



Dovesdale Action Group

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Date 17 February 2021 EIA Scoping Report from Viridor (Overwood) Ref. P/21/0147

Dear Mr Finn

In response to the Environmental Impact Study, Dovesdale Action Group would highlight a number of concerns regards this report as detailed below which we trust will be considered. Further information will be presented at the objection stage pertaining to council and national policies.

DAC strongly believe this location and indeed the impact of the proposals in themselves make this application inappropriate to the benefit of the council, the people of Lanarkshire and indeed nationally in line with current climate change targets and direction of the Scottish Governments commitments in moving away from such facilities to address the national waste issue.

DAC would make the following observations and concerns at this time and would wish to make additional comments as the information and evidence is provided to support our concerns. We would be grateful if you would respond fully to these matters.

- 1 A stated by Scottish Water we would ask, what action will Viridor be taking to address the fact that there is no waste water infrastructure within the vicinity of the proposed development? Equally, have the local Angling Clubs, SEPA, Natural Scot or the Scottish Wildlife Trust been consulted in his respect?

DAC are deeply concerned as to the potential impact on the Cander Water which runs adjacent to the proposed development? This is recognised as an area of outstanding beauty as contained in South Lanarkshire Council;s own Biodiversity Plan. DAC have raised concerns about the impact upon the Cander Water on many occasions, regarding the previous application and I was personally a witness for SEPA in the prosecution, ironically, against Scottish Water, who were fined near £10,000 for polluting the Cander Water in 2013. In addition, if Viridor are self-monitoring their impact assessments in this regard, how can we have confidence in Viridor to do so in compliance with any future planning conditions or indeed their history of breaches of the PPC licence including prosecutions in court?

Before any planning application proceeds, SEPA, or a contracted approved company, should take water samples on at least a 2km stretch either side of the development, at agreed intervals, to ensure the river is not polluted and ensure the ecology of the river is protected in terms of the species currently resident in the Cander Water. In addition, the council should allocate resources to record and identify all known species thriving in the water in consultation with local organisations in supporting and recognising their obligations and responsibilities to their own Biodiversity Plan.

It should be noted that Scottish Water have clearly indicated that they are unable to reserve capacity at their water treatment works for the proposed development. In addition they state they cannot accept any additional surface water from the proposed development due to constraints on the existing sewer system to cope with flooding. Importantly, Scottish Water state, *"there may be limited exceptional circumstances where we would allow such a connection for Brownfield sites only"*. NOTE: This is not a brownfield site, this is greenbelt site and as such has council protection that should be upheld in line with council policy and national guidance on such matters. On this issue alone we have grave concerns as to the environmental impact this will have on the Cander Water and indeed its tributaries and the Avon river with which the Cander merges. The sloping nature of the location can only mean surface water and chemicals will by nature of gravity end up in the Cander below the proposed development.

Further, what evidence is there to support Scottish Water's assertion that a 'Deed of Servitude' has been obtained in favour of the developer. It is our understanding that all the neighbouring farms are opposed to this development. Indeed the farm on which the development is proposed was owned by the late, Mr Robbie Baird, of Overwood farm, who was a supporter of our group against an incinerator being erected on his property. We have evidence to this statement if required.

We would also question Scottish Water's potential commitment to 'contribute towards through Reasonable Cost Contribution regulations' as this is not a brownbelt site, this is greenbelt land. In addition, we would be concerned as to Viridor's monitoring of discharges under the Sewerage Scotland Act 1968, in that, this is self-regulating, with what we feel would be inappropriate oversight and testing of the river courses to ensure their condition and protection.

- 2 As stated previously, DAC are concerned that this stage of the consultation process is proceeding during a worldwide Covid19 pandemic and whilst SEPA is ineffective at this time due to a cyber attack of their data services and ability to respond to queries. This is unacceptable and opportune at best from Viridor at this time. DAC would also express our disappointment and formally object to the fact that the applicant in providing their EIA Scoping Report have not even completed it, in enabling the public and ourselves as one of the principal objectors to respond fully with all the facts.
- 3 On page 3, para 5, of the report Viridor confirm the extent of the boundary is not even confirmed, *"The specific locations for any mitigation would be identified through the environmental assessments process which is currently underway. It is therefore anticipated the final application boundary would be refined in due course"*. So in essence we are being asked to respond to an EIA Scoping Report which does not have the full facts to enable us to respond. This is unacceptable.
- 4 On page 4, Viridor state, *"A range of other technical areas were reviewed during the preparation of this Report. While there would be impacts, it is not considered these would be significant.."* Firstly, what were their 'other technical areas' and who are Viridor to decide that there were not worthy of consideration? Additionally, the following statement is contradictory. First they state, 'there would be impacts', and then they state in same sentence these would be not be 'significant'? As the statement confirms, in their own words, that there 'would be impacts' surely we should know what these issues were to enable us as objectors to make comment and for statutory consultees to make their own views known?
- 5 Although DAC are no experts by any means of the imagination, the applicant repeatedly refers to stand alone assessments pertaining to the EIA (page 4). However, we are not provided with these within the scoping report to make our own views known. DAC require to have a copy of every document regarding their statutory legal obligations relating to the EIA to make our own assessment as to whether or not we are happy or otherwise with what is being proposed. If this is not done we will seek a formal investigation of this process and refer the process at this stage to the Scottish Governments chief planner for clarification on their legal responsibilities under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. How can we be asked to comment on a process we when do not have all the facts?

- 6 Page 9 (1.9) Viridor state, *"It should be noted that the Scoping Report has been produced using currently available information in relation to the site of the proposed development. However, the design of the proposed development is still evolving and will continue to do so throughout the EIA process"*. As stated previously, we and other objectors and statutory consultees, are being asked to comment on an EIA which is incomplete. This is unacceptable in enabling us to respond with the facts and information to provide a comprehensive response and indeed ask questions. Viridor further state that changes therefore do not require to be fully re-scoped. In effect, we would be cut out of the consultation process and have no access or ability to see changes to the EIA as it changes under their management. This is unacceptable for a proposal which will have such a significant impact upon the communities around the proposed site.
- 7 On page 8 (2.5) Viridor state *"The specific locations for any mitigation would be identified through the environmental assessment process which is currently underway. It is therefore anticipated the final application boundary would be refined in due course"*. Again we are being asked to respond to a report which is incomplete. Again this is unacceptable.
- 8 Page 8 (2.6) states, this is *"agricultural land used for pastoral farming"*. In fact this is greenbelt land which we would suggest South Lanarkshire Council should be protecting in line with its own greenbelt policy.
- 9 Page 9 (2.8) states wind turbines are located within the vicinity of the proposed incinerator development. Has the company who operate these windmill developments been alerted to this proposal for their views, and should Viridor be undertaking an assessment as to the impact this development would have on the wind mills and indeed South Lanarkshire Council in its own commitment to increase their use of renewables in meeting their climate change targets?
- 10 Page 9 (2.17) The applicant (Viridor) states *"If approved the proposed development would include a legal agreement which would revoke this application (previous application by Scotgen in 2011) so it could not be built out"*. Dovesdale Action Group urgently need clarification on this matter. We were previous assured that the application did not apply to the 'applicant', whether that be Scotgen, William Hamilton & Sons or Viridor, but to the 'proposal' itself. Can you please clarify why Viridor feel it is within their power to revoke this application as surely this should be determined by South Lanarkshire Council planning department?

In addition, although South Lanarkshire Council approved the previous application to continue on the basis that the road was widened at Dovesdale within two years of consent, where does this leave the application? Surely, such an application cannot be open to continue forever more under the condition of consent being issued in 2011? Surely, the council would need to review any future advancement of the site being developed based on its current updated policies, national planning policy and nation policies in respect of the zero waste agenda?

- 11 Page 10 (3.5) Viridor like other companies, give the impression that homes will be heated as a consequence of energy generated from heat. Viridor suggest 82,000, whilst Scotgen before them suggested 19,000 homes. In reality this does not happen and we are currently aware of NO schemes on the UK mainland where homes are heated from such facilities without significant problems. There are a number of reasons for this, some of which are technological, others geographical and others in respect of connecting with the existing network. In short, this is a PR selling point with no legal obligation, or indeed planning requirement to our knowledge to do so. We have submitted formal FOIs to SEPA and indeed raised this matter with other companies involved in constructing such facilities and they too have confirmed no examples of this happening presently in Scotland (with the exception of a small facility in Shetland; which is currently having significant problems). This assertion is misleading at best.
- 12 Page 10 (3.6) Viridor state the incinerator will be 50m in height relative to the ground level. This is incorrect as indicated in the letters that were sent to all councillors of South Lanarkshire who were provided an overview of the proposal which states clearly that this incinerator will be 80-90m in height. Almost twice the height referred to in the document. How can we take Viridors EIA seriously when they are providing conflicting information?

- 13 **IMPORTANT:** Page 12 (3.12) Viridor have confirmed, despite their assertion in their promotional green leaflet, that they require a 33KV connection to the grid and that this would need to be provided 10 miles to the north of the incinerator site at Hamilton. And, they confirm this will not form part of the proposed development as this would need to be delivered through a separate process under Permitted Development rights. In other words, like so many other sites across the UK, the carrot dangled in respects of any homes heated by 'energy recovery' is a promotional enticement.

DAC would strongly urge the council to request evidence of where Viridor currently produce heat from waste for housing developments. Although there have been advances in technology development in this regards since 2011, we are aware of a no sites in the UK where this is working without significant problems and we can provide evidence to this effect on request including the only site we are aware of in Scotland where this happens on Shetland, proving for 600 properties which has shut down on numerous occasions and as recently as January 2021. In short, there is no requirement to provide such a benefit and is only there to encourage potential objectors to support such applications. It is also worth noting that there is no financial benefit even if this did work for those receiving such energy and the stability of such energy, as proven elsewhere in the UK is inconsistent and poor at best. We can provide evidence as state in this regard on request.

- 14 Page 12 (3.13) The applicant, Viridor, proposes an extensive landscaping management strategy to deal with the visual aspect of the proposal. It is worth noting that their proposal in respect of the stacks alone are proposed to be increased from 50m (Scotgen 2011) to between 80-90m (as indicated in letter to all councillors from Tony Finn at the end of January 2021).

How do Viridor propose 'hiding' a stack that is TWICE the height of the councils own offices in Hamilton? The 16 storey county buildings is a 165 foot tower (the largest in Hamilton), and is a highly visible landmark across this part of the Clyde Valley and is equivalent to 50m high. Even Derren Brown would not be able to make that disappear.

- 15 In respect of lorry movements, as with previous applications on the site at Dovesdale and indeed other applications in South Lanarkshire, once the precedence of consent is given, the applicant will no doubt make numerous applications for changes to their conditions of consent to increase such movements. The potential for this site to impact upon residents adjacent to the site is significant both in terms of noise and house prices. Although houses prices is not a planning consideration, this will have a direct impact on residents within the affected area, not to mention the mental health of those directly impact by this proposal.
- 16 Page 14 (4.4) The applicant, Viridor, refers to precedents in UK case law. It should be pointed out at this point, that Scottish law is distinct from UK law and any reference to such should be clearly identified in respect of the respective laws governing such applications.
- 17 **GENERAL COMMENT:** Throughout this document and indeed South Lanarkshire Council's own statements on this matter previously need to be clarified in regards 'no significant impact' and 'mitigation'. Both of these statements confirm that there 'will be' or is 'likely to be' a direct consequence for the matter concerned. Eg. South Lanarkshire Council have previously stated in regards the previous application in 2011 that 'there was no significant' deviation from their policies. In reality this means there has been a breach of the policy but to what degree would be debatable, but a breach all the same. Equally, 'mitigation' suggests there will be an impact, but the application would seek to reduce the impact, but an impact all the same. In other words does the risk outweigh the benefits? DAC would argue that the risks outweigh the benefits, if indeed there are any, and breach agreed council policies and procedures that would bring into question why such protections were agreed in the first place if they were not upheld in protecting the people of South Lanarkshire from such proposals.
- 18 **GENERAL COMMENT:** Due to the very technical nature of such applications, we would suggest that South Lanarkshire Council, and indeed other local authorities across Scotland, do not have the technical knowledge or indeed resources to deal with the scale of such applications. As a group we would be concerned as to the ability to respond to such applicants, without 'independent' expert

analysis of such applications in coming to a considered and evidenced response. In addition, we would urge the council as previously stated to seek their own 'independent' baseline studies in regards, soil, water, air, eggs, milk, and livestock before such a development proceeds both in protecting the Council from potential prosecution and protecting the people in ensuring there is no adverse impact upon their health and the environment in which they work and reside. More so, in light of Viridor's own record of failure at other sites across the UK, and indeed prosecutions in court. Again, we can provide evidence and references to confirm our beliefs in this regard.

- 19 Page 17 (4.16) As stated, one of the principal areas of objection we have to this proposal by Viridor is the impact this development will have upon Climate Change and the extent to which this development will impact upon greenhouse gas emissions. We would strongly urge the council look at evidence from their existing incinerators across the UK in this respect and the significant impact these incinerators are already having on emissions and national targets and legislative requirements to reduce such emissions. Thus far, Viridor have failed in this regard and we can provide further information on this on request. In short, do South Lanarkshire Council agree with the national climate change objectives and targets? If they do, then they should reject this application.
- 20 DAC believe the applicant, Viridor, has not met their obligations to consult the surrounding impacted area within a '10km radius'. We have been informed the applicant only printed 4000 leaflets which were distributed in the local area. This needs clarified. The impact of this 'Major development' will impact on a much wider area than the towns and villages adjacent to the site of the proposed incinerator. This application has national, and indeed global implications respect of the implications of such facilities and every property within a 10km radius should have been notified of the proposal in seeking their views, negative or otherwise. As a group we will be seeking to inform the wider population but equally we would urge South Lanarkshire Council to ensure the applicant meets its obligations in regards Scottish planning regulations for consultation.
- 21 Page 21 (4.27) the applicant appears to suggest there is a 3km requirement for consultation. Can this be clarified as we have previously received information stating this is 10km?
- 22 Page 22 (4.30) DAC would request that no information relating to the former application by Scotgen be accepted as evidence to the application by Viridor. In other words, we need to ensure the applicant provides its own EIA assessments as to the environmental impact on the area. More so, as legislation in respect of climate change and international targets have changed since 2011, and DAC had little confidence in dealing with Scotgen, that their data analysis was sufficient to protect and provide baseline studies of the environment prior to any development being advanced.
- 23 Page 25 (5.1, 5.2) DAC are disappointed to see that no 'alternative' sites of development have been provided at this stage of the process, or indeed the need for such a development at all. No information has been provided by the applicant, or indeed South Lanarkshire Council in identifying appropriate sites for such proposals in meeting its own Local Plan and Policies relating to the greenbelt. Can clarification be provided by South Lanarkshire Council, as to whether or not it is the responsibility of the applicant to provide such information ('alternatives sites') during the EIA Scoping Report or is it acceptable within Scottish planning policy to delay this requirement to the formal planning application? It would seem to DAC, that to provide such information, once the applicant has already determined its preferred site, neglects the opportunity to assess the benefits and detriment of each site on their merits in considering alternatives options.
- 24 Page 26 (6.1) The visual impact of this proposal will have a significant impact on the communities and properties adjacent to the site and contrary to greenbelt policy. It is worthy of note that the applicant, Viridor rarely mentions the fact that the proposed development lies within the greenbelt choosing to refer to this is farm land or agricultural land.
- 25 GENERAL COMMENT: DAC would ask South Lanarkshire Council as a matter of urgency, to investigate whether or not this development may impact upon the Clydesdale STAG Report proposing to extend a rail link from Lesmahagow to Larkhall via Stonehouse, which is currently being considered as an option by the Scottish Government at present.

- 26 Page 26 (6.6) DAC are aware of no coal mine assessment being carried out at this location. DAC have serious concerns as to the risks associated with coal mining directly upon the proposed site of the incinerator and we shall provide evidence at the planning application stage in this regard.
- 27 Page 28 (6.13) This statement is factually incorrect. There presently exists a public right of way crossing the Cander Water between Watstoun farm and Dovesdale within the bounds of the area. This has been agreed in consultation with Wm. Hamilton & Sons, Scotways, the community of Stonehouse and correspondence from South Lanarkshire Council themselves in terms of their legal obligations to protect such pathways. We will provide detailed information on this matter on request and at a future planning application stage if required.

Equally, the statement says there are no 'landscape designations' or 'protected landscape features within or immediately adjacent to the site'. This is incorrect. Further, the applicant confirms (6.14) a SSSI at Cander Moss is impacted upon only 160m from the development. Previous representation has been made by a number of national organisations to this fact including objections. In addition, DAC believe this will impact upon the Clyde and Avon Valley SSSI, further down river of Overwood, an area also recognised as a Special Area of Conservation (SAC) with European Protection.

Additionally, 6.14, states there are no scheduled monuments within 5km of the site. This is incorrect and can be confirmed by Canmore with a simple search or indeed local knowledge of the site. Failure to recognise these sites is poor at best and negligent in carrying out a thorough investigation of the historical sites within close proximity to this development.

These include:

- Double Dykes Iron Age site
- Cairncockle earth works on Carlisle Road
- Spital house and adjacent St. Anthony's Holy Well
- Canderrigg (Broomfield) colliery
- Overwood coal mine
- The discovery of a new section of Roman Road passing directly through the site (2007)

Further information on each of these historic sites can be provided from local publications and national archives to support this issue as ALL of these sites lie within 5km of the proposed site.

- 28 Page 28 (6.17) The applicant fails again to mention a public right of way passing through the Dovesdale development within the boundary of the proposed site again. This can be confirmed as stated previously and should be taken into account in any assessment of the proposed site.
- 29 Page 28 (6.19) We despair to the fact that the applicant suggests the 'undulations of the typography'...limits the overall extent of the proposals visibility. This development as proposed will be twice the height of the councils own headquarters in Hamilton, as confirmed by the applicants own proposals. How can we take the applicant seriously with such statements? The impact, for better or worse, WILL have significant impact upon the visual impact of those in proximity to the site. Of this there is no question and to suggest otherwise is misleading at best.

In addition, DAC would wholeheartedly disagree with Viridor's statement (6.21) that says "*The study identifies no key views or important vista that require consideration of safeguarding*". We can supply countless letters of support, contrary to this statement from residents old and new who thrive within a rural context that enjoy such a view. In addition, and in keeping with South Lanarkshire Council's own policies, they should be seen and act to protect such landscapes under greenbelt policy and other policies in line with protecting such valued landscapes.

- 30 Page 29 (6.23, bullet 3) Why does Viridor refer to 'Nature England, 2014, when in fact the appropriate agency in Scotland should be Nature Scot (formerly SNH)? DAC can only presume it has been a cut and paste exercise from a previous Scoping Study which should take account of Scottish planning legislation and statutory bodies covering such studies. We strongly urge Viridor and indeed South Lanarkshire Council to seek the views of these bodies in identifying the risks associated with such developments and their national context to protecting Scotland's environment.

- 31 GENERAL STATEMENT: Page 30 (6.25) DAC would strongly object to this proposal regards 'major' sensitivity of the proposed location, the excessive scale of the development and indeed the impact this will have upon health, the farming economy and the environment in which the incinerator is proposed.
- 32 Page 32 (6.32) In the first paragraph the statement reads that 'mitigation measures will be confirmed in the EIA Chapter but 'might' include' the following'. Surely this statement should read 'will' include the following matters? These may seem minor aesthetic changes in respect of Viridor's perceived view, but may in fact be major issues concerning those who are within proximity to the proposed incinerator at Overwood.
- 33 Page 32 (6.33) DAC require clarity as to the LVIA process? Further, in reference to 6.36 (page 33) Viridor state they will only consider 'publicly obtained views from public rights of ways etc. Surely, the national body covering such pathways, 'Scotways', should be formally consulted on this matter in ensuring the Scottish Access Code for accessing this site is upheld?
- 34 Page 33 (6.36) Bullet point 1 only mentions Stonehouse and Kirkmurihill settlements. Why? Surely due to the scale and indeed height of the proposed development all neighbouring communities within a 10km radius should be consulted, not least, those in Blackwood (which is closer than Kirkmurihill), Larkhall, Netherburn and Ashgill who are in the immediate vicinity of the proposed incinerator.

Regards bullet point 3, DAC presume Viridor will consult Sustrans, Transport Scotland, Network Rail, Stonehouse Heritage Group (who conduct guided walks here annually) and other associated rambling organisations within the area concerned including SWT, Nature Scot, HES etc?

The second last bullet intimates Viridor will consult with visitors (Visit Scotland), users of retail, guest houses and hotels. Can evidence of this happening be provided? Equally, and in relation to the last bullet point, DAC are not aware of any consultation with the NFU in this regard. There are at least 58 milk producing farms alone in the area affected (we can provide copy on request). We find no evidence of this having taken place in protecting the properties and business concerns of farmers across this landscape. In fact, we have found nothing but support for our efforts to stop this incinerator from the farming community.

- 35 Page 34 (6.37) Viridor have chosen to take the view that they should make an assessment of the site within a 5km context. DAC believe, and have been previously informed that the applicant in terms of planning guidance should take a 10km radius assessment of the area in respect of the proposed scale and significance of the development. Can this be confirmed?
- 36 Page 37 (6.39) DAC find this statement unacceptable. Viridor state "*it is unlikely that the proposed development will have a significant visual effect beyond 5km*". This is only 3 miles and the scale of the proposed development will be seen from a considerably greater distance than asserted by Viridor in what is greenbelt landscape. This is unacceptable. Such facilities, as elsewhere in the UK are functional constructions, not aesthetically pleasing buildings visually, more so in protected areas. If Viridor intend providing such visual 'photomontages' they should be produced to scale, for if their 'green promotional leaflet' is anything to go by they will not reflect the true extent and scale of the facility both in scale and height (eg. the people in the foreground of the cover page would need to be around 20 feet tall to be in proportion to the scale of the proposed development).
- 37 Page 39 (6.49) Viridor's statement confirms our view that their will be "*anticipated significant effects on landscape character and visual amenity*". This is contrary to South Lanarkshire Council's own greenbelt policy.

In addition, the applicant Viridor, state (last paragraph), there is a "*likelihood of significant environmental effects*" (in their own words). Note the word 'significant'. DAC agreed wholeheartedly with this statement and we firmly believe based on their own evidence and our own research, that this development's benefits, if any, are greatly outweighed by the risks involved both in a local and national context.

- 38 Page 40 (Table) DAC have significant concerns as to Viridor's view, as to the impact upon the areas assessed under the scope review table. DAC would urge that this is 'independently' assessed to ascertain the validity of the perceived views of the applicant in this assessment. Some of the comments appear to be contrary to South Lanarkshire Council's own views of this landscape in regards its own greenbelt assessment. Additionally, no consultation has taken place on these assumptions, many of which will have a 'significant' impact upon recreational opportunities and the local farming economy to which Viridor has chosen to disregard, in particular as to the 'Operational Effect'.
- 39 Page 47 (7.3) The proposal for an incinerator lies less than 200m away from Cander Moss SSSI, a site of national and local ecological importance covered by the council's own Biodiversity Policy. This site is managed and protected by the Scottish Wildlife Trust and is visited regularly by guided walking tours and interested parties. If and when a formal planning application is submitted, DAC will be submitting a detailed objection to the proposals regarding the threat emissions will pose to the stability and ecological importance of protecting this site. The impact on this SSSI and indeed the Special Area of Conservation (Clyde Valley Woodland SAC) could be significant in sustaining many protected species of flora and fauna which are located within a short distance of this proposed incinerator. This is unacceptable and SWT, Nature Scot and other national bodies involved in protecting such sites should be consulted at the earliest stage in the process.
- 40 FOI REQUEST: Page 48, DAC formally object to the fact that important ecological information has been redacted from this scoping exercise. This is unacceptable and we wish under FOI to formally request a copy of unredacted information within this report to enable us to respond fully, with transparency to the information contained within this report. We could take a decent guess at some of the content redacted, and if we understand the context correctly, we would be concerned as to the content of that information. If this information is not provided we intend appealing through due process to the Information Commissioner and the Scottish Planning Chief Officer.
- 41 Page 49 (7.12) Do the proposed references relate to Scottish legislation as well as British legislation governing this aspect of Viridor's responsibilities?
- 42 Page 49 (7.13) Again in reference to our FOI request, DAC feel this information is vital in understanding the full impact and extent of the threat to the ecology of protected sites in the area. DAC would be concerned if Viridor was preventing important information being withheld in obstructing an open and transparent evaluation of the sites in question. If this information is not shared DAC would also seek to refer this matter to the Chief Planning Officer for the Scottish Government to investigate in ensuring Viridor meets its legal obligations in this respect.
- 43 Page 62, A recent discovery of a new section of Roman road was discovered by Bill Huston in 2007. This has not been considered in the potential for archaeological remains at the site proposed. A full copy of Bill Huston's report is available on request as its findings may suggest Roman activity on or near to the site proposed. This information is also held by HES, who should also be fully consulted prior to any advancement of this proposal. For instance, it has been suggested that the earth work at Cairncockle adjacent to Overwood, may in fact be a Roman watch tower. However, without a formal excavation of that site and the Roman road leading to the site we may never know. This should be established as a condition of grant prior to any works being carried out at Overwood if approved.
- 44 Page 64 (9.1) Before any traffic scheme is agreed, air samples should be taken at the entrance way to the proposed site and adjacent to any properties, including those on Carlisle Road where traffic would pass as a consequence of operations at the incinerator in Overwood. In addition, due to the expected nature and anticipated increase in vehicle movements the council may wish to review speed limits on the road itself in terms of public safety.

In addition, and in regards previous experience, both at Dovesdale and others sites where such conditions apply, there is great concern as to the anticipated/projected vehicle movements, as opposed to the actual operational movements. Time after time, objectors and communities see planning amendments to the original consent being extended far and above those originally submitted by the applicants to such developments. This is unacceptable.

In addition, what action/measures would be introduced to protect and indeed compensate those properties suffering as a consequence of noise and vibration to the value of their properties and how would this be quantified in measuring the impact if claims were made in this respect?

- 45 Page 72 (10.3) In that Viridor is legally bound to EU regulations, as well as UK and Scottish Government legislation regarding emissions, DAC strongly encourage South Lanarkshire Council to look to recent changes in legislation and indeed ongoing policy reviews in understanding the impact this incinerator may have on public health, the farming economy and the environment. In addition, DAC would urge South Lanarkshire Council to review/investigate Viridor's own failures at other incineration plants across the UK. DAC will be providing evidence on this issue when/if a planning application is formally submitted.
- 46 Page 72 (10.5) DAC disagree wholeheartedly that the emissions from incinerators are safe for human health and DAC will be providing information and evidence collated nationally and internationally on the impact of emissions globally when a formal planning application is submitted.
- 47 IMPORTANT: Page 72 (10.6) DAC would strongly urge South Lanarkshire Council in light of this development to establish a AQMA (Air Quality Management Area) at Overwood/Dovesdale in respect of the potential this application has on human health, livestock and the environment.
- 48 Page 74 (10.12) For clarity, this incinerator as identified here will be emitting a range of combustion pollutants including metals, dioxins and furans. There has been some discussion on this publicly and we would suggest Viridor and indeed the Council should be clear as to the content of those emissions when consulting and presenting information to the public. There may be disagreement on the risk/impact of those emissions but they are emissions regardless. These emissions are further detailed in 10.14 of Viridor's own scoping report.
- 49 Page 75 (10.15) What about the impact of long-term emissions on the environment?
- 50 GENERAL COMMENT: DAC are concerned as to the potential impact this proposal will have on the renewable sector i.e. windmills in the vicinity. In addition, DAC are concerned as to the accumulative effect windmills will have upon the dispersal or otherwise of emissions on the immediate and indeed wider area including the SSSI at Cander Moss. Have all the Windmill Renewable Energy companies been contacted in this respect and what, if any, are their concerns?
- 51 Page 77 (10.23) The applicants own assessment states here *"The PPC permit for the ERF (incinerator) will include limits on emissions of dioxins and dioxin like PCBs. These have the potential to accumulate within the food chain"*. This statement alone requires action now to carry out soil, water, livestock, eggs and milk samples (and any others thought relevant), prior to any application being approved. The potential for lawsuits in this regard is significant and evidence from other incinerators of a similar nature provide clear evidence that such accident or breaches of emissions are regular across the UK. If our fears are realised then the impact, perceived or real, will have a significant impact on the council should such events occur at Overwood.
- 52 Page 78 (10.28) DAC fear that this proposal will have a significant impact, based on evidence and experience of similar developments, on the habitat within the area concerned. In light of recent changes to legislation in this regard, DAC would urge South Lanarkshire Council to reviews its own policies in regards this issue as a matter of urgency in protecting such habitats. Even the applicants own assessment indicates elements of its emissions may not be able to be screened out in preventing an impact on such sites.
- 53 Page 80 (10.33) Note, the applicants own assessment states *"The operation of the ERF (incinerator) has the potential to give rise to fugitive releases of odour"*. This is our experience in relation to other plants and is unacceptable.
- 54 Page 84 (11.10) The applicant states *"Alternate locations may need to be considered if surveys cannot be completed at the proposed locations"*. DAC would like to know if these other locations have been discussed with South Lanarkshire Council and where these other locations are?

- 55 Page 85 (11.12) The applicant states, in regards to noise survey locations, *"Surveys will be completed as far as practicable outside of Covid-19 lockdown measures"*. This suggests on the face of it that they might not have happened at all. Can this be clarified?
- 56 Page 89 (12.1) DAC believe strongly that this proposal is contrary to national and international obligations and commitments to reduce emissions in areas such as greenhouse gases and indeed South Lanarkshire Council's own commitment to do so. DAC will provide evidence to support this issue when/if a planning application is submitted in regards these commitments and indeed in regards Viridor's failures at other incinerators it operates in the UK.
- 57 Page 89 (12.4) Are we really being asked to rely on information that is between 40 to 11 years old? How does this data reflect on subsequent changes in policy and international agreements? DAC urge South Lanarkshire Council to investigate the most recent data available and the fact that the nearest meteorological station is 16km away from the proposed incinerator.
- 58 Page 90 (12.6) This may be DAC's misunderstanding, but if there is no commitment or indeed planning application to generate, in Viridor's words, 'energy from waste' into the grid then why should any emission calculations be used to offset this calculation?
- 59 Page 90 (12.7) The applicant Viridor states, *"When considering the impact of the proposals it is important to consider the alternatives which would be sending waste to landfill, and generating electricity via gas-fired power stations."* It is worth noting that there is no mention whatsoever here about other alternatives, e.g. better processing of waste through improved recycling practices. This is clearly an option but is neither mentioned or indeed considered as an alternative contrary to a recent statement to the Scottish Government's Environment Ministers own statement in December 2020. There are alternatives and such alternatives have been discussed as recently as this month with the Scottish Government with national bodies expressing concern at the rise in applications for incinerators contrary to national policy and climate change commitments to reduce emissions.
- Equally, South Lanarkshire Council should review its options in assessing alternatives to 'incineration' in line with national and international agreements and commitments in such matters. Surely, as a Local Authority, South Lanarkshire Council would want to be seen as an ambassador for change in this regard?
- 60 Page 90 (12.8) The applicant's own submission states, in line with policy initiatives they expect a reduction in residual waste in the future. This being the case, why would South Lanarkshire Council support a development where the perceived benefits are outweighed by the risks and indeed changing policies surrounding such facilities nationally?
- 61 IMPORTANT: Page 92 (12.14) The applicant Viridor openly concedes here that the consequence of GHG emissions from the operation of the proposed development, will increase CO₂ emissions leading to increased global warming. If South Lanarkshire Council approve this application they will be doing so not only against the wishes of its residents in protecting them from such emissions, but contrary to its own policy and national commitments to reduce such emissions. This should be made clear.
- In addition, DAC will provide evidence when/if a planning application is submitted to evidence the levels of CO₂ greenhouse gases by Viridor at their existing incinerators in the UK.
- 62 Page 96 (13.2) It is worth noting that the applicant states again they anticipate no significant impacts regarding the environmental assessments topics aforementioned. It should be pointed out that the statement 'no significant impact' in fact suggests, there will at the very least confirm 'some significance'. In addition, DAC would urge the authorities to consider not just the level of significance of the impact assessments but also the accumulative impact of such issues on the environment and health consequences on those residents in the area and indeed employed within any facility.

63 Page 97 (13.4-13.7) In regards to the geology of the site, DAC will be presenting evidence to suggest this site is unsuitable for such a proposal at the formal planning application stage. However, in regards the applicants own submission it states the area proposed for the incinerator will be built upon an existing coal mine site of which we have information confirming this to be the case. In addition, the applicants own submission indicates the boreholes recorded are actually 20m north of the proposed site and not on the development area itself. Further, geologically they state there are *"thin horizons of sand and gravel"* suggesting potential instability in the area concerned.

64 Page 97 (13.8) In regards to the impact this proposal may have on the water course of the Cander Water and indeed its feeder tributaries (Annie's burn and Nellies burn), DAC are extremely concerned as to the detrimental impact this will have on the ecology of the river. We will highlight this in detail within any future formal planning application objection. In addition, DAC are concerned as to the potential wider impact this may have on the Avon river which lies within a Special Area of Conservation.

65 IMPORTANT: Page 98 (13.14) *"The site is designated Development High Risk Area by the Coal Authority. The Coal Authority indicates that there are recorded shallow mine workings underlying the site and there is an associated risk of probably mine workings."* During the planning application stage DAC will provide further information that we believe confirm the risk this facility poses to the area and the potential impact this may have on the environment as well as the safety of employees.

Additionally 13.16 states *"If coal seams were worked historically using 'pillar and stall' or 'stoop and room' methods..."* In reality the word "If" suggests they do not know the methods used, or indeed, the stability of the landscape in which mining took place here over several periods in history and not just those referred to within the maps consulted. DAC will provide further evidence on this at the planning stage of the process.

66 Page 99 (13.18) The applicant states there are 'no' environmentally sensitive land uses recorded within 500m of the proposed site. Secondly, they state the nearest SSSI is 500m northeast of the site. Firstly, this is greenbelt land, as identified in the councils own policies and should be protected as such. DAC will make a detailed response to this in the event of a formal planning application. Secondly, Viridor's assertion that the SSSI is only 500m away is factually incorrect, in fact within their own Scoping Report, there at least two other mentions of the SSSI the first stating the site is 160m (page 28) meters from the site and the other 175 meters (page 47) from the site. If Viridor cannot be consistent in their information collated what confidence can we have that similar information is factually correct in assessing the reliability of the data provided?

67 Page 101 (13.25) Until DAC received this report were unaware that contamination as a consequence of 'metals, asbestos and cyanide' were potential contaminants leaching into the ground water. Can this matter be clarified in regards current and previous licences for infill at the area in question? And, can you provide the latest records of water samples taken at the site in question to confirm no such contaminants are presently polluting the Cander Water adjacent to the site.

68 Page 13.37 (13.37) The applicant Viridor, asserts this area is not prime agricultural land. DAC would disagree in the strongest terms. This area as well as the mine works and the stone quarry have been used for farming purposes for as long as the records exist. Again we can provide evidence of this on request. In addition, the previous farmer at Overwood, Robbie Baird was an objector to an incinerator at Dovesdale and a supporter of the campaign to prevent such being erected. This land as identified in the councils own records is greenbelt and should be protected as such.

69 Page 107 (13.40) As identified by the applicant themselves, there is a risk of pollution to the surrounding water courses. Indeed, DAC would suggest that the natural gravity of the site would significantly threaten the Cander Water which rests below the location of the proposed incinerator.

In addition, the applicant also confirms the need for additional water treatment within the proposed site but offers no information as to how this will be undertaken, or indeed whether or not there would be water taken from the Cander Water to fulfil this requirement. It is worth noting that the cattle

located within this area all drink from the Cander Water. This can be confirmed by the neighbouring farms and indeed photographic evidence if required on request.

70 Page 108 (13.44) Viridor state there are, *"No groundwater or surface water abstractions record on the site within 500m of the site"*. So what about Cander Moss SSSI, 165m from the proposed development (as stated by the applicants own Scoping Report)? It is worth noting, and more information will be provided at the planning application stage, that this raised peat bog depends on water and evolved during the last ice age. These are nationally protected sites and the potential impact as a consequence of this development proceeding could have a significant impact on the very existence of the site. This is unacceptable and South Lanarkshire Council and national legislation governing such sites state clearly they should be protected. The Scottish Wildlife Trust previous raised concerns regarding this issue and we fully expect them to do likewise again.

71 Page 110, Viridor's own statement clearly states *"Proposed excavations at the site may represent areas at which the unsaturated zone of the bedrock would be exposed and therefore of a relatively higher vulnerability with regard to groundwater contamination"*. DAC agree with Viridor. Viridor further try to mitigate this issue but confirm such measures would be limited in preventing such contamination.

In addition (Page 111) Viridor state, that there would possibly be a reduction in the water table (Cander Water). Again, this is unacceptable in supporting the ecology of the river and the efforts of Angling Clubs to create sustainable environments for brown trout, common eels and grayling which populated the river including numerous invertebrates. Equally, as confirmed by Viridor the water temperature levels could increase as a consequence of operations at the site. This again could significantly impact upon the sensitive ecosystem within the river to which the Council has a responsibility to protect in line with its own Biodiversity Plan.

Lastly, this area should be included within a SEPAs Flood Risk Management Scheme (currently it is not) in light of the proposal and potential impact.

72 Page 112 (13.54) Yet again important information regarding potential light pollution has been redacted. This is unacceptable.

73 Page 114, In regards daylight, sunlight and overshadowing, DAC feel the scale of the development may have a detrimental impact upon the adjacent farming community. This is unacceptable.

74 IMPORTANT: Page 115 (13.69) It is worth noting that the date to ban landfill has already been put back once before. Although there may well be an increase in residual waste being diverted from landfill, there is also a requirement to divert such waste away from incineration in meeting our commitment nationally and internationally to a reduction in greenhouse gases.

In addition, any requirement should there in fact be any to incinerate waste, does not require an increase the number of such facilities to cope with any perceived demand. In fact, to our knowledge the existing facilities (incinerators) in Scotland currently in operation are not working to capacity. Further, why is there a need to extend the threat to other areas of Scotland? In short, we need better investment locally and nationally in improving our ability to recycle waste. However, this is not mentioned as it would not be to Viridor or indeed any other companies pursuing such contracts to do so regards their business model. It is worth noting that even the Scottish Government recognise the need to move away from incineration and recognise that more jobs are created as a consequence of recycling waste instead of burning it to the detriment of all. More information will be provided in this regard at the formal planning stage.

75 Page 116, In relation to 'Accidents and Disasters' DAC will present evidence of such events at all of Viridor's existing facilities across the UK, including deaths, injuries, breaches of conditions, breaches of licenses and prosecutions at court in regards its health and safety record and legal obligations, should a formal planning application be submitted. DAC would urge the council to investigate these matters and consider whether or not they view Viridor as a fit and proper company to operate here.

76 Page 117 (13.82) Regards benefits, the applicant states in their publicity leaflet to the public that up to 55 jobs could be created when the facility comes into operation. Firstly, this is up to 55 jobs which could mean any figure up to 55. In addition, only a few days before this leaflet was sent to the public another document was shared with South Lanarkshire Council councillors stating that this could lead up to 40 jobs being created at the site. Inconsistent at best. As previously stated, more jobs are created through recycling as opposed to incineration as confirmed by the Scottish governments own assessments. A copy can be provided on request.

In addition, the Council may well benefit financially from this proposal, but at what cost? In regards 13.83, the applicant provided populations statistics for South Lanarkshire. Does the council believe house builders will support the erection of an incinerator here? We are already in consultation with Persimmon Homes and the Scottish Building Federation on this issue. In 2011, the building industry raised concerns and an objection to the impact on house prices, sales and future demand in this area. This issue in itself could have a direct impact on potential council tax income.

DAC would urge that the erection of an incinerator here would deter future house builders as a direct consequence of the visual and indeed environmental impact this proposal would have on those considering moving to the area, and that those presently residing here, may seek to move from the authority, potentially at some financial detriment to the value of their property. It is our belief this proposal will require to be included in Home Buyers Reports, further deterring inward investment to the area.

77 Page 121 (15.3) The applicant, Viridor, has chosen to redact the ecological impact on protected sites. Why? We can only guess as to the reasons as to why this important has been redacted. Others can make up their own minds, but to omit this information we can only assume the information is detrimental to their submission. This is unacceptable.

78 GENERAL COMMENT: Page 122 (15.4) As requested of South Lanarkshire Council, DAC will share our own assessment of the EIA scoping report with Viridor and interested parties in raising our concerns and comments on the proposals within the documents presented.

Redacted Information

On finding that elements (over 20 pages) of the original uploaded documents had been 'redacted', Dovesdale Action Group pursued South Lanarkshire Council to obtain an unredacted copy of the EIA scoping Report from Viridor. This was after the date had passed for comments to be provided in respect of the submission. An apology was received on 24 February 2021 and the documents were subsequently made available on 1 March 2020.

Had this information been made provided previously, information would have been available that would have proved valuable in fully responding to the report. The unredacted copy of the report confirms our concerns in highlighting the inappropriate location for the proposed incinerator in protecting the local environment. In this regard we would make the following additional comments on the redacted elements of the Scoping Report:

79 Page 48 (7.6) The statement by Viridor states that the birds referred to in 7.5 of the report would not provide a suitable habitat for those species including Short-eared owl. DAG would strongly disagree with this statement as prior to the demolition of Overwood farm, barn owl were present here. In addition, tawny owl are a regularly sighted in this vicinity.

Other important fauna resident within the Cander habitat bounding the site are roe deer, water voles, the common shrew, newts, pipistrelle bats, heron, otter, mink and badger. For how long such populations can be sustained is questionable considering the destruction thus far of Overwood farm, Overwood quarry and numerous hedgerows being removed, is contrary to the councils responsibility to protect our greenbelt and indeed the councils own Biodiversity Plan.

- 80 Further, (7.8; previously redacted) states *"No protected or invasive species records have been identified from online resources."* Clearly Viridor did not look far in referring to the councils own resources or indeed local resources in identifying resident and protected species. In fact, the first redacted copy chose to remove references to the existence of otter and badgers, both present in the area concerned. It is interesting to note that Viridor in analysing the data were referring to 'mapping and aerial imagery', stating there *"do not appear to be any ponds suitable for supporting great-crested newts"*. To even suggest they could possibly see such ponds either on maps or aerial imagery is both poor in establishing the facts and negligent in undertaking a comprehensive analysis of the area concerned.
- 81 Further, (7.13) Can we as a communities facing the prospect of Viridor building an incinerator in our greenbelt, really be trusted to undertake an assessment of protected species including the flora of the Cander water? Dovesdale Action Group would urge an independent assessment be undertaken to establish what habitat as a consequence of recent works has already been destroyed by ongoing activities at the site and record a comprehensive analysis of the biodiversity of the Cander and its importance to both the community and indeed protecting such habitats. It is ironic in the extreme that Viridor in proposing such a facility while at the same time talk of protecting such environmentally important corridors from the impact on protecting such habitats.
- 82 It is interesting to note (page 51 and 52) this report further highlights the impact on local species, including the impact on bats and the requirement to clear vegetation for birds to nest. Again Viridor state, without undertaking ground studies (map and aerial analysis only) *"the absence of any suitable ponds"* to support great-crested newts. This statement is unacceptable based on the lack of evidence to support this assertion and wilfully negligent at best. Further references from unredacted pages (121) again state the threat to native species in the Cander habitat is possible, if not likely, and in fact states the destruction of bird nests would constitute a legal offence in their own words.
- 83 It is notable (page 53; previously redacted), that Viridor state in their EIA scoping report of the *"potential pollution impact on the Clyde Valley Woodland SAC"*. This is simply unacceptable and is the responsibility of South Lanarkshire Council to protect in meeting its national and indeed international obligations to prevent such threats on a site of European Status.

Although this process is a pre-consultation exercise some of these issues will form in part a formal objection to the forthcoming planning application by Viridor to advance its proposal. In short, we believe the risks outweigh the benefits and the proposal is not in line with local, national or international obligations and indeed the movement away from such facilities. In due course we will provide a comprehensive detailed objection to the application with supporting evidence.

Yours sincerely

John Young
Dovesdale Action Group

cc SEPA
Viridor
Executive Director of Enterprise Resources, Michael McGlynn
Leader of South Lanarkshire Council
Chief Executive of South Lanarkshire Council