

Variation of Planning Condition to Allow Parallel Operations of Both the Baldovie Energy From Waste Facilities For A Period of Up to 10 Years

KEY INFORMATION

Ward North East

Address

Land At Forties Road
Baldovie Industrial Estate
Dundee

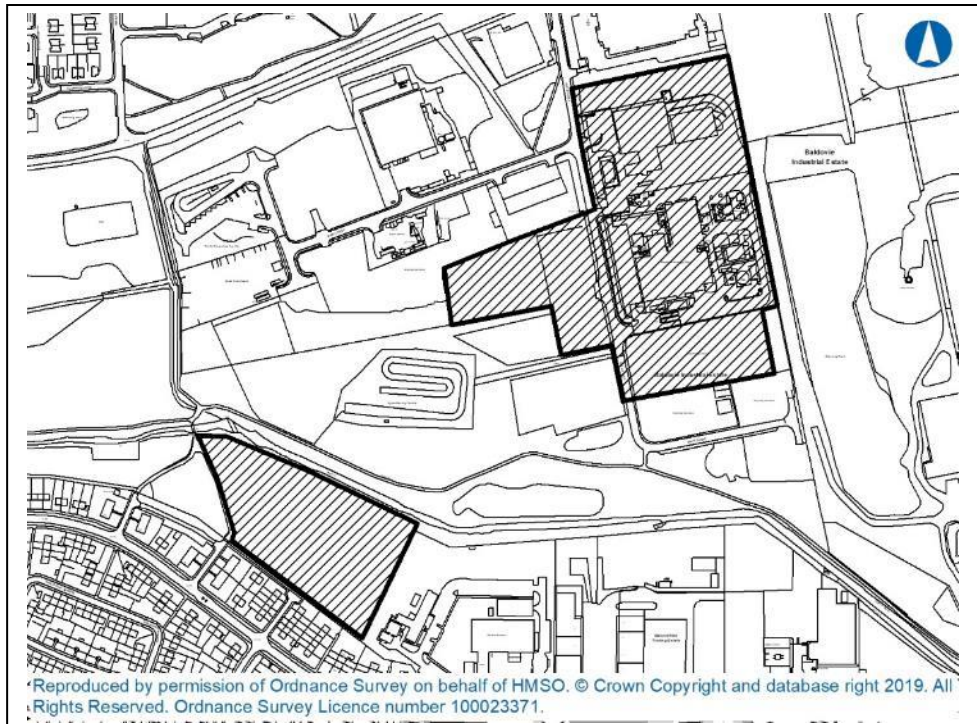
Applicant

MVV Environment Ltd
Forties Road
Dundee

Registered 29 Nov 2019

**Report by Head of Planning
& Economic Development**

Contact: Sharon Dorward



SUMMARY OF REPORT

- This is an application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 17 of Planning Permission 16/00916/FULM to allow for parallel operations of both the existing facility and proposed replacement energy from waste facility at Baldovie for a period of up to 10 years.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. No letters of representation have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is a variation of a condition attached to an approval for a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=Q1QB0IGC0AX00&activeTab=summary>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission reference 16/00916/FULM approved the construction of an energy from waste combined heat and power facility, adjacent to the existing waste facility in Baldovie Industrial Estate, formerly known as Dundee Energy Recovery Limited (DERL), as a replacement facility. Approval was granted subject to several planning conditions including one that restricted the new facility from operating at the same time as the existing waste incineration facility.
- 1.2 Condition 17 states: "*The operational overlap between the existing plant and the new plant should be minimised, taking into account commissioning and decommissioning periods. The new energy from waste combined heat and power plant, shall not incinerate waste at the same time as the existing waste incinerator (DERL) facility.*"
- 1.3 The reason for the condition is "*To meet air quality requirements.*"
- 1.4 MVV Environmental Baldovie Limited (MEB) took over the DERL plant in 2017 following a competitive tender for the Dundee and Angus Residential Waste Treatment and Disposal Contract by Dundee City and Angus Councils. MEB have operated the existing DERL plant for the last 2 years and are now confident that the original plant can continue to operate for a longer period, having invested in technical improvements.
- 1.5 The new facility is nearing the end of the construction phase and it is anticipated that commissioning will take place over October and November this year.
- 1.6 Due to the requirements for waste incineration, imposed by the ban of sending municipal waste to landfill by 2025, MEB requires that both plants remain operational for a period of up to 10 years. This application seeks to vary the condition in order to remove the restriction for parallel operation of the plants. MEB have not suggested an alternative form of words, however it is expected that the parallel operations will commence in January 2021. It is therefore proposed to amend the condition to read:
- 1.7 "*The operational overlap between the existing plant and the new plant shall be no more than 10 years, taking into account commissioning and decommissioning periods. The existing waste incinerator (DERL) facility shall not incinerate waste at the same time as the new energy from waste combined heat and power plant from 31st January, 2031.*"
- 1.8 This is the only change proposed to the existing planning permission and means that in essence, both plants can remain in operation until the 31st January, 2031, after which time the original DERL facility should be decommissioned.
- 1.9 The applicant has submitted the following in support of the application:
- Updated Environmental Statement (ES);
 - ES Non-Technical Summary;
 - Transport Assessment; and
 - Heat and Power Plan.

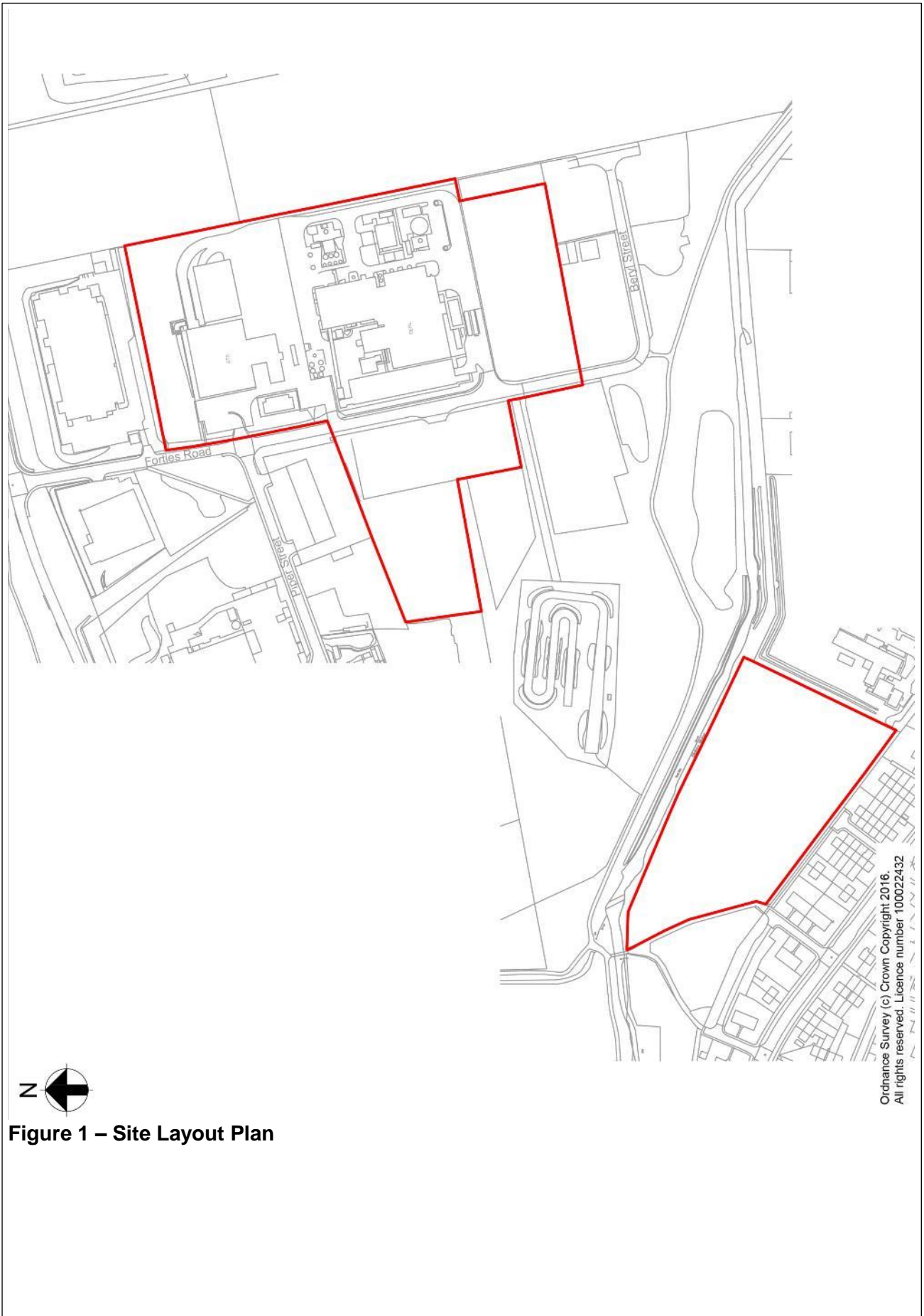


Figure 1 – Site Layout Plan

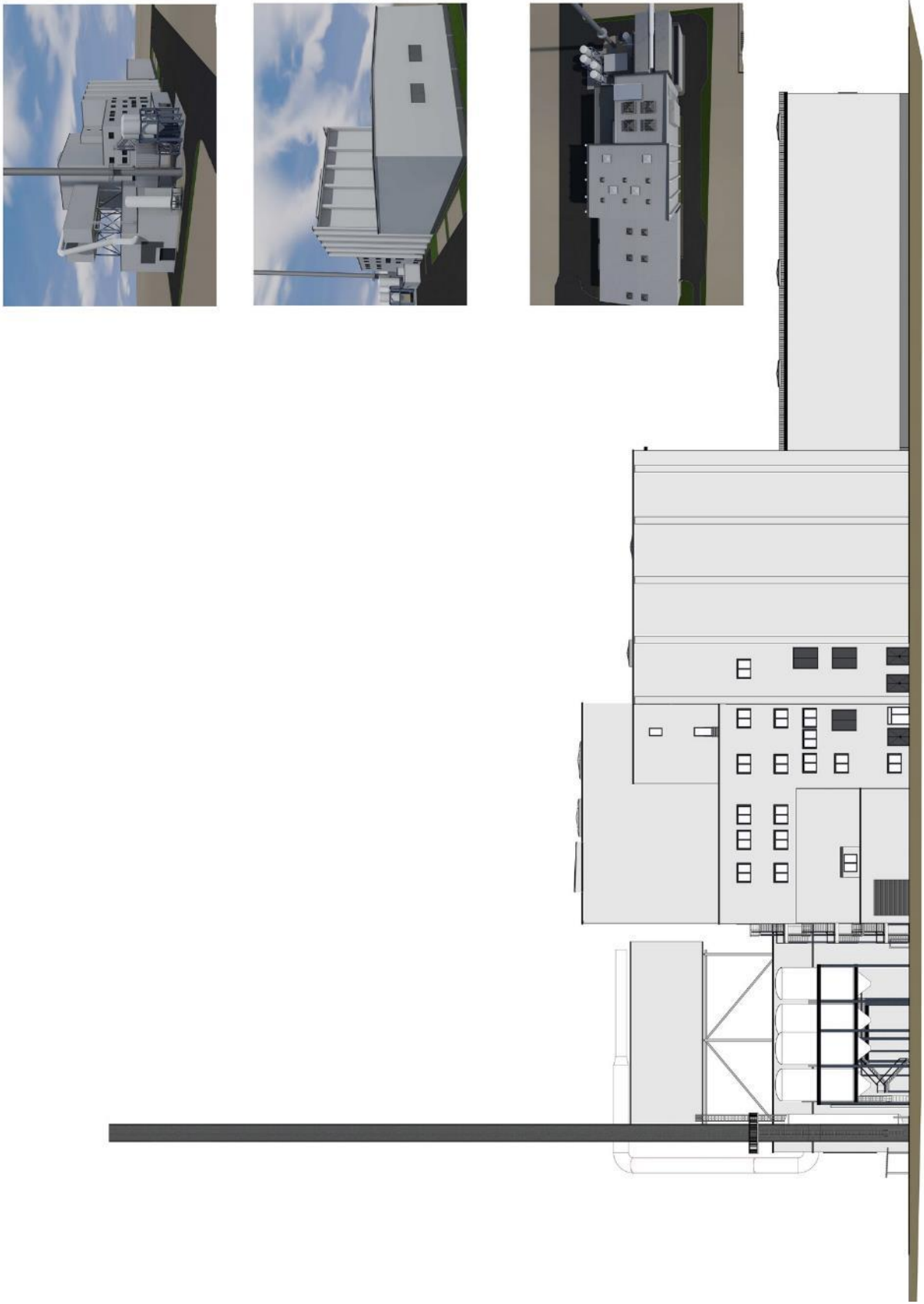


Figure 2 –

2 SITE DESCRIPTION

- 2.1 The application site measures 8.14 hectares and relates to the site of the existing DERL facility to the west of the Michelin factory on Baldovie Road, and the new Energy from Waste combined Heat and Power Plant located to the immediate south of the DERL plant. The plants have respective stacks of 70 and 90 metres in height. The site is located within the Baldovie General Economic Development Area. The site also includes the compensatory flood storage area located to the south west of the waste facilities, within designated open space which also forms part of the locally designated Wildlife Corridor, and is a Locally Important Nature Conservation Site (LINC).
- 2.2 The site is accessed from Drumgeith Road via Forties Road. The application site is bound by Drumgeith Road to the north, the Michelin factory to the east, and an area of open space to the west. The Dighty watercourse lies to the south and is a wooded recreational route. Surrounding land uses are predominantly industrial with some recreational. Residential land uses lie beyond to the north, west and south of the site, at a minimum distance of 175 metres.



Figure 3 – Site Photo original DERL plant



Figure 4 – Site Photo of new CHP facility

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

TAYPlan 2016-2036

The application raises no issues of relevance.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 40: Air Quality

Policy 54: Safe and Sustainable Transport

Supplementary Guidance – Air Quality and Land Use Planning

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTICES AND CIRCULARS

Planning Circular 4/1998: the use of conditions in planning permissions.

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning permission D20059 allowed the construction of an energy to waste plant, Dundee Energy Recovery Limited (DERL), approved by Tayside Regional Council in 1996.

4.2 Proposal of Application Notice 16/00543/PAN for an energy from waste combined heat and power facility was submitted and agreed in June 2016.

4.3 Planning application 16/00916/FULM was approved in March 2017 for the construction of an energy from waste combined heat and power plant.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken. No letters of representation have been received.

6 CONSULTATIONS

6.1 **SEPA** – has no objection to the application and is satisfied that there is unlikely to be a significant negative impact on air quality or human health with the parallel operations.

6.2 **Transport Scotland** – offer no objection to the application.

6.3 **Scottish Water** – has no objection to the application.

6.4 **NHS Tayside** – requested further clarity on the parallel operation, but has not objected to the application.

- 6.5 **The Head of Community Safety and Protection** has no objection but has commented in relation to:

Contaminated Land – recommends that reporting described in the submitted Soil Sampling Plan shall be submitted for information.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

- 7.2 The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.3 **Policy 40: Air Quality** states that there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council. The Council's latest Air Quality Action Plan sets out current objectives and actions to help improve air quality. Planning applications that have the potential to be detrimental to air quality, or those which introduce new exposure to areas of existing poor air quality should be accompanied by an air quality assessment of the likely impact of the development. Supplementary Guidance to the Dundee Local Development Plan on Air Quality and Land Use Planning has been produced to determine when an assessment of potential impact is required.
- 7.4 Planning permission 16/00916/FULM was granted for the construction of an energy from waste combined heat and power plant in June 2017. The new energy from waste plant was intended to replace the existing DERL facility. Condition 17 was applied to the planning permission to ensure that there was minimal overlap of the two plants operating at the same time because a full assessment of any dual operation was not undertaken, as it was not considered to be necessary at that time.
- 7.5 The applicants (MEB) are now confident that the DERL plant can operate for a longer period and consider that the parallel operations would make a major contribution to national and local waste objectives, without creating any significant adverse effects. There is considered to be a shortage of facilities throughout Scotland which would help to meet the requirement created by the ban of biodegradable municipal waste going to landfill from January 2021, deferred to 2025, as put in place by Scotland's Zero Waste Plan. The parallel operation of both energy to waste plants would help to meet this shortfall.
- 7.6 An updated Environmental Statement (ES) was submitted with the planning application, required because the proposed development falls within Schedule 1 of the Environmental Impact Assessment Regulations. The Air Quality Assessment submitted with the application forms part of the ES and was updated to assess the parallel operations, including additional traffic movements. The AQA concludes that the effects on air quality and emissions from the operation of both plants were found to be not significant with respect to human and ecological

receptors. All concentrations from emissions would be below the relevant standards and the impact on air quality is not considered to be significant.

- 7.7 SEPA initially objected to the planning application on the grounds of lack of information, which also did not allow the issue of a variation to the permit issued under the Pollution Prevention and Control (PPC) Regulations. The applicant provided the same documents for both the PPC variation application and the planning consent variation consultation, and as far as possible the applications have been progressed at the same time. The PPC process also considers further aspects (e.g. human health) which will be assessed in more detail as part of the PPC variation application process. SEPA will be responsible for regulating the operation of both facilities, including setting emission limits which are protective of public health.
- 7.8 The Air Quality Assessment has subsequently been updated following the changes sought by SEPA and following a review of background monitoring sites and to include a full Human Health Risk Assessment. SEPA are now satisfied with the information, to allow parallel operations for 10 years, having taken into consideration the different stack heights. Releases to air from both stacks are unlikely to have a significant negative impact on air quality and human health. The human health risk assessment is fully considered as part of the PPC determination. SEPA have now issued a draft Permit Variation for Pollution Prevention and Control for the parallel operations at Baldovie, full permit variation pending planning permission.
- 7.9 The Council has a statutory duty to work towards achieving the National Air Quality Strategy objectives for the Local Air Quality Management (LAQM) pollutants, both facilities have the potential to emit all but one of these pollutants. Detailed atmospheric dispersion modelling has been used by the applicant to predict the likely combined process contributions from the existing and new facilities, to ground-level pollution concentrations and levels at specific receptors.
- 7.10 In addition, there is expected to be an increase in operational traffic as new volumes of waste, which otherwise would go to landfill, will be delivered to the existing former DERL plant. A dispersion modelling assessment of the additional vehicle emissions at sensitive locations adjacent to the local road network has also been undertaken. The potential impacts of the proposed plant on air quality must be considered in light of the existing air quality, the sensitivity of the receiving environment, the local topography including nearby buildings and wind turbines, meteorology, and the impact on sensitive receptors. The results of the dispersion modelling at specified human receptors have been assessed for significance using the Environmental Protection UK (EPUK)/Institute of Air Quality Management IAQM guidance "Land-Use Development Control: Planning for Air Quality (2016 Update)".
- 7.11 The applicants have undertaken an atmospheric dispersion model of the operational traffic emissions as the predicted increases in daily Heavy Goods Vehicle (HGV) movements associated with the proposed waste operation of the existing plant to meet the EPUK/IAQM screening criteria for an air quality assessment. The potential emissions generated by the new operational traffic has been predicted at specified sensitive receptors that are situated close to the surrounding road network. The assumed vehicle distributions described in the transport assessment predict the highest daily increase of 108 HGV and 5 Low Duty Vehicles (LDV) on Drumgeith Road. The predicted increases in concentrations of pollutants at all discreet receptors as a result of the additional traffic are no more than 1% of the annual mean air quality objectives and so the severity of the impacts can be described as negligible. Current exposure to concentrations is well below the relevant air quality objectives and no exceedances of the air quality standards would occur, therefore the predicted change in air quality as a result of the additional operational traffic is not considered to be significant.

- 7.12 Sensitive receptors, especially if close to the road network may experience cumulative impacts from parallel operations as a result of increased operational traffic as well as impacts from combined stack emissions. The applicants have assessed these potential cumulative impacts at nearby sensitive receptors and the total increases to pollutant concentrations were predicted to be negligible. Given the existing ambient concentrations of these pollutants at the receptors are well below the air quality objectives, the cumulative impacts of parallel operation are considered to be not significant with respect to human receptors.
- 7.13 The key considerations for judging the overall significance of the impacts of this development on air quality are whether it will:
- Lead to a breach or significant worsening of an EU limit value;
 - Lead to a breach or significant worsening of an AQ objective;
 - Interfere significantly with the implementation of actions within the AQ Action plan; and/or
 - Lead to a significant increase in emissions, degradation in air quality or increase in exposure below the level of a breach of an AQ objective.
- 7.14 Overall, the impacts of the parallel operation of both Energy from Waste plants on air quality are judged to be 'not significant'. The parallel operations will not be responsible for leading to a breach of the EU Limit values or any statutory air quality objectives at any of the nearby sensitive locations.
- 7.15 The proposal to vary condition 17 of planning permission in 16/00916/FULM would be acceptable. It has been demonstrated to be acceptable to run parallel operations of both waste for energy plants for a period of 10 years, subject to any conditions in relation to the original planning permission 16/00916/FULM.
- 7.16 **The proposal is in accordance with Policy 40.**
- 7.17 **Policy 54: Safe and Sustainable Transport** seeks that all development proposals which generate travel should be designed and well served by all modes of transport, and will be required to:
- 1 minimise the need to travel by private car;
 - 2 provide on-site facilities and links for walking and cycling;
 - 3 have access to public transport networks within 400 metres;
 - 4 have no detrimental impact on the existing road or rail network;
 - 5 ensure safe provision for freight and waste access and loading;
 - 6 comply with national and Dundee City Council's road design standards; and
 - 7 be supported by a travel plan where significant travel would be generated.
- 7.18 The application seeks to amend condition 17 of planning permission 16/00916/FULM to allow a parallel operation. A Transport Assessment has been submitted with the application and the findings accepted. Transport Scotland has no objection to the application.
- 7.19 The application site is connected to the existing Green Circular and footpath networks, with on-site facilities for cycle storage, in accordance with criteria 1 and 2. There is a local bus route and bus stops within 400 metres of the site, and the proposal accords with Criterion 3. The operations would also be supported by a travel plan, in accordance with Criterion 7.

- 7.20 The site forms part of an existing industrial area with existing HGV access. The site will be operational 24 hours a day and 7 days a week, however limited waste would be delivered at the weekend. The majority of HGV trips would occur between 7:00am and 5:00pm. The parallel operation would not simply generate a combined generation of trips from the existing and new plants, but would result in a slight reduction in total trips. The rationalisation of operations would lead to a reduction in the number of HGVs during peak hours. This is due to the re-assignment of refuse collection vehicles, updated site operations and the anticipated waste management requirements associated with the parallel operation.
- 7.21 The Transport Assessment demonstrates that the proposed parallel operation would have a negligible impact on local road networks. It considers future traffic volumes generated by planned development in the local area together with the existing and proposed vehicles generated by the proposed parallel operation. The assessment concludes that modelling of the key road junctions within the vicinity of the site indicates that there will be no detrimental impacts to existing traffic flows in either the weekday AM or PM periods as a consequence of traffic associated with parallel operation.
- 7.22 In conclusion, the vehicular traffic generated by the parallel operation would have a negligible impact on the operation of the local road network, in compliance with criterion 4. The remaining criteria 5 and 6 would be satisfied with the attachment of planning conditions, to ensure that proposals are implemented and the proposal would comply with road standards.
- 7.23 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.24 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

- 7.25 The material considerations to be taken into account are as follows:

A – SCOTTISH GOVERNMENT CIRCULAR 4/1998

- 7.26 Circular 4/1998 provides guidance on the use of conditions in granting planning permission and stipulates that while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. The Circular demonstrates that conditions that are fair, reasonable and practicable satisfy 6 tests:
- necessary;
 - relevant to planning;
 - relevant to the development to be permitted;
 - enforceable;
 - precise; and
 - reasonable in all other respects.
- 7.27 Condition 17 of planning permission in principle 16/00144/PPPM states:

"The operational overlap between the existing plant and the new plant should be minimised, taking into account commissioning and decommissioning periods. The new energy from waste combined heat and power plant, shall not incinerate waste at the same time as the existing waste incinerator (DERL) facility."

- 7.28 After consideration of the tests in the Circular, and to ensure it is precise and enforceable, the amended wording is proposed as:
- “The operational overlap between the existing plant and the new plant shall be no more than 10 years, taking into account commissioning and decommissioning periods. The existing waste incinerator (DERL) facility shall not incinerate waste at the same time as the new energy from waste combined heat and power plant from 31st January, 2031.”*
- 7.29 Based on the acceptability of the proposal by SEPA in terms of the Pollution Prevention and Control Permit Variation, the proposal to allow parallel operations is considered to be acceptable in terms of air quality and human health.
- 7.30 The proposal to vary condition 17 of planning permission in principle 16/00916/FULM does not undermine the necessity, purpose, relevance or precision of the original conditions. In this instance the proposals adhere to the requirements of Circular 4/1998.
- 7.31 The effect of granting permission for a Section 42 variation is such that a new and separate permission exists for the development with different (or no) conditions attached. In this case, the full set of conditions are proposed (with the variation to condition 17) as not all the conditions have been fully discharged and in the interests of clarity and to maintain an understanding of the whole development.
- 7.32 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application under Section 42 of The Town and Country Planning (Scotland) Act 1997 to vary Condition 17 of planning permission in principle 16/00916/FULM is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following condition(s):
- Condition** - prior to the commencement of any works on site details of a scheme of public art to be provided within the development hereby approved shall be submitted to the Council for written approval. Thereafter, the approved scheme of public art shall be installed prior to the completion of the development hereby approved.

Reason - in the interests of enhancing the amenity and environmental quality of the development.
 - Condition** - prior to the commencement of any works on site, a Sustainability Statement demonstrating the extent to which the development will meet the requirements of Policy 48 of the adopted Dundee Local Development Plan (2019) shall be submitted for the approval of the Council and the works shall be completed in accordance with the approved Statement.

Reason - in order to demonstrate that the new development will meet the required carbon emissions reduction standards in the interests of the environment.

- 3 **Condition** - prior to the operation of the development hereby approved, removal of the Invasive Non- Native Species (INNS) Giant Hogweed and Himalayan balsam (referred to as Indian balsam in ES vol.2) shall be undertaken in line with the NetRegs best practice guidance. The INNS shall be replaced with suitable species (in consultation with SNH) so as not to leave bare ground and an ongoing maintenance plan shall be provided, for the prior approval of Dundee City Council as planning authority.

Reason – in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 4 **Condition** - prior to the operation of the development hereby approved, further details with regard to ecological enhancement as recommended within the Environmental Statement hereby approved shall be agreed with Dundee City Council in relation to the planting of native berry-bearing species and creation of kingfisher burrows along the banks of the Dighty. Thereafter the agreed details shall be fully implemented.

Reason - in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 5 **Condition** - prior to the commencement of any works on site, further details shall be submitted for the design of the compensatory storage area, to be developed in line with the Flood Risk Assessment dated 13 December 2016. No building shall take place within the compensatory storage area. Thereafter these details shall be fully implemented.

Reason - in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 6 **Condition** - prior to the commencement of any works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be developed in conjunction with Dighty Connect and submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason - in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

- 7 **Condition** - no tree works or vegetation site clearance shall be undertaken on site during the bird breeding season (from 1 March to 31 August inclusive).

Reason - in order to comply with the Wildlife and Countryside Act (1981).

- 8 **Condition** - before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during development operations, as per BS:5837. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason - to protect those trees which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.

- 9 **Condition** - further details shall be submitted with regard to any tree felling required for the prior approval of Dundee City Council as planning authority. Thereafter works shall be undertaken as agreed and as per BS3998: 2012. Prior to felling, the trees shall be checked for any European protected species or nesting birds and if discovered the work shall cease and the developer will liaise with Dundee City Council as Planning Authority and appropriate organisations.

Reason - to ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenity and ecological preservation of the area.

- 10 **Condition** - prior to the commencement of any works on site, details shall be submitted for an evacuation plan for the development for the prior approval of Dundee City Council as planning authority, should there be a significant level of flooding. Thereafter the plan shall be implemented in accordance with the approved details.

Reason - in the interests of flood prevention and public safety.

- 11 **Condition** - prior to the commencement of any works on site, a site specific Construction Environment Management Plan (CEMP) shall be developed in consultation with SEPA and submitted for the prior agreement of Dundee City Council as Planning Authority. The revised CEMP shall include the IAQM's highly recommended mitigation measures as appropriate and shall also address any dewatering required during construction. Any mitigation identified shall be fully implemented thereafter.

Reason - in the interests of flood protection.

- 12 **Condition** - should any further loss of floodplain be identified, a revised Flood Risk Assessment shall be prepared and submitted for the prior written approval of Dundee City Council and SEPA. Any recommendations contained within the revised Flood Risk Assessment shall thereafter be implemented prior to occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 13 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design and Independent Check Certification, and where appropriate SEPA comments shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to occupation of the development hereby approved.

Reason - in the interests of flood protection.

- 14 **Condition** - prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out for the lifetime of the development.

Reason - in the interests of flood prevention and visual amenity.

- 15 **Condition** - prior to the commencement of any works on site, evidence of Scottish Water approval for the proposed drainage system for the development hereby approved shall be submitted to the Council for written approval.

Reason - in the interest of flood protection.

- 16 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Council for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved.

Reason - in the interests of flood protection.

- 17 **Condition** - the operational overlap between the existing plant and the new plant shall be no more than 10 years, taking into account commissioning and decommissioning periods. The existing waste incinerator (DERL) facility shall not incinerate waste at the same time as the new energy from waste combined heat and power plant from 31 January, 2031.

Reason - to meet Air Quality requirements.

- 18 **Condition** - the stack hereby approved as part of the waste incineration project shall be constructed to a minimum height of 90 metres.

Reason - to meet Air Quality requirements.

- 19 **Condition** - prior to the commencement of any works on site, a Construction Traffic Management Plan shall be devised and the details submitted to the Council for approval in writing. Thereafter the approved plan shall be implemented during the construction phase of the development.

Reason - in the interests of road safety and to meet Air Quality requirements.

- 20 **Condition** - within 12 months of the cessation of the operations hereby approved, a scheme for the demolition and removal of the development from the site shall be submitted to the Council for approval in writing. The scheme shall include:

- a details of all structures and buildings which are to be demolished;
- b details of the proposed reuse of any buildings to be retained;
- c details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise;
- d the phasing of the demolition and removal; and
- e details of the restoration works and the phasing of the restoration works.

Reason - to ensure that the site does not become derelict and in the interests of environmental quality and public health.

- 21 **Condition** - development shall not begin until the further risk assessment proposed in the submitted Geotechnical and Geo-environmental, Interpretative Report - ARUP, 20 January 2017, is completed and, if necessary; a remediation strategy to deal with any contamination at the site has been submitted to and approved in writing by the planning authority. This must include more detailed assessment of the groundwater environment

as recommended by SEPA. The remediation strategy shall contain proposals to deal with contamination to include:

- i the nature, extent and type(s) of contamination on the site;
- ii measures to treat/remove contamination to ensure the site is fit for the use proposed and does not contain any significant pollution linkages;
- iii measures to deal with contamination during construction works; and
- iv verification of the condition of the site on completion of decontamination measures.

Reason - In the interests of providing a site suitable for the proposed development.

- 22 **Condition** - before first use of the facility, the remediation strategy shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the planning authority.

Reason - in the interests of providing a site suitable for the proposed development.

- 23 **Condition** - copies of the factual reporting described in the submitted Soil Sampling Plan shall be submitted for the prior approval of Dundee City Council as Planning Authority once this becomes available.

Reason - in the interests of providing a site suitable for the proposed development

- 24 **Condition** - details of all proposed vehicle accesses including proposed road markings must be agreed prior to any works on site and the access must be formed and constructed to Dundee City Council standards and specifications.

Reason - in the interests of vehicle and pedestrian safety.

- 25 **Condition** - a footway must be provided to Dundee City Council specifications on the Forties Road frontage of the site. Details of the footway must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 26 **Condition** - any existing accesses that are no longer required as part of the proposed development must be made good as footway to Dundee City Council specifications. Details of these alterations must be agreed prior to any works on site.

Reason - in the interests of vehicle and pedestrian safety.

- 27 **Condition** - a Travel Plan must be in place and agreed with the Local Authority within one year of the development opening.

Reason - in the interests of promoting sustainable transport.

- 28 **Condition** - prior to the commencement of any works on site, the applicant shall provide a disposal route for road surface water to the satisfaction of Dundee City Council which discharges to a system publicly maintained/maintainable by the relevant authority.

Reason - to ensure an appropriate and publicly maintainable system is provided.

- 29 **Condition** - before first use of the facility a scheme shall be submitted, and agreed with the Local Authority within one year of the development opening, for the reduction of external lighting on the facility between the hours of 23:00 and 06:00.

Reason - in the interests of environmental protection.