

FALKIRK COUNCIL

Subject: FORMATION OF WASTE RECYCLING FACILITY AT CRAIGEND WORKS, STANDBURN, FALKIRK, FK1 2HY FOR RESTORATION & DEVELOPMENTS LIMITED - P/08/0086/FUL
Meeting: PLANNING COMMITTEE
Date: 25 March 2009
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: Maddiston

Case Officer: David Paterson (Planning Officer), ext 4757

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application site is located approximately 500 metres north of the village of Standburn and is 1.64 hectares in area. The site comprises the former Craigend Brickworks located on the north side of the C53 Boxtou Road.
- 1.2 It is proposed to develop the former brickworks site as a facility for the recycling of concrete, bricks, tiles and ceramics, soils, stones, road base material and planings. The site would process a minimum of 25,000 tonnes per annum, with an average of 48 lorry movements per week.
- 1.3 It is anticipated that all lorry movements associated with the proposal will be to and from the east, and no lorries would travel through the village of Standburn.
- 1.4 There are existing buildings at the site, in addition to a 20 metre high chimney stack. As part of this proposal, only one building would be retained for the storage of metals, woods and plastics.
- 1.5 There is a claimed right of way through the site which runs northwards from the public road via the access road into the site thereafter turning eastwards out of the site. It is not proposed to change this route. The applicant also proposes to form a footpath link from the east boundary of the site to a footpath which connects to the public road via a route to the west of the site. The additional footpath link would be located adjacent to the north boundary of the site and would provide an alternative route to walking through the application site.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development does not accord with the Development Plan.

3. SITE HISTORY

- 3.1 The application site is located at a historic drift mine at which a brickworks was established in 1938. The brickworks operated until 1983. The site was then used for several years as a coal preparation yard and is not currently in use.
- 3.2 F/91/0646 was granted on 26 November 1991 for the temporary formation of settling ponds.
- 3.3 F/98/0014 was granted on 31 March 1998 for the exploration and production of methane gas (detailed).

4. CONSULTATIONS

- 4.1 The Roads Development Unit has raised concern that the C53 Boxton Road between the application site entrance and the B825 Avonbridge to Linlithgow road is narrow with only one informal passing place. There is minimal space for two commercial vehicles passing on this short stretch of road. It is noted that the Roads Development Unit has advised that:-
- The junction of the B825 Linlithgow to Avonbridge road and the C53 Boxton Road should be widened at the applicant's expense to a width of 6.5 metres and to a minimum distance of 20 metres back from the junction. The junction improvements should be kerbed with new concrete kerbs showing 100mm upstand. Alternatively visibility to the east of the junction should be improved, details to be approved in writing by the Planning Authority. These works should be subject to completion prior to commencement of work on site.
 - Prior to the commencement of work on site two formal passing places are required to be formed at the C53 Boxton Road. One passing place should be at the location of the existing informal passing place opposite the woodland walk and one positioned further to the north before the site entrance. The position and the details of the passing places should be approved in writing by the Planning Authority. The passing places should be a minimum of 2.5 metres in width and 15 metres in length.
 - The applicant should submit for the written approval of the planning authority a survey of the existing condition of the road verges at the C53 Boxton Road between the application site and the B825 and a statement of the intent to maintain the road verges, whether in terms of general maintenance or repairs to damages arising from vehicle intrusion onto the road verge.
- 4.2 It is noted that the Council as roads authority is responsible for maintenance of the land required for the carrying out of works required to address the concerns raised.
- 4.3 The Environmental Protection Unit has raised no objections. A land contamination desk study has been submitted, and findings are that there is no reason to refuse planning permission on grounds of contamination.
- 4.4 The Scottish Environment Protection Agency has raised no objections.
- 4.5 Scottish Water has raised no objections.
- 4.6 Shell Chemicals UK Ltd has raised no objections.

5. COMMUNITY COUNCIL

5.1 The application site lies within the Maddiston Community Council area. Maddiston Community Council has raised no objections. The Avonbridge and Standburn Community Council has also responded to the proposal and raised no objections on condition that:-

- Site traffic is not routed through Standburn Village.
- Dust and noise are controlled to the satisfaction of the Council.

6. PUBLIC REPRESENTATION

6.1 Five letters of objection have been received. Concerns raised are:-

- The proposed development does not reflect the rural nature of the setting of the area.
- There would be a health risk to adjacent properties as a result of dust.
- There would be a detrimental impact on the amenity of adjacent properties due to excessive noise.
- The proposed development would result in an increase in traffic in the area, and as a result the safety of road users would be compromised.
- There would be a problem of mud on the roads in the area as a result of the proposal.
- There is a right of way through the site which would be lost. The right of way is required to allow Whiterigg Farm to operate.
- The wheel washing equipment is likely to result in a loss of water at adjacent farms.
- The site has a history of being used for indiscriminate rubbish dumping.
- The site is not in an isolated rural location. The proposal will have an impact on the amenity of Standburn Village.
- The proposed number of vehicle movements is not correct.
- The proposal is detriment to wildlife.
- There may not be adequate monitoring of the materials being brought on site.

7. DETAILED APPRAISAL

When determining planning applications, the status of the Development Plan is emphasised in Section 25 of the Town and Country Planning (Scotland) Act 1997. This requires that:

“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Accordingly,

7a The Development Plan

Falkirk Council Structure Plan

7a.1 Policy ENV.1 ‘Countryside and Protected Areas’ states:

- “(1) *There is a general presumption against development in areas defined as countryside, unless it can be demonstrated that a countryside location is essential or is an appropriate form of agricultural diversification. Where it is established that a countryside location is essential, development proposals will also be assessed in relation to Local Plan policies appropriate to specific protected areas as defined generally by Schedules ENV.1 and ENV.3.*
- (2) *The policies applicable to countryside and protected areas within it, together with the detailed boundaries of each area, will be set out in Local Plans.”*

7a.2 It is not considered that a countryside location is essential for the type of development proposed.

7a.3 The proposed development is not a form of agricultural diversification.

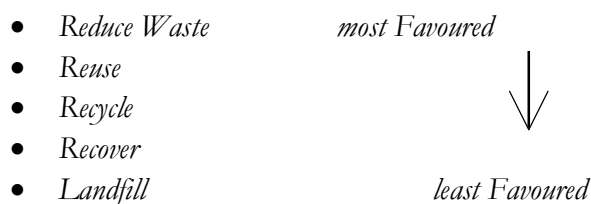
7a.4 The proposed development does not accord with Policy ENV.1.

7a.5 Policy ENV.11 ‘General Approach to Waste Management’ states:

“Provision will be made for a range of waste management facilities which will adequately treat the waste generated in the area and assist in meeting any specific regional waste management needs identified by the National Waste Strategy and any subsequent Regional Waste Strategy, subject to the following general principles:

- (1) *A general presumption in favour of new facilities which support the aims of the ‘Waste Hierarchy’ (see Figure 2) in shifting the emphasis away from landfilling of waste towards other options including: waste minimisation, re-use of materials, re-cycling and recovery of waste materials.*

Fig. 2: The Waste Hierarchy



- (2) *The treatment of waste as close as possible to the area in which it is generated.*

- (3) *The minimisation of the impact on the local environment and the amenity of communities through the selection of appropriate sites and adoption of best operational practices.*

The preferred location for new waste management facilities will be within or adjacent to existing waste management sites or alternatively within general industrial areas.”

7a.6 The operation of a waste treatment facility which reduces the landfilling of waste is in accordance with the terms of Policy ENV.11.

- 7a.7 Furthermore, it is considered that the application site is an appropriate site as it is currently a disused industrial site which is currently vacant and becoming derelict.
- 7a.8 Taking the above into consideration, it is considered that on balance the provisions of ENV.1 have greater weight than ENV.11 and therefore the proposal does not accord with the Falkirk Council Structure Plan.

Rural Local Plan

- 7a.9 Policy RURAL 1 'New Development in the Countryside' states:

"That within the countryside (as defined in paragraph 3.19), there will be a general presumption against new development except in the following circumstances :-

1. *Housing development absolutely essential to the pursuance of agriculture, forestry or other economic activity appropriate to a rural location. The occupation of new houses shall be limited to persons employed in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972, or to persons employed in forestry or other appropriate rural activities and the dependants of such persons.*
2. *On the Slamannan Plateau as indicated on the Policies and Proposals Map, single dwellinghouses developed in conjunction with significant tree planting schemes. Such proposals will be considered on merit with due regard to the provisions of the District Council's "Guide to Tree Planting/Housing Proposals on Slamannan Plateau".*
3. *Appropriate infill development where a clear gap site exists which would not contribute to ribbon, backland or sporadic development forms.*
4. *Industrial/business development where there is an overriding national or local need and a rural site is the only suitable location.*
5. *Development for tourism and countryside recreation purposes where the District Council is satisfied that the proposal requires a rural setting, is appropriate in terms of its type, scale and location and that it would enhance the image of the District. Proposals which accord with the District Council's Tourism Strategy are particularly welcomed.*
6. *Telecommunications development and development relating to the temporary use of land particularly for the working of minerals. Such proposals will be considered on merit, with due regard to the relevant specialised policies of the District Council.*

The scale, siting and design of those developments which are granted permission will be strictly controlled. Building designs compatible with the District Council's "Design Guide For Buildings In The Rural Areas" and sympathetic to vernacular architectural forms will be expected."

- 7a.10 Scottish Planning Policy (SPP)10 'Planning for Waste Management' emphasises Scottish Ministers' commitment to improving Scotland's waste management record. Policy on waste management is driven by a range of initiatives, including new targets and improved standards set out in the National Waste Plan. SPP10 states that "preferred options in the waste hierarchy are to prevent, re-use and recycle or otherwise recover value from waste before disposal".
- 7a.11 It is clear therefore that the proposed development accords with the spirit of (SPP)10 Planning for Waste Management in relation to a national need.
- 7a.12 There is no evidence to support, however, that a rural site is the only suitable location.
- 7a.13 The proposed development therefore does not accord with Policy Rural 1.

7a.14 Policy Rural 8 Policy RURAL 8 ‘Changes of Use in the Countryside’ states:

“That proposals for changes of use relating to existing industrial, commercial and institutional uses within the countryside will generally be considered favourably, provided that they comply with the criteria outlined in POLICY RURAL 1.”

7a.15 It is noted that the proposed development does not fully accord with the terms of Policy Rural 1. The proposed development does not therefore accord with Policy Rural 8.

7a.16 Policy RURAL 22 ‘Countryside Access’ states:

“That the District Council seeks to protect and signpost existing rights of way and other recognised footpaths and, where appropriate, will encourage the creation of new means of access to the countryside for walking, cycling and equestrian purposes.”

7a.17 It is noted that there is a claimed right of way which runs along the length of the access road to the site, through the site and connects to a footpath at land to the east of the application site. The right of way is identified by the Council as part of the strategic countryside access footpath network. There is no alteration to this route proposed.

7a.18 The applicant also proposes to form an alternative footpath from the eastern boundary, along the northern side of the site connecting to a footpath which runs through land to the west of the application site which in turns connects to the public road. The alternative footpath route is proposed as an alternative to walking through the application site.

7a.19 Therefore the proposed development accords with Policy Rural 22.

7a.20 However, on balance, the proposal is not in accordance with Policy Rural 1 and Policy Rural 8 and therefore the proposed development does not accord with the Development Plan.

7b Material Considerations

7b.1 Material considerations are the Falkirk Council Local Plan Finalised Draft (Deposit Version), Scottish Planning Policy (SPP)¹⁰ ‘Planning for Waste Management’, Planning Advice Note (PAN)⁶³ ‘Waste Management Planning’, the letters of representation, the correspondence from Avonbridge and Standburn Community Council and the consultation response from the Roads Development Unit.

Falkirk Council Local Plan Finalised Draft (Deposit Version)

7b.2 Policy ST18 - ‘Waste Management Facilities’ states:

“Proposals for large scale waste management facilities will be directed to locations within or adjacent to existing waste management facilities and general industrial areas as indicated by Policy EP2. Any proposal must demonstrate that the impact on the environment and local communities is acceptable and comply with the other policies of the Local Plan. “

7b.3 The application site is not identified in the proposals map as a general industrial or waste management facility site.

7b.4 The proposal does not accord with Policy ST18.

7b.5 Policy EP5 ‘Business and Industrial Development in the Countryside’ states:

“New business and industrial development in the countryside will only be permitted in the following circumstances:

- (1) Areas specifically identified for business and industrial development on the Proposals Map;*
- (2) Business/industrial development where the need for a countryside location is demonstrated and the proposal could not more appropriately be accommodated within the Urban or Village Limits;*
- (3) Proposals involving the reuse of vacant industrial, commercial or institutional land or premises, or the conversion of farm or other buildings for business use where the scale and nature of the activity is compatible with the location;*
- (4) Limited extensions to existing established businesses in the countryside which can be accommodated without any additional adverse impact on the rural environment; or*
- (5) Proposals for the processing of secondary materials including construction and demolition wastes at existing mineral sites in addition to industrial sites;*
- (6) Appropriate leisure and tourism development that accords with Policy EP16.*

Proposals will be subject to rigorous assessment of their impact on the rural environment, having particular regard to Local Plan policies protecting natural heritage (EQ19-EQ30) and built heritage (EQ12-EQ18).”

7b.6 It is noted that the proposed development relates to the re-use of an existing industrial site and that the scale and nature of the proposal has not raised objections from consultees, particularly the Environmental Protection Unit, the Roads Development Unit and SEPA.

7b.7 The proposal accords with Policy EP5.

7b.8 Policy EQ29 ‘Outdoor Access’ states:

- “(1) The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network once it is defined.*
- (2) In promoting new routes particular emphasis will be placed on*
 - opportunities specified on the Proposals Map*
 - other opportunities which support and provide linkages in respect of the Falkirk Greenspace Initiative, the recreational use of the major river corridors, including the Forth Estuary, and sustainable travel within and between settlements;*
 - other areas of proven demand as identified through community consultation; and*
 - the need to safeguard protected habitats and species in accordance with Policies EQ24 and EQ25.*
 - the need to safeguard protected buildings and archaeological sites in accordance with Policies EQ16 and EQ17.*
- (3) When considering planning applications, the Council will*
 - Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed.*
 - Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development, particularly where they relate to the priority areas identified in sub-section (2) above.*
 - Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.”*

7b.9 Sections 7a 17 – 7a 20 above in respect of Policy Rural 22 of the Rural Local Plan “Countryside Access” are noted and apply.

7b.10 The proposal accords with Policy EQ29.

7b.11 Policy ST1 - 'Core Path Network' states:

"The Council will safeguard and promote the development of the core path network as and when this is defined. Where appropriate, developer contributions to the implementation of the network will be sought."

7b.12 Policy EQ29 above is noted.

7b.13 The proposal accords with Policy ST1.

7b.14 In conclusion, the proposed development does not fully accord with the Falkirk Council Local Plan Finalised Draft (Deposit Version).

Scottish Planning Policy (SPP)10 'Planning for Waste Management'

7b.15 The ethos of SPP10 as summarised in Section 7a.11 is noted.

7b.16 The proposed development is in keeping with the general principles of SPP10.

Planning Advice Note 63 'Waste Management Planning'

7b.17 PAN63 provides advice in respect to site selection for waste management developments in addition to the terms of SPP10.

7b.18 There are numerous factors which may influence the location of new waste management facilities. Factors include industrial areas and degraded and derelict land where the provision of waste management facilities may provide good opportunities for bringing derelict or degraded land back into productive use.

7b.19 PAN63 also emphasises the environmental issues which can arise, including odour, dust, noise, visual impact, site access, traffic movements, types of waste and potential for flooding.

7b.20 It is noted that the application site is an existing disused industrial site and that no objections have been raised by consultees in respect of the environmental issues.

7b.21 The proposed development accords with the principles of PAN63.

Letters of Objection

7b.22 With respect to the issue of setting, it is noted that the application site is a disused industrial site which is becoming derelict.

7b.23 It is noted that the Environmental Health Unit has raised no objections in respect of dust and noise.

7b.24 It is noted that the Roads and Development Unit has raised no objections in terms of traffic generation. The Unit has highlighted that traffic will increase from existing levels. However, it is not anticipated that traffic generated would be significantly greater than traffic which could be generated by the site being brought back into its existing authorised planning use as an industrial site.

7b.25 The prevention of mud on the public road can be controlled by a condition requiring all vehicles entering or leaving the site to use the wheel washing equipment.

- 7b.26 It is noted that there is no alteration to the claimed right of way proposed.
- 7b.27 It is considered that the site being brought back into productive use should assist in the prevention of indiscriminate depositing of rubbish.
- 7b.28 There is no evidence that there would be a significant impact on wildlife as a result of the proposed development.
- 7b.29 Should planning permission be granted, the site can be monitored. Monitoring would also be carried out by SEPA in relation to a waste carrier and handling licence. Co-operation between the two authorities would ensure adherence to any terms and conditions imposed.
- 7b.30 The proposed development would generate an average of 48 return vehicle movements to the site per week.

Consultation Response from the Roads Development Unit.

- 7b.31 The consultation response from the Roads Development Unit is noted. The recommendations of the Roads Development Unit in respect of junctioning widening and visibility improvements to the east of the junction of the C53 Boxtou Road and the B825 Linlithgow to Avonbridge Road, and formation of passing places at the C53 Boxtou Road can be addressed by suspensive conditions.
- 7b.32 Addressing these issues by suspensive conditions would ensure that steps are taken to address the concerns of the Roads Development Unit prior to commencement of work on site.

7c Conclusion

- 7c.1 It is noted that the proposed development does not fully accord with the Development Plan in that a countryside or rural location is not considered essential for this type of proposed operation.
- 7c.2 However, the site is an existing vacant industrial site which is becoming derelict and the use of the site as a waste recycling facility is in accordance with Policy EP5 of the Falkirk Council Local Plan Finalised Draft (Deposit Version) 'Business and Industrial Development In The Countryside' and the principles of SPP10 'Planning for Waste Management' and PAN63 'Waste Management Planning'.
- 7c.3 It is noted that concerns raised by the Roads Development Unit can be addressed by suspensive conditions to ensure that concerns raised are addressed prior to the commencement of work on site.
- 7c.4 On balance, the disused industrial site, which is becoming derelict, would benefit from being brought back into productive use and its subsequent operation can be monitored by both planning officials and SEPA.
- 7c.5 It is not considered that there is any significant increased impact in terms of environmental or traffic issues in comparison with the site being brought back into its existing authorised planning industrial use.
- 7c.6 It is noted that there would be no alteration to the existing claimed right of way taking route through the site. The proposed additional alternative footpath link can be addressed by condition.
- 7c.7 The proposed development is not considered to represent a significant departure from the Development Plan owing to the fact that the site issues raised are of a local nature and impact upon the immediate vicinity only. Should Members be minded to grant planning permission, the proposed development would not require to be referred to Scottish Ministers.

8. RECOMMENDATION

8.1 It is recommended that detailed planning permission be granted subject to the following conditions:-

- (1)** The development to which this permission relates must be begun within five years of the date of this permission.
- (2)** All vehicles exiting the site shall use the wheel washing equipment.
- (3)** The proposed operation shall not be brought into use until such time as the wheel washing equipment has been installed and in operation. Thereafter, the wheel washing equipment shall be kept operational at all times when the development is in operation to the satisfaction of the Planning Authority.
- (4)** The proposed development shall not be operational at any time the wheel washing equipment is not in operation, whether for maintenance, repair or any other reason.
- (5)** Prior to the commencement of any work on site the form and construction of the proposed alternative footpath connection along the northern and eastern boundaries of the site, as shown on the approved plan (SAP 1085/002 Rev B), shall be approved in writing by the Planning Authority.
- (6)** Prior the development being brought into use, the footpath connection referred to in Condition 5 of this permission shall be formed and completed in accordance with a specification to be approved in writing by the Planning Authority.
- (7)** Prior to the development being brought into use, the perimeter fence shall be completely erected using green coloured materials, or painted green; the colour to be approved in writing by this Planning Authority.
- (8)** The proposed development shall be operated to process, recycle and treat concrete, bricks, tiles, ceramics, soils and stones and road base material and planings only. No other material shall be processed or stored at the site without the written approval of this Planning Authority.
- (9)** The development shall be implemented in accordance with the approved drawings and any other submitted details which have been approved in writing by this Planning Authority.
- (10)** Prior to the recycling facility being brought into operation the site access road shall be widened to a width of 7.3 metres for a distance of 15 metres from its junction with the C53 Boxton Road to the satisfaction of the Planning Authority.
- (11)** Prior to the commencement of work on site the junction of the B825 Linlithgow to Avonbridge road and the C53 Boxton Road shall be widened at the applicants expense to a width of 6.5 metres and to a minimum distance of 20 metres back from the junction. The junction widening shall be kerbed with new concrete kerbs showing 100mm upstand. Alternatively prior to the commencement of work on site, works to improve visibility to the east of the junction of the B825 and the C53 Boxton Road shall be carried out. Works to improve visibility at the east side of the junction shall have the prior written approval of the Planning Authority and shall be carried out at the applicant's expense.

- (12) Prior to the commencement of work on site two passing places shall be formed, at the applicant's expense, at the C53 Boxtan Road between the site entrance and the B825. The position and details of the passing places shall have the prior written approval of the Planning Authority. The passing places shall be a minimum of 2.5 metres in width and 15 metres in length.
- (13) Prior to the commencement of work on site a survey of the existing condition of the road verges at the C53 Boxtan Road between the application site entrance and the B825 and a statement of intent to maintain the road verges whether in terms of general maintenance or repairs to damage arising from vehicle intrusion on to the road verge shall be approved in writing by the planning authority.

Reason(s):

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the interests of the users of the highway.
- (5-6) To ensure that public countryside access is maintained.
- (7-8) To safeguard the environmental amenity of the area.
- (9) To ensure that the development is carried out to the satisfaction and approval of this Planning Authority.
- (10) In the best interests of road safety.
- (11-12) To safeguard the interests of the users of the highway.
- (13) To safeguard the condition of road verges at the C53 Boxtan Road between the site entrance and the B825 Linlithgow to Avonbridge Road.

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For Director of Development Services

Date : 17 March 2009

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Rural Local Plan
3. Falkirk Council Local Plan Finalised Draft (Deposit Version)
4. Scottish Planning Policy 10 'Planning for Waste Management'
5. Planning Advice Note 63 'Waste Management Planning'
6. Planning permission F/91/0646
7. Planning permission F/98/0014
8. Letter of representation received from Mr and Mrs W Alston, Craigend Cottage, Falkirk, FK1 2HY on 18 March 2008
9. Letter of representation received from Mr David Donaldson, 18 Irene Terrace, Standburn, Falkirk, FK1 2HX on 24 April 2008

10. Letter of representation received from Mr William Scott, Snabhead, Falkirk, FK1 2JA on 13 March 2008
11. Letter of representation received from Mr Robert Taylor, Whiterigg, FK2 0BX on 27 March 2008
12. Letter of representation received from Mr John Wotherspoon, Kendieshill Farm, Falkirk, FK2 0BP on 28 April 2008

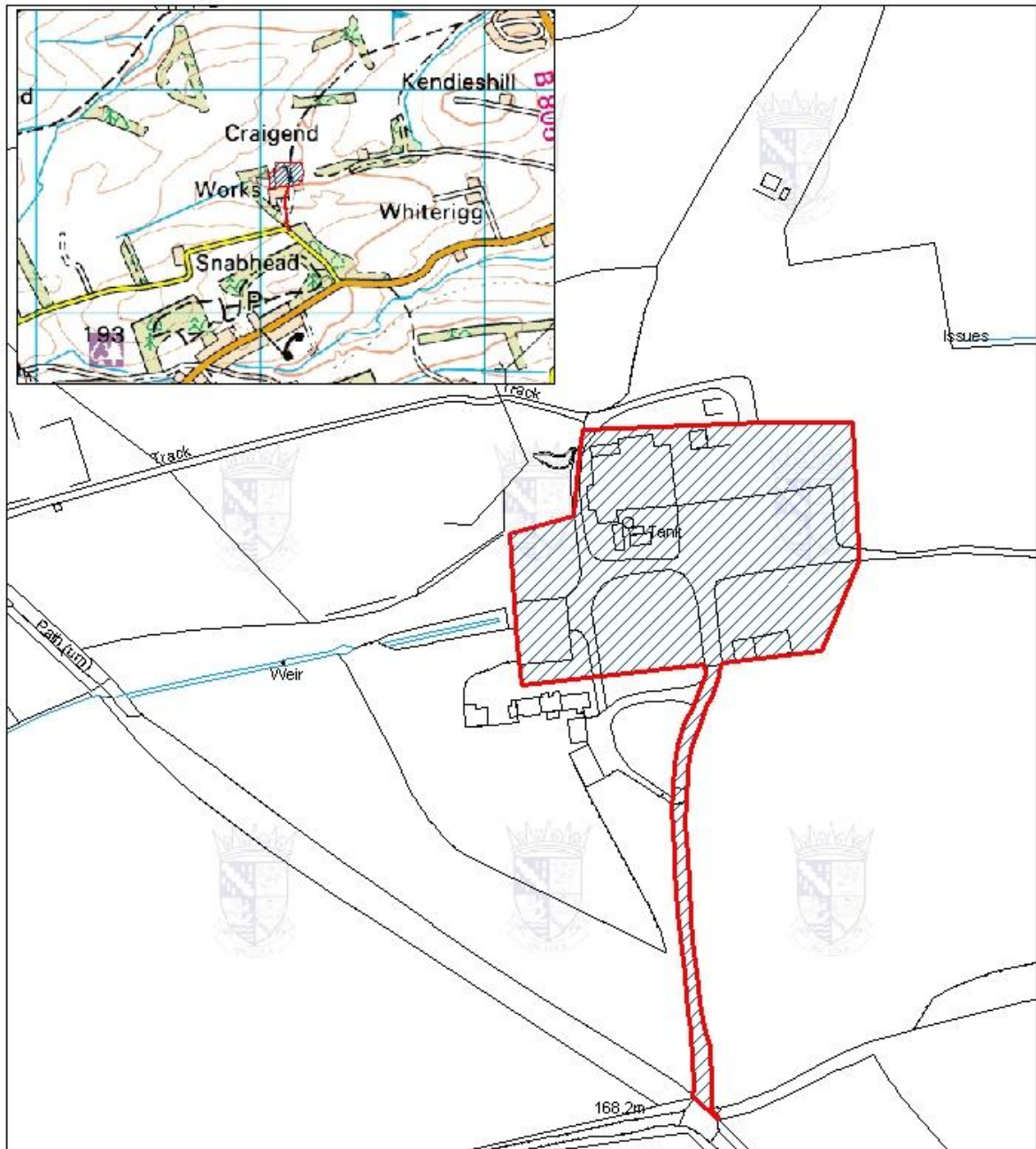
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504757 and ask for David Paterson (Planning Officer).

Planning Committee

Planning Application Location Plan

P/08/0086/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



Falkirk Council

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