition 3 of planning permission 11/0431/PP relates to areas where the reception, storage and handling of municipal solid waste shall be restricted to. It is worded as follows:

That all activities related to the reception, storage, and handling of municipal solid waste (MSW) shall be restricted to, and contained entirely within, the building coloured green and marked "Proposed Building" on Drawing Number 76/000/PA/04 Revision A and as detailed in Drawing Numbers 76/000/PA/07, 76/000/PA/08 and 76/000/PA/09.

Reason: In the interest of amenity and to define the permission.

Condition 4 relates to the types of waste that can be processed at the site. It is worded as follows:

That the materials which can be received, handled, sorted, crushed, shredded, processed and stored on the site shall be restricted to waste cardboard, plastics, glass, tiles, brick,

concrete, aggregate and waste arising from construction or demolition works and shall exclude clinical waste or special waste other than waste electrical or electronic equipment (WEEE) items which contain some components which classify the items as special wastes unless otherwise restricted or allowed for by reference to conditions 2 and 3 above.

Reason: To define the permission and in the interests of amenity.

The proposed variation seeks to broaden the types of waste which can be handled at the site, and specifically the ability to accept non-hazardous solid industrial and commercial wastes (NHSICW). This will allow the operator to future proof its services and provide more flexibility to respond to commercial demands. The immediate intention is to start accepting leather waste from a local manufacturer. The leather waste would be shredded, and then sent offsite to an energy from waste plant.

The variation to the wording of conditions 3 and 4 as proposed by the applicant is therefore as follows:

Condition 3

That all activities related to the reception, storage and handling of municipal solid waste (MSW) and non-hazardous solid industrial and commercial waste (NHSICW) shall be restricted to, and contained entirely within the building coloured green and marked "Proposed Building" on Drawing Number 761000/PA/04 Revision A and as detailed in Drawing Numbers 761000/PA/07, 761000/PA/089 and 761000/PA/09.

It is noted that the drawings references on condition 3 contain a typographical error whereby / has replaced 1. This has been corrected.

Condition 4

That the materials which can be received, handled, sorted, crushed, shredded, processed and stored on the site shall be restricted to waste cardboard, plastics, glass, tiles, brick, concrete, aggregate, waste arising from construction or demolition works, and other non-hazardous solid industrial and commercial waste (NHSICW). Clinical waste or special waste (other than waste electrical or electronic equipment (WEEE) items which contain some components which classify the items as special wastes) shall not be received within the site unless otherwise allowed for by reference to condition 3 above.

It should be noted that the inclusion of NHSICW would allow for a range of additional wastes to be processed at the site, provided they were from industrial and commercial sources, non-hazardous and in a solid state. However as per condition 3 any wastes that fall within this category would still need to be received, stored, and handled within a building.

The applicant advises that the leather waste they are proposing to process at the site is approx. 800 tonnes a year. This equates to approx. 82 additional deliveries a year.

The applicant further advises that the SEPA waste management licence at the site allows a maximum of 500,000 tonnes of waste to be received in total each year. However, over the last five years the actual amounts received have ranged between 171,000 tonnes and 267,000 tonnes per annum.

Site Description

The ENVA facility is located within the Burnbrae local industrial area. It comprises of a mix of buildings spread over the 10.6 hectare site area. The site is bound by a railway line and cycle path to the south and south west, a logistics warehouse to the west, Burnbrae Road to the north with open space beyond, and Old Patrick Wate to the east with a long stay car park

beyond. The nearest residential properties are on Old Road in Elderslie which are located on the opposite side of the railway line to the south of the site.

Pre-Application Consultation with Officers

The Scottish Government strongly encourages constructive pre-application discussions between prospective applicants and the planning authority. Pre-application discussions seek to identify key planning considerations at an early stage and help inform what supporting information is required to support a subsequent application.

Pre-application discussions have taken place, focusing on the following matters:

- The requirement for a Section 42 application to vary the conditions, and a list of information required to support the application.

Negotiated Improvements

Following submission, the following changes have been negotiated between officers and the applicant:

No changes have been negotiated.

Site History

Application No: 09/0535/PP

Description: Erection of building to accommodate a biomass power plant and installation of associated plant and equipment.

Decision: Grant subject to conditions

Application No: 11/0431/PP

Description: Amendments to planning consent 97/0920/PP:

1. Change of planning boundary to incorporate an area to the west of the existing boundary for the recovery, recycling, storage and transfer of wastes;

2. Amendment of Condition 2 regarding the type of waste to b

Decision: Grant subject to conditions

Application No: 10/0433/EO

Description: Amendment to Condition 5 of planning permission 97/0920/PP to extend operating hours to 0600 hours to 2300 hours Mondays to Fridays, 0700 hours to 2200 hours Saturdays and 0800 hours to 2200 hours Sundays and amendment to Condition 2 regarding type of was

Decision: Withdrawn

Application No: 10/0769/NO

Description: Amendment of Condition 2 of planning consent 97/0920/PP regarding the type of waste to be handled on the site, to allow for receipt, storage and processing of municipal solid waste;

Amendment of Condition 5 to extend operating hours of timber process to t

Decision: Accepted;

Application No: 10/0033/PP

Description: Erection of new enclosure to baling plant.

Decision: Grant subject to conditions

Application No: 09/0296/SC

Description: Request for scoping opinion for erection of biomass power plant
Decision: Offer Observations

Application No: 09/0117/EO
Description: Request for screening opinion on need for Environmental Impact Assessment for erection of biomass power plant
Decision: Environmental Assessment Required

Application No: 08/1111/EO
Description: Request for Screening Opinion in respect of the need for a Statutory Environmental Statement for biomass power plant
Decision: Withdrawn

Application No: 07/1270/VR
Description: Modification of condition 2 of planning consent 97/0920/PP to read "That waste handled on the site shall exclude special, clinical, putrescible or general household waste and shall include household waste only as arising from construction or demolition wo
Decision: Grant

Consultations

Glasgow Airport Safeguarding - No objection.

S.E.P.A. - No comments. Application does not meet threshold for consultation.

Environment, Housing & Infrastructure (Env. Protection) - No comments.

Chief Executive's Service (Roads Development) – No objection to increasing the tonnage at the site to 500,000 tonnes per annum. Enhancements are sought to the surrounding transport network which would improve active travel to the site.

Scottish Water – No response received.

Network Rail - No objections.

NATS - No objections.

The Coal Authority - No comments.

Representations

The application has been publicised in line with the requirements of the relevant legislation.

The following representations were received:

Object - 0
Support - 0
Neutral - 0

Policy Context

In making any determination under the Planning Acts, regard is to be had to the development plan unless material considerations indicate otherwise. In this instance the Development Plan consists of National Planning Framework 4 (NPF4) and the Renfrewshire Local Development Plan (2021) (LDP).

The following provisions of the Development Plan are considered relevant to the determination of this application:

National Planning Framework 4

Policy 1 - Tackling the climate and nature crises

Policy 2 - Climate mitigation and adaptation

Policy 3 - Biodiversity

Policy 12 - Zero waste

Policy 13 - Sustainable transport

Policy 22 - Flood risk and water management

Policy 26 - Business and industry

Full details relating to the policies of the NPF4 can be found [online](#).

Renfrewshire Local Development Plan

Policy E1 - Renfrewshire's Economic Investment Locations

Policy ENV2 - Natural Heritage

Policy ENV4 - The Water Environment

Policy ENV5 - Air Quality

Policy I1 - Connecting Places

Policy I5 - Waste Management

New Development Supplementary Guidance

Delivering the Economic Strategy – Economic Investment Locations

Delivering the Environment Strategy – Natural Heritage, The Water Environment, and Air Quality

Delivering the Infrastructure Strategy – Connecting Places

Full details relating to the policies of the LDP can be found [online](#).

Other relevant policies and guidance

Scotland's Zero Waste Plan

Submitted Reports and Assessments

The following reports and assessments were submitted in support of the application:

Planning Statement - Provides further background and context to the proposed variation of condition, and an assessment against the applicable development plan policies and guidance.

Transport Statement – Primary purpose of the statement was to assess the implications of processing 500,000 tonnes of waste at the site on the road network. The statement also reviews accessibility to the site for all transport modes.

The statement concludes that the anticipated level of traffic generation associated with an annual tonnage of 500,000 would have a minimal impact on the road network. While a review of accessibility has been undertaken, any proposals to enhance accessibility are considered by the applicant to fall outwith the scope of the assessment of this application.

Scottish Ministers Direction

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)

(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

Planning Assessment

This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997. In this respect, the Council may only take into consideration the acceptability of any existing and proposed conditions. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission primarily where the previous permission has lapsed or is incapable of being implemented.

ENVA is an established recycling facility that processes a range of materials in accordance with the relevant planning conditions. In land use terms its location is consistent in principle with policies 21 of NPF4 and E1 of the LDP which provide support for a wide range of employment generating uses.

Policy 15 of the LDP and 12 of NPF4 seek to promote and facilitate development that is consistent with the waste hierarchy and would support delivery of the zero waste plan.

ENVA is licensed for waste management processes by SEPA. The proposal to process non-hazardous solid industrial and commercial waste (NHSICW) would further diversify the waste streams that are recycled at the facility in accordance with the waste hierarchy and the zero waste plan.

NHSICW potentially covers a broad range of waste types. However, in this instance the applicant has made specific reference to processing leather waste. This waste would be shredded within the Refuse Derived Fuel (RDF) facility and then sent for onward transport to an energy from waste facility. The applicant advises that the leather waste is not odorous.

The Environmental Protection Team have not made any comment on the application. SEPA have advised that the application falls below their threshold for providing specific advice. It is noted that environmental matters at the site are regulated by SEPA via the waste management licence.

On the basis that the NHSICW waste stream is non hazardous, the waste will be sorted and processed within a building, and there have been no objections from the Environmental Protection Team or SEPA, I am satisfied that the processing of NHSICW at the site will not have a detrimental impact on the amenity of surrounding land uses or the environment.

It is acknowledged that the introduction of NHSICW at the site could result in waste streams other than leather from being processed at the site. Environmental matters arising from these other wastes would be a matter for SEPA to monitor through the waste management licence. The applicant has advised that an amendment to the waste management licence is required to accommodate the NHSICW. Again, there has been no objection from SEPA to this application.

There are no significant built heritage or natural environment impacts associated with the development, and there will be no adverse effect on the integrity of any European sites.

In view of the above, it is considered that the development complies with Policies 3 and 22 of NPF4 and ENV2, ENV4 and ENV5 of the LDP as there are no significant impacts anticipated with regard to the natural environment, water environment, air quality, or biodiversity.

It is also considered that the facility will be able to co-exist with existing neighbouring uses and is compatible with the core role and function of the Burnbrae local industrial area. It is noted that there are several other waste transfer and recycling facilities along Burnbrae Road. The development is therefore also compliant with policies 21 of NPF4 and E1 of the LDP.

The Roads Development Officer has advised that the additional trips associated with processing the leather waste will not have a significant detrimental impact on the local road network. The additional trips amount to approx. 82 additional deliveries a year.

However as noted above the introduction of NHSICW at the site could result in waste streams other than leather from being processed at the site. This in turn could generate additional trips to the site.

At present the tonnage allowances at the site are set out within the waste management licence only, and there are no planning conditions that place a limit on the tonnage which can be processed at the site. While the Roads Development Officer has not objected to the scale of the current operations, or the increase associated with the processing of leather waste (noted as approx. 800 tonnes per annum), the initial submission did not include an assessment of the potential impact of 500,000 tonnes of waste being processed at the site in accordance with the SEPA licence.

The applicant was initially advised that the Council would seek to introduce a condition limiting the tonnage allowance at the site in the interests of the safe and efficient operation of the road network and to retain control over the scale of the development. The applicant advised that the maximum tonnage received by the facility in the last five years is 267,000 tonnes. Taking the additional NHSICW into account it was considered reasonable to restrict the tonnage which can be received by the facility to 300,000 tonnes per year.

The applicant was advised of the intention to attach a condition limiting throughput to 300,000 tonnes per year unless they could justify that throughput in excess of this would be acceptable with regard to the impact on the road network. In response the applicant has submitted a Transport Statement which seeks to justify a throughput of 500,000 tonnes in line with the allowance as set out in the waste management licence.

The Transport Statement concludes that a throughput of 500,000 tonnes would not have a significant impact on the road network. The Roads Development officer has not objected to the conclusions within the Transport Statement. On this basis the condition restricting throughput at the site can be set at 500,000 tonnes per annum.

The Roads Development Officer has also sought enhancements to the surrounding transport network to support active travel to the site. These include upgrading footways, and forming a direct connection between the site and the National Cycle Network which is located to the south west. While such enhancements would be desirable, it is noted that the scope of the proposed variation relates to the types of waste being handled at the site. The proposed conditions seek to manage the operation of the site in this regard. It is considered that seeking enhancements to the wider transport network would be outwith the scope of the assessment of this application.

In view of the above, it is considered that the development complies with policies 13 of NPF4 and I1 of the LDP.

With regard to the remaining assessment criteria set out in NPF4 policy 12, the applicant has advised that they are exploring ways in which carbon emissions at the site can be reduced. This includes EV's for deliveries, and using a renewable energy provider for the facility.

The railway line acts as a suitable buffer zone between the site and neighbouring residential properties to the south.

There are no additional buildings being proposed, and it is not considered necessary to require any additional landscaping.

There is a requirement to provide a restoration and aftercare scheme (including appropriate financial mechanisms) to ensure the site is suitably decommissioned and appropriately restored should the site close. Conditions can be applied which require such a scheme to be agreed with the Council.

As this is an established site the criteria relating to co-location with end users of outputs is not wholly relevant. However, it is noted that the site is located within a local industrial area where related industrial uses would be acceptable in principle.

The proposed variation to condition 3 and 4 will bring environmental benefits by allowing an established recycling facility to process additional waste in a manner that does not have a detrimental impact on the environment or amenity of neighbouring properties. It is considered that the variation complies with policies I5 of the LDP and 12 of NPF4.

Finally, the development is considered to be consistent with policies 1 and 2 of NPF4 as it contributes to provision of a circular economy whereby the non-hazardous solid industrial and commercial waste (NHSICW) is recycled as opposed to being disposed of.

If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. A review of the conditions attached to the previous planning permission 11/0431/PP has therefore been carried out.

Condition 1 specified that the planning permission would lapse on the expiration of a period of 3 years unless the development to which it relates is begun. It is not necessary to retain this condition as the time period for the consent is specified in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) and is deemed to be imposed in this regard.

Conditions 3 and 4 will be varied as per the above assessment.

Condition 5 relates to the submission of a Bird Hazard Management Plan. This condition has previously been discharged. The condition will therefore be amended to ensure the approved Bird Hazard Management Plan continues to remain in force for the life of the development.. It is also noted that Glasgow Airport Safeguarding have not objected to the application.

Conditions 2, 6, 7 and 8 shall be retained as previously worded.

Additional conditions shall be imposed with regard to a restriction in the tonnage allowance which can be processed at the site, and the requirement to agree a restoration and aftercare scheme with appropriate financial mechanism.

Section 75 Obligations

The Council is required to provide a summary of the terms of any planning obligation which is required to be entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of permission for the proposed development:

None.

Conclusion

In view of the above, it is considered that the proposal would accord with the relevant provisions of the Development Plan. There are no other material considerations. Planning permission should therefore be granted subject to conditions.

Recommendation

Grant subject to conditions

Reason(s) for Recommendation

1. The proposal accords with the provisions of the Development Plan and there were no material considerations which outweighed the presumption in favour of development according with the Development Plan

Condition(s)

1. That the activities which may take place in the "extension" area, (shown hatched in blue on the attached plan), either within buildings or on open ground, shall be restricted solely to the storage of materials and equipment. Details shall be submitted for the prior written approval of the planning authority in respect of the position, height and screening arrangements for any materials which are to be stored externally.

Reason: In the interests of amenity.

2. That all activities related to the reception, storage and handling of municipal solid waste (MSW) and non-hazardous solid industrial and commercial waste (NHSICW) shall be restricted to, and contained entirely within the building coloured green and marked "Proposed Building" on Drawing Number 761000/PA/04 Revision A and as detailed in Drawing Numbers 761000/PA/07, 761000/PA/089 and 761000/PA/09.

Reason: In the interest of amenity and to define the permission.

3. That the materials which can be received, handled, sorted, crushed, shredded, processed and stored on the site shall be restricted to waste cardboard, plastics, glass, tiles, brick, concrete, aggregate, waste arising from construction or demolition works, and other non-hazardous solid industrial and commercial waste (NHSICW). Clinical waste or special waste (other than waste electrical or electronic equipment (WEEE) items which contain some components which classify the items as special wastes) shall not be received within the site unless otherwise allowed for by reference to conditions 1 and 2 above.

Reason: To define the permission and in the interests of amenity.

4. That the Bird Hazard Management Plan discharged via letter dated the 6th November 2013 shall remain in force for the life of the development. No subsequent alterations to the Bird Hazard Management Plan shall take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the site in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Glasgow Airport.

5. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.

Reason: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

6. That the operating hours for the wood recovery plant shall be restricted to 08.00 a.m. to 20.00 p.m. on Monday to Fridays, and 08.00 a.m. to 17.00 p.m. on Saturdays.

Reason: In the interest of amenity.

7. Timber shall not be stored above the height of the front face of the bunker.

Reason: In the interest of visual amenity.

8. The total volume of materials handled at the facility shall not exceed 500,000 tonnes per annum irrespective of the combination of materials handled at the site.

Reason: To define the consent in the interests of amenity and traffic.

9. That within 3 months of the date of this planning permission, the operator shall submit a Closure, Restoration and Aftercare Management Plan for the written approval of the Planning Authority. The plan shall detail all measures associated with the decommissioning, cleaning, and rendering safe the facility following cessation of the waste management operations at the site and shall provide a timetable within which these measures will be undertaken and an aftercare plan to monitor success of restoration measures with scope for interventions if required. The restoration measures shall include (but not be limited to) the removal of all raw materials, wastes and other potentially contaminating substances present on the site to ensure the site does not pose a risk to public health, safety, the environment, and amenity.

Reason: To ensure the decommissioning and removal of the waste materials is undertaken in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

10. That within 6 months of the date of this planning permission, a financial guarantee to cover the costs of decommissioning, site restoration and aftercare, as required by condition 9 of this consent, shall be submitted for the written approval of the Planning Authority. The acceptability of such financial guarantee shall be at the sole discretion of the Planning Authority. The financial guarantee must:

A) be granted in favour of the Planning Authority and shall be maintained in favour of the Planning Authority throughout the duration of this consent and until the completion of all decommissioning, site restoration and aftercare obligations as required by condition 9 of this consent.

B) must be provided by an independent financial body with at least an A - rating who will be capable of fulfilling the obligations set out within the financial guarantee.

- C) be for an amount which covers the value of all decommissioning, site restoration and aftercare liabilities, such amount to be determined by the Planning Authority.
- D) be subject to a review every five years from the date of this consent, or other such intervals as agreed by the Planning Authority. Each review shall be undertaken by a suitably qualified independent professional who has relevant experience in such matters, the identity of whom has been agreed in writing by the Planning Authority prior to the review of the financial guarantee commencing. The review of the financial guarantee shall be submitted no later than three months prior to the expiry of the existing financial guarantee, for the written approval of the Planning Authority. Thereafter and at least 28 days prior to the expiry of the existing financial guarantee, the replacement financial guarantee in favour of and in terms acceptable to the Planning Authority and for the value advised by the review noted above, shall be submitted for the written approval of the Planning Authority.
- E) come into effect within 24 weeks of any Non-hazardous solid industrial and commercial wastes (NHSICW) being brought onto the site, and expire no earlier than 24 months after the end of the aftercare period.

Reason: In the interests of amenity and in order to retain effective planning control.

11. In the event that the financial guarantee becomes invalid, has expired, or is terminated for any reason following the commencement of operations at the site, all operations at the site shall cease no later than three months from the date the financial guarantee became invalid, expired or terminated. If a replacement financial guarantee, which meets the requirements of condition 10, is approved by the Planning authority and duly executed before the end of the three-month period, the operations may continue. If the operations have ceased due to this clause, they may recommence only upon the approval and execution of a replacement financial guarantee.

Reason: In the interests of amenity and in order to retain effective planning control.

Advisory Note(s)

None

Schedule of Plans Determined

| Drawing Number | Revision | Drawing/Document Title |
|-----------------------|-----------------|-------------------------------|
| 761000/PA/01 | 0 | Site Location Plans |

For further information please contact James Weir, Development Standards Team, Email: james.weir@renfrewshire.gov.uk