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South Lanarkshire Council
Enterprise Resources
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Date: 10.6.2010 DRAFT Objection to Planning Application for Toxic Waste Development at Dovesdale

SCOTGEN proposed Toxic Waste Incinerator Plant
Scotgen Ltd, Dargavel Store, off Lockerbie Road, Dumfries DG1 3PG

Dear Sir/Madam

I am writing to submit an objection to the proposed toxic waste incinerator plant at Dovesdale (SCOTGEN). This objection is based on the following observations and planning considerations:

1.0 Local Plan (Green Belt Policy)

The proposed development is contrary to Council Greenbelt Policy as contained in the Local Plan. The allocation of preferred operations is not covered by the area proposed for development. The local plan indicates such operations should be carried out in a manner which protects the environment. Contained within this objection you will find several points which will threaten this policy. The Local Plan for this area stated *"The growing awareness of the value of landscape and environment which has seen the development of the river valley strategy has also led to a realisation that some areas are simply not appropriate for mineral workings. It is suggested that in defined areas there should be a prohibition on mineral workings. This should not just apply to areas of high quality landscape, but could even be appropriate in some areas of former dereliction where nature conservation interests, for example, outweigh the perceived landscape quality and the need for extraction."* This application poses such a threat, if not greater than that of mineral extraction in the protection of the surrounding environment.

This application is a further intrusion into the Greenbelt Policy to preserve our environment. What is the point of having such a policy if it is not seen to be upheld by the law and those designating such areas? Each year we hear of further developments given the go ahead on Greenbelt land.

The former Greenbelt Policy of Hamilton District Council states *"An attractive countryside not only contributes to the quality of life of the local population, but also to the enjoyment of the District by visitors. By enhancing the quality of the environment it can improve the image of a District and help attract investment"*.

It is my belief that this development is in breach of the National Green Belt Policy which is set out in 'Scottish Planning Policy SPP21: Green Belts'. The Community Council previously objected to the present landfill development at Dovesdale regarding this policy without success. However it despite highlighting over 50 breaches of condition at the site and ongoing monitoring it is still my belief that development involving the recycling of biohazardous waste is not appropriate at this location.

This toxic waste incinerator would be in contravention of the Council's own Green Belt landscape Assessment Policy which states (31.0.10) *"Characteristically, Upland River Valleys have little woodland in the open valley and views across the valley floor tend to be unrestricted, rendering settlements on opposite valley sides highly visible to their neighbours. The valley sides are a major part of their Green Belt landscape setting and development into them would be inconsistent with their relationship to landform. This applies to Glassford, Sandford, Stonehouse and Strathaven."* The Council have failed to carry out an Environmental Impact Assessment in relation to this policy and indeed other related policies to which they are committed to both at a local, national and international level. This development

is also contrary to the Scottish Planning Policy statement in terms of appropriate developments for green belt sites. In terms of renewable energies and national policy the Council are responsible for identifying appropriate locations for renewable energy projects that meeting the national framework. The Policy states *“Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.”* None of this has been done to evaluate the environmental impact of this proposal.

2.0 Public Safety and Health Risk

As you will be aware the development is only a third of a mile from residential homes, predominantly occupied by young families. Children, will be curious to explore this new found playground. This could be to their peril, as a development of this size poses a very real danger to the lives and safety of children who have explored this area for years in innocence.

Scotgen have not carried out an Environmental Impact Assessment to establish the effects upon the environment.

In the case of R.J. Levack, at Netherburn, Hamilton District Council was persuaded by the Netherburn Action Group to make health one of the grounds for refusal. Stress caused by possible operations and cumulative stress from the effects of opencast mining (noise, dust, visual blight, traffic etc.) must be considered when assessing applications.

2.1 Water Pollution

This development proposes working with hazardous materials. The damage caused by resulting water contamination would be catastrophic to the Cander Water and its feeding tributaries (Watstoun Burn, Nellies Burn, Annies Burn etc). The poisoning would be irreversible, killing off fish and plant life which has survived and thrived over centuries of ‘natures development’. Over the past 25 years a number of companies have been prosecuted for pollution offences including the following:

1983 Rigmuir Opencast coal site Silt £200
1986 Rigmuir landfill Leachate £100
1987 Rigmuir landfill Leachate £600
1988 Rigmuir landfill Leachate £350
1988 Rigmuir coal washery Coal washings £250
1989 Dykend opencast coal site Silt £1000

Law Mining Co. were prosecuted for pollution at Rotten Burn, a tributary of the Clyde. Despite these offences the company continued to operate, without regard for the environment, or respect for the law. The fines imposed on the company are laughable when you consider the turnover of such companies to which they are quite content to pay small fines of a few hundred pounds in return for hundreds of thousands of pounds profit. It is local communities such as ourselves that have to pay the consequences of their disregard for the environment.

Such incidences highlight the lack of regulation and legal control to prevent companies such as Scotgen polluting our environment. To support such a development would seem to run counter to any attempt to further improve the quality of the Avon and its tributaries. The life of the Cander Water and the Avon would be threatened by additional grime and turbidity which reduces photosynthesis and a change in the pH. The River Avon Angling Club has spent many years stocking, maintaining and preserving the Cander Water. Sea trout, brown trout, Duchess Anne trout and grayling have all found their way into the seclusion of the Cander due to the efforts of the angling club and the River Purification Board to improve the quality of the water and the environment to provide food and plant life to sustain a fish population. The possibility of a toxic waste plant only metres away from the Cander Water, the resulting waste, and discharge may destroy all the efforts made by these organisations to protect the natural evolution of the environment. The restoration and time scale to repair such destruction is incalculable, if at all.

2.2 Pollution through emission of hazardous materials

There is great concern by residents locally for the ecological and harmful effects this development will have on the environment, livestock and residents within the area. In what is an area of outstanding natural beauty, the hazardous coating of plants and the pollution of waterways can only harm the environment. The introduction of the windfarm on Carlisle Road will only add to the emissions being carried to Stonehouse as a consequence of the

wind being channelled to Stonehouse. This will pose a health risk to residents in Stonehouse and the neighbouring communities.

In terms of the proposed development Scotgen are seeking to accept a wide range of hazardous waste materials including, industrial, oil filters, tyres, inks, tanned timbers, flammable sludges, paint powders, pig wax and rags. This may be as much as 160,000 tonnes of toxic materials.

3.0 Tourism

The greatest tourism asset Scotland has is its environment. It is absolutely vital for the future well being of Scotlands tourist industry that our countryside is preserved and maintained. Scott Armstrong (former Director of Tourism, Clyde Valley Tourist Board) stated tourism in Scotland is now Scotlands largest industry and the implications of permitting such developments must be considered very carefully before being allowed to proceed. The Clyde Valley is among the fastest growing tourist locations in Scotland, attracting visitors from all over Scotland. A toxic waste incinerator would seriously threaten by the Councils efforts to increase tourism in Lanarkshire.

3.1 Visual Intrusion

The toxic waste plant will be a scar on the landscape and an eyesore to those who have to endure its sight day in day out, year after year. The proposed development is in the centre of the splendid scenic setting of the Avon Valley enjoyed by residents and visitors alike. The devastation of the landscape will do nothing to attract tourism or potential businesses looking for a location to settle, which at present is ideally located in central Scotland with access to the M74. The impact of this visual blight on the landscape will only detract from the environmentally attractive benefits of living in a rural community.

In regards to paragraph 45 of the Scottish Planning Policy no consideration has been given to the visual impact of this development upon the community and outlying farms that look onto the site or to the materials used in the construction of the proposed development. The Council have acknowledged in their Green Belt Assessment Report that they have failed to address the issue of the (31.0.34) *“cumulative visual impact of incremental development without an overall design scheme referred to in SPP3.”* in respect of the ongoing development at Dovesdale. This has been to the visual detriment of the local population and landscape character of the green belt to visitors.

Scottish Planning Policy clearly states (140) *“The purpose of designating a local landscape area in the development plan should be to:*

- *safeguard and enhance the character and quality of landscapes which are important or particularly valued locally or regionally, or*
- *promote understanding and awareness of the distinctive character and special qualities of local landscapes, or*
- *safeguard and promote important settings for outdoor recreation and tourism locally.”*

Yet again this proposal is in conflict with national guidelines.

4.0 Property Values

At present Stonehouse enjoys reasonably low house purchasing prices in relation to national average figures. However with falling property values due to the eyesore of a toxic waste plant in close proximity it will be harder to sell property when overlooking the visual intrusion of a toxic waste plant and the threat of associated dangers.

5.0 Climate Change and National Policy

Scottish Planning Policy highlights the need to tackle climate change and in particular reduce emissions of the greenhouse gases that contribute to it. Under Section 44 of the Climate Change (Scotland) Act 2009 requires all public bodies to act to reduce emissions targets in the Act, deliver the Government’s climate change adaptation programme, and in a way that it considers is most sustainable. The Act sets a target of an 80% reduction in emissions by 2050, with an interim target of a 42% reduction by 2020. It is my belief that the toxic waste plant will not support these objectives and will be contrary to the efforts made by Scottish Government and South Lanarkshire Council in their commitment to meeting these targets. Under section 72 of the Climate Change (Scotland) Act 2009 local all new buildings designed must avoid a specified and rising proportion of the projected greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies.

It is also my belief that this proposal failed to meet Rural Development Scottish Planning Policy in protecting the environment where such developments would be located contrary to the policy nationally. Under section 97 the policy clearly states (Prime Quality Agricultural Land) *“Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available.”*

In terms of the SPP statement in terms of Landscape and Natural Heritage this proposal is yet again contrary to national guidelines stating (128) *“The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland’s remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan.”*

6.0 Traffic

The community and residents adjacent to the site are concerned of the proposed time scale in which the development will be in operation. The site would be in operation 24 hours per day to traffic in and out of the site. Previous applications and evidence from the existing traffic controls on this site have resulted in planning conditions being breached on at least eight occasions in contravention of site conditions (this is from the contractors own environmental survey and Council reports). What confidence can we have that any such conditions will either be adhered to or enforced by the Council ...the evidence would suggest none. Residents on Carlisle Road are opposed to the excessive number of lorries using Carlisle Road to exit and enter the site due to noise, vibration and dust caused by the movement of vehicles. The use of the road to Dovesdale by lorries would also endanger walkers and the existence of the right of way within the proposed site. As many as 75 lorries are expected per day in relation to the activities associated with the plant.

Noise and vibration caused by machinery and heavy vehicles which could lead to subsidence and affect the ground water level and housing conditions. With such a large residential community so close to the proposed toxic waste incinerator plant this may cause a great deal of stress as well as annoyance. Strategic noise mapping and the preparation of Noise Action Plans are now a requirement under the EU Environmental Noise Directive.

7.0 Dovesdale Public Right of Way

With our ever changing environment through agricultural improvements and the constant expansion into our so called greenbelt protected areas we face a perpetual fight to preserve and maintain our pathways. Through the advancement of learning and awareness, we, and future generations, must strive to safeguard and educate those in power, to recognise the need to halt the erosion of our countryside and the decline of our more rare flora and animal life.

Stonehouse has at present 17 designated rights of way, more than any other former parish in South Lanarkshire. Many of these pathways date back centuries to the early days of mining and farming. Stonehouse has little to offer in the way of recreational facilities but what it has in abundance is its beautiful natural environment and walk ways for all to enjoy and explore at their pleasure.

The proposed toxic waste plant will threaten the ‘Dovesdale Public Right of Way’. These walkways are popular with local residents and visitors who frequently enjoy this recreational pursuit. Stonehouse Heritage Group have produced a booklet promoting these rights of way around the village which has had to be reprinted on several occasions. They have also detailed on consecutive years a report on the condition of the right of way to the Rights of Way Society (now Scotways) and to the Council for their observation and comment.

Rights of way are a recreational right of the people and an opportunity for children to study and explore the environment. They are also a historical walk into the past where many points of interest can be seen and studied providing an insight into our social and economical background. If this development goes ahead the Dovesdale right of way may be destroyed, denying the right of access and the opportunity for the public to walk to walk freely on this ancient pathway. This walk way has protection under the Land Reform (Scotland) Act 2003.

7.1 Description of Pathway; Watstone to Dovesdale Public Right of Way (SH55/SH57/SH58)

On the left just past Watstone farm (Watstoun pre 1498) buildings is the entrance to this 600m right of way. It consists of a farm track, 16 feet wide, narrowing to 2m towards the end where it becomes a grassy path leading to a ford over the Cander Water (Kand pre 1596). Care may be necessary crossing this ford if the river is in spate. The path ends alongside Dovesdale farm. A detour to this right of way was made after the original route was destroyed by the landowner. After negotiation a suitable diversion was agreed with the Rights of Way Society (Scotways) and the landowner to re-establish access from the Cander Water to Carlisle Road. Points of interest on this right of way include Watstone farm, Dovesdale farm, the banks of the Cander Water and excellent views over the surrounding countryside.

Additionally the Council states in its Green Belt Landscape Assessment that *“The banks of Watstone Burn could be enhanced and protected by creating a broad linear open space with a path and cycle track, edged with trees along side the stream linking to existing public rights of way and the disused railways. Such a combination of landscape elements and a recreational function would form a definitive and durable interface between the settlement and countryside.”* Such aspirations would be significantly under threat should this development be approved. In terms of the Councils own assessment of the Green Belt in terms of the visual impact, the introduction of this toxic waste plant would be in contravention of their own expectations in retaining the landscape value of the Green belt that surrounds our village.

To allow this development would also be contrary to the Councils own Green Belt Landscape character assessment and visual context statement (30.1.5) and indeed Scottish Natural Heritage’s own landscape character assessment.

8.0 Avon and Cander Gorge (Special Area of Conservation and Special Site of Scientific Interest; SSSI)

If the toxic waste plant is approved this development will seriously affect the two SSSI bordering the proposed site. The Avon and Cander Valley SSSI is designated as one of only 14 ‘Special Areas of Conservation’ in Scotland, given special protection because they are rare.

In 1995 the Scottish Office Department of Environment produced a report on how to apply the Habitats Directive, which protects under European Law “Special Areas of Conservation” (SAC). European law adopted the Habitats Directive on the conservation of natural habitats and of wild fauna and flora in 1992. The Avondale SSSI being one of the foremost in the country covers the area of the Avon and Cander Water gorge and is considered an outstanding example of semi-natural deciduous gorge woodland.

The Avondale SSSI is covered by the Clyde Valley Woods SAC. *“These sites are recognised as good examples of habitats regarded as rare, endangered or vulnerable on a European scale. Clyde Valley Woods are an example of a mixed woodland on alkaline soils associated with rocky slopes and is the only example in Scotland of this type of habitat recognised by this new designation. This type of habitat has been given the status of “priority” habitat and there are only 14 priority habitat types in Scotland”*. This unique ‘priority habitat’ has also European recognition as an area of outstanding beauty and environmental qualities. The site is titled, Tilio, an Acerion ravine forest. (Source: S.N.H. Natura 2000, ISBN 1 85397 115 4. March 1995). In layman’s terms, a mixed woodland on alkaline soils, associated with rocky slopes.

The Nature Conservancy Council state the SAC from a conservation standpoint, constitutes probably the most important single woodland complex therein, and its biological quality is exceptional. This is greatly due to the areas limited management during the past century. The Avon and Cander gorge is considered an irreplaceable area of primary woodland of particular scientific interest as it contains a number of plants and animals with limited powers of colonisation.

These sites are ‘special’ for their plants, animals or habitats, their rocks or landforms or a combination of all of these. They have been carefully selected after a detailed scientific survey. In March 1994, 1373 SSSI were established, thus we in Stonehouse are particularly lucky to have one of only 14 to be classed as an extra special priority habitat. The former local plan of the Council stated key statement on the environment states *“The aim of any district environmental strategy, at its simplest, is therefore to protect and enhance those areas which display good quality environments and to improve those areas where problems exist that detract from their amenity or adversely affect their function and character. The Local Plan promotes policies and proposals aimed at achieving significant and sustainable improvements in the environmental quality in order to support economic development and generally promote environmental awareness”*.

This site is now under threat and must be protected and maintained for its natural heritage interest. This area contains many rare and interesting flora including; wood fescue (*festuca altissima*), broadleaved helleborine (*epipactis helleborine*), hairy St. John's wort (*hypericum hisutum*), alternate leaved golden saxifrage (*chrysosplenium alternifolium*), two parasitic plants, bird's nest orchid (*neottia nidus-avis*) and toothwort (*lathraea squamaria*), fragrant orchid (*gymnadenia conopsea*), greater butterfly orchid (*platanthera chlorantha*), and yellow rattle (*rhinanthus minor*). The area is also abundant in wildlife, many of which thrive in the seclusion of the Avon and Cander Valley, yet are uncommon elsewhere in Central Scotland. These birds and animals include the Tree Creeper, Long Tailed Tit, Yellow Wagtail, Red Shank, Sparrow Hawk, Little Owl, Willow Tit, Greater Spotted Woodpecker, Kingfisher, Heron, Mink, Badger, Roe Deer and the Otter, which over recent years has returned due to improvements in the water quality, food supply and the quiet unspoiled habitat which it needs to survive. It has been calculated that there are only 2000 breeding pairs of herons in the country. As they are now such a rarity, the heron has been classified as a schedule one species, for which you need a permit to go near them. If this application is granted we will be losing one of Scotland's best preserved habitats of outstanding beauty and interest. Planning permission must not be granted for development that would be likely to have an adverse effect on a European protected species. The damage this toxic waste plant will cause may be catastrophic, a loss to Scotland and a loss to Stonehouse and Lanarkshire and the many visitors who have enjoyed its splendours over the years.

These sites are constantly under threat from the expansion of housing and opencast mining and developments such as the toxic waste plant. It is my view that these exceptional sites of natural beauty should be protected and maintained for their natural heritage values and preserved for the educational and recreational awareness of our community.

If the Council approve this application they will be in direct contradiction to their own Biodiversity Action Plan in protecting such environments. Also in terms of the Scottish Planning Policy paragraph 26 SSP15 the Council have failed to adhere to their commitment to protect the SSSIs and the water tributaries in the surrounding environment. This proposal would also be a breach of the Nature Conservation (Scotland) Act 2004 in terms of protecting such habitats such as the SSSIs and indeed the 'rolling farmland' habitat designated for protection under the Council's own Biodiversity Policy.

9.0 South Lanarkshire Council's Biodiversity Action Plan

This proposal would be in breach of the Council's own commitment and international agreements in protecting the adjacent SSSIs (Avon and Cander Valley and Cander Moss). This Action Plan states "*The protection of our biodiversity is a key element of sustainable development and we need to ensure that consideration for our environment is integrated into all aspects of our lives*". This commitment will be tested as to whether or not the Council is committed to protecting our natural environment through this Action Plan or not. Two of the most important habitats in South Lanarkshire are present adjacent to this site namely lowland raised peat bogs and semi-natural broadleaved woodland. Through national agreements South Lanarkshire Council is committed to protecting these sites. This includes a number of rare and endangered flora and fauna which exist in both sites which the Council is committed to protecting including, sphagnum mosses, herb paris, round leaved sundew, cranberry, barn owls, lapwing, snipe and otters.

It is my belief that this proposal will be in breach of the EC Directive on the Conservation of Natural habitats and of Wild Flora and Fauna (Directive 92/43/EEC). Scottish Planning Policy states that "*In circumstances where conflict between the objectives arises and cannot be resolved, the 2000 Act requires that the conservation of the natural and cultural heritage should take precedence*." This is clearly the case in respect of the toxic waste incinerator plant in proximity to the SSSI and greenbelt policy.

9.1 Farmland

The Council's Action Plan states that is one of the richest areas of biodiversity in South Lanarkshire stating "*It shapes our rural landscapes and underpins the rural economy, supporting not only farming families and agricultural workers but also a whole range of linked businesses*." All the surrounding farm landowners are against the erection of a toxic waste plant on this site as they believe it endangers their livelihoods and the farmland and animals of which they are responsible which graze on the adjacent fields.

9.2 Fishing

The Avon Angling Club operate a hatchery on the Avon where approximately 20,000-30,000 eggs are hatched out and reared to the fry stage annually. The resultant fry are liberated into the feeder burns when they are approximately 3 inches long. These fish spawn in the Avon river and its tributaries including the Cander Water which is directly adjacent to the toxic waste plant at Dovesdale. There is great concern about the level of pollution that already exists as a consequence of the present development at Dovesdale but the proposal to approve a toxic waste plant and the hazardous chemicals being recycled at the plant pose a considerable threat to the river system and ecology of the water.

In South Lanarkshire Councils Biodiversity Action Plan they state *“The quality and diversity of the freshwater habitats throughout South Lanarkshire depends on our activities in the home, at work and where we play. Natural influences on freshwater quality alter it very little. It is the greater human impact that needs to be carefully controlled. Threats to the quality of our water habitats include litter and pollution.”* I would support this commitment but will the Council equally recognise the threat this application for a toxic waste plant poses to the waters of the Cander and Avon. I am concerned that the approval of such a development in this location will not comply with The Control of Pollution Act or The Environmental Protection Act 1990.

The proximity and natural gradient of the land will mean that any resultant pollutants will enter the Cander water which is within the development area. Such pollutants and biohazards threaten the ecology of the water quality and the water species that inhabit the Cander water including brown trout, the common eel, water mussel and the fauna that feed from the various invertebrates and insects that this environment supports. The Council have acknowledged that discharges and pollution from such facilities result in chemicals leaching into the water courses. Even though such events may be accidental the effects are however catastrophic for the ecology of the local environment and can take decades to recover. South Lanarkshire Council state they are committed under their own biodiversity plan to taking action to ensure such sites are protected from pollution. This application if approved would be in direct contradiction to their own policy. The toxic waste plant would also be in direct contradiction to Scottish Planning Policy in terms of (130) protecting the water course and rivers which run adjacent to the site. Again in terms of statement (132) *“Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur.”*

10 Cander Moss Wildlife Reserve (Special Site of Scientific Interest; SSSI)

Bordering the parish with Dalsersf lies Cander Moss SSSI (Special Site of Scientific Interest registered in 1986) near the former Broomfield mine adjacent to the proposed toxic waste plant. Managed by the Scottish Wildlife Trust this ancient raised peat bog provides a sanctuary for flora and fauna alike.

Raised peat bogs such as Cander Moss SSSI are formed as a result of a complex interaction between plants and water levels over several thousands of years. The ecological impact on this site without an environmental impact assessment could be devastating. The following information has been collated to highlight the importance of the site to the community, Lanarkshire and indeed the country.

Peat bogs are formed in extremely harsh environments which for much of the year are waterlogged limiting essential plant nutrients. However there are many plants and insects which have adapted to these conditions which find it difficult to survive anywhere else. Until recently peat bogs were widespread and extensive throughout lowland Scotland. However they are relatively easy to reclaim for productive land use and many have been drained to plant trees or agricultural use. Peat extraction and extensive grazing and burning have destroyed many more. Those raised peat bogs which remain relatively unspoiled in central Scotland are of great national value for nature conservation. Cander Moss is a classic peat bog habitat comprised of hummocks of heather interspersed with sphagnum hollows with birch scrub on its eastern edge covering some 24 hectares (59.3 acres). There is a small pine plantation at the corner of the western edge and in the north-east corner of the moss a small triangular patch of rough pasture.

Although the Cander Moss has already been declared by the Nature Conservancy Council (now Scottish Natural Heritage; SNH) as a Site of Special Scientific Interest, it was the gifting of the moss by the East Kilbride Development Corporation in 1986 to the Scottish Wildlife Trust which safeguarded its future for our enjoyment and learning. The Scottish Wildlife Trust's prime objective is the maintenance of the moss for wildlife conservation. Conservation management is necessary at the moss to ensure it is kept in optimum condition for wildlife.

The Ordnance Survey map of 1864 shows the area in the southern end of the moss as Cander Loch marked with the 'marsh' symbol. The moss is characterised by a microtope which features high ridges, separated by sphagnum hollows and recovering erosion channels. The ridges are approximately 30-50cm above the water table and dominated by heather ling, *Calluna vulgaris*, with occasional bilberry (*Vaccinium myrtillus*) and crowberry (*Empetrum nigrum*). Past surveys indicate the rich wildlife of this site including a number of exciting finds. Specialised bog plants such as cranberry and the insect eating round-leaved sundew are of particular interest as they are quite rare locally. Most of the recovering erosion channels are dominated by sphagnum moss (*Capillifolium*, s. *papillosum* and s. *maggellanicum*). Other bog plants found here include cross leaved heath (*Erica tetralix*), *Drosera rotundifolia*, stagshorn clubmoss, *Cladonia impexa*, hare's-tail cotton-grass, (*Eriophorum vaginatum*) and bog asphodel (*Narthecium ossifragum*). The sphagnum hollows which rest on or just below the water table, are dominated by s. *cuspidatum* often with fringing s. *tenellum*. A list of 47 species of fungi have been recorded in 1989 by Graeme Walker. Recently identified fungi (best seen between September and October) include pixie cup, horse's hoof (*Fomes fomentarius*), lycogala epidendrum (slime mould), dog's vomit (*Fuligo septica*; slime mould), root rot (*Heterobasidion annosum*), birch polypore (*Piptoporus betulinus*) and deadmans' finger (*Xylaria polymorpha*).

A colony of the ringlet butterfly which was discovered at the edge of the moss some years ago and is welcomed as this butterfly has declined considerably in recent years in Central Scotland. The moss also supports many other animals; families of roe deer, common frogs, common lizards (2009) breeding curlew, snipe, buzzards, kestrel, willow tit, kestrel, redshank and songbirds. A yellow browed warbler was recorded here in the autumn of 1994. The moss is also a rich site for moths and butterflies.

In recent years there have been a number of guided walks to the Cander Moss to provide residents and visitors the opportunity to experience and explore the beauty and wonder of this ancient habitat. With increasing national awareness and legal recognition of the importance of such havens the preservation of the Cander Moss may be assured for many years to come provided it is protected for all to enjoy.

In the Council's biodiversity action plan they state there will be no further loss of lowland raised bogs from 2005. This application threatens this site considerably as Scotgen can not guarantee that there will be no pollutants lost accidentally or through emissions filtered through the atmosphere which may fall on the surrounding landscape. Raised peat bogs are identified as among South Lanarkshire's most important priority habitats. To approve this toxic waste plant next to this SSSI would make a mockery of their commitment. Quote (South Lanarkshire Council) "*South Lanarkshire is therefore an internationally important area for lowland raised bogs*". (Biodiversity Action Plan)

11 Strategic Environmental Assessment

In terms of South Lanarkshire Council's Development Plan Scheme 2010 Section 2.9 a Strategic Environmental Assessment (SEA) must be carried out to ensure such a development is assessed for its impact on the environment. The Environmental (Scotland) Act 2005 makes SEA a legal requirement on many public plans, programmes and strategies including local development plans. This has not been done. Following a ruling by the European Court of Justice in October 2005, plans which are likely to have a significant effect on Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) can be approved only after an appropriate assessment of the implications of the plan's policies/proposals for the sites has been carried out, under the provisions of the Habitats Directive 1992. The requirements are transposed into UK law by the Conservation (Natural Habitats & c) Regulations 1994. The Council have also not complied with their own policy in respect of undertaking an Equality Impact Assessment nor a Health Impact Assessment.

Scotgen's 'Environmental Policy Statement' is basic at best. The policy statement reads "*This statement recognises Scotgen (Dumfries) Limited policy to the environment. The company in the conduct of its activities will ensure that it provides so far as is reasonably practicable a safe working environment that is without risk to health, safety and welfare; sets standards that comply with the relevant statutory requirements with regard to the effect on employees, contractors, visitors and the public.*" There is great concern in respects of '*as is reasonably practicable a safe working environment*' as this issue is of paramount importance in considering any such development proposal.

12 Benefits to the Community

None. The only people to benefit are the Scotgen and the present landowner, who profits from the lease or sale of the land. There are no benefits to the community who have to suffer and endure the dangers, stress and destruction caused by this development. Such employers provide no jobs for local employment as these jobs are few and specialist in their area. In 1991 an opencast development company at Kittymuirhill (Stonehouse), promises jobs as a consequence of a successful application. On approval not one man was employed from Stonehouse on the site from start to finish. A toxic waste plant will provide no benefits to local traders and there is no financial recompense for residents who have to suffer the consequences of this development on their doorstep. In fact it could be argued that such a development would be financially detrimental to residents and businesses alike. There are no guarantees of employment or indeed community gain through a section 75 agreement. This development brings nothing in terms of benefit for the local communities surrounding this development or guarantee of environmental protection.

Summary

I am not opposed to recycling development as I understand the demand for recycling facilities but this proposal should not be sited on this location for the reasons provided. This development will ill serve the community and destroy the environment. I hope in considering this objection you will take into account Chapter 28 of Agenda 21 which "*focuses on the need for local consultation on matters dealing with the environment and economical development*". Agenda 21 also states that Governments and Local Authorities in maintaining and developing the environment should ensure that the land should be restored to a 'better' condition than previous to the development of the land. This is binding in European Law to which the British Government agreed to in 1992. The National Planning Framework clearly states "*the planning system has an important role to play in improving the environment, for example by strengthening green infrastructure, safeguarding and enhancing urban and rural biodiversity, and contributing to the improvement of water, air and soil quality.*" In allowing such developments at this location South Lanarkshire Council would be failing in their international, national and local responsibilities to the wider community and those who live within the area. If approved this application should be referred for public enquiry where the people of Stonehouse and the surrounding communities will strongly oppose this development.

This proposal is contrary to:

- The Scottish Planning Policy
- South Lanarkshire Council's Biodiversity Action Plan
- South Lanarkshire Council's Local Plan 2009
- South Lanarkshire Council's Development Plan Scheme 2010
- South Lanarkshire Council's Green Belt Landscape Assessment
- Nature Conservation (Scotland) Act 2004
- Land Reform (Scotland) Act 2003
- National Planning Framework
- Conservation (Natural Habitats) Regulations 1994
- Habitats Directive 1992
- Climate Change (Scotland) Act 2009
- EU Environmental Noise Directive
- The Control of Pollution Act or The Environmental Protection Act 1990
- The Environmental (Scotland) Act 2005

Communication and information are vital in developing relations with official bodies and communities, in understanding the impact of such building development intrusions into greenbelt land. Misinformation and rumour lead to mistrust and division with residents and local authorities. I hope you will listen to the united voice of the community and reject this proposal for the people of Stonehouse to ensure the future of our rural environment.

Yours sincerely

John R. Young

Additional Information

Note: (SPP 186) “When granting planning permission, authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations, and should consider financial guarantees through a section 75 agreement. A range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments. These can include community trust funds.”

Action Plan (Contact all below to seek their support; need to get all addresses)

- 1 Local Councillors, MSPs, MPs, MEPs, Green MPs
- 2 Scottish Natural Heritage (SNH)
- 3 Scottish Water
- 4 Scottish Environmental Protection Agency (SEPA)
- 5 Scottish Wildlife Trust (SWT)
- 3 Local organisations; BVP Community Council, SDT, Churches, Avon Angling Club (see below)
- 4 Residents (individual letters)
- 5 Publicity; television and press (local and national)
- 6 Environmental Impact Assessment
- 7 Neighbouring Communities
- 8 Scotways (formerly Rights of Way Society)

- Scottish Anglers National Association (SANA)
- Clyde River Foundation (CRF)
- River Clyde Fisheries Management Trust Ltd (RCFMT)
- South Lanarkshire LBAP Group
- South Lanarkshire Access Group
- Clyde Estuary Forum

Additional Contacts:

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