

FALKIRK COUNCIL

Subject: TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION
OF ORGANIC WASTE INCLUDING LIME TREATMENT AND
OPEN WINDROW COMPOSTING AT JAWCRAIG
BRICKWORKS FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS
- P/10/0762/FUL

Meeting: PLANNING COMMITTEE

Date: 4 April 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that at the meeting of the Planning Committee on 7 March it was agreed to continue the application to allow further deliberation by officers following receipt of additional technical information. A copy of the previous report is appended.
2. Consideration of this technical information is ongoing and it should be noted that it is the view that under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, an Environmental Impact Assessment is not required. Given the content of the technical information, however, a Screening Direction has been sought from Scottish Ministers as to whether or not an Environmental Impact Assessment should be carried out in relation to the development. At the time of writing this report, a response to this request is awaited from Scottish Ministers. A verbal update will be provided at Committee.
3. The Environmental Protection Unit have been reviewing the submitted information, and is of the view that the issue of bioaerosol from composting activity remains uncertain. Recent reports suggest that more research is required before any definitive answer can be given in relation to possible health risks from composting processes. Further consideration is therefore required, and is ongoing. A verbal update will be provided at Committee.
4. These matters have been raised with the applicant's agent who has advised that he would welcome the opportunity to respond to the matters raised. At the time of writing this report, no response has been received and a verbal update will be provided at Committee.

5. RECOMMENDATION

- 5.1 It is recommended that Committee note the current position as summarised above and continue the application to enable further consideration of these matters as well as receipt of a response from the Scottish Ministers on the request made to them to carry out a Screening Direction.

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Director of Development Services

Date: 27 March 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection received from NFU Scotland Rural Centre, West Mains, Ingleston Newbridge, Midlothian, EH28 8LT on 31 January 2011.
4. Letter of objection received from Mr Peter Goldie, Muiravonside Cottage, Maddiston, FK2 0BX on 10 January 2011.
5. Two letters of objection received from Mr Herd, Easter Jawcraig, Falkirk, FK1 3AL on 13 January 2011 and 19 January 2011.
6. Letter of objection received from Peter and Doreen Goldie, Muiravonside Cottage, Falkirk, FK2 0BX on 19 January 2012.
7. Letter of objection received from Mr Peter Goldie, Muiravonside Cottage, Maddiston, FK2 0BX on 10 January 2011.
8. Letter of objection received from Avonbridge and Standburn Community Council, c/o Ballenbriech Farm, Blackstone Road, Avonbridge, FK1 2LB on 23 January 2012.
9. Letter of objection received from Julie Coulthard, Julia@martincoulthard.com on 5 March 2012.
10. Letter of objection received from Margaret Mitchell MSP, 104 Cadzow Street, Hamilton, ML3 6HP on 22 March 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

FALKIRK COUNCIL

Subject: TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION
OF ORGANIC WASTE INCLUDING LIME TREATMENT AND
OPEN WINDROW COMPOSTING AT JAWCRAIG
BRICKWORKS FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS
- P/10/0762/FUL

Meeting: PLANNING COMMITTEE

Date: 7 March 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

- 1 Members will recall that this application was originally presented to the meeting of the Planning Committee on 1 February 2012 (copy of previous report appended) where it was agreed to continue the application for a Committee site visit. This visit took place on Monday 20th February 2012.
2. One letter of objection has been received, dated 15 January 2012, objecting to the application. The points raised can be summarised as follows:-
 - The proposal represents a serious health risk and discomfort threat to the community at large, through airborne contaminants and offensive odours.
 - There will be an adverse impact on amenity of residents through the large increase in heavy goods vehicle movements on a road network which, it is opinioned, has already failed.
 - The road network has shortcomings in both alignment and construction, with no pedestrian pathways along the majority of its lengths.
 - Falkirk Council has been unable to monitor, control, nor impose conditions on developments of a broadly similar nature.

3. Two letters of objection were received on 13 January 2011 and 19 January 2011 that were not initially allocated to the planning application file. The objections raised can be summarised as follows:-

- With reference to a similar operation being carried out at Wester Jawcraig, the odour currently endured will be exacerbated by odour from the application site.
- The sewage cake will be stored 9m away from land not within the applicant's ownership and 100m from the nearest dwellinghouse.
- The speeding and uncovered lorries already perceived as a nuisance in the area will be increased, potentially increasing traffic on the single track road adjoining the complainant's property.
- Concern is raised that the composting operations are to be carried out adjacent to a Site of Special Scientific Interest (SSSI) all to the detriment of the site's designation.
- Plastics, metals and other undesirable materials will be blown across land actively used for grazing.
- Only a few local farms spread lime cake on land, so where is the applicant's client base?
- The "Farm Assured" status of the complainant's business may be jeopardised.
- Asbestos may be present on the application site.
- There is a rodent infestation on the site, which will be exacerbated if material is stored on the site - particularly if food waste is present.
- Health problems may arise as a consequence of the proposals.
- The number and frequency of lorry trips are an underestimate, while the timing of deliveries may lead to unsociable noisy activity being generated.
- The threshold capacity may be breached.
- The new entrance may be no safer than the existing entrance.
- A derelict structure near to the site may be refurbished for occupation, the potential occupants being susceptible to harm.
- The risk to human health are reiterated as a major concern, and information relating to advice from The Environment Agency, The Composting Association's Code of Practice, extract from a Health and Safety Executive Report (RR786) and a SEPA document on open windrow composting are submitted as confirmation of these concerns.

4. In response to the matters raised, the following comments can be made;-
- The Scottish Environment Protection Agency have been consulted on the application and responded that, while SEPA is not a primary authority on human health, SEPA must consider human health impacts when making regulatory decisions, including the granting of licences. While SEPA does not have a formal regulatory position on bioaerosol generation from open windrow composting, any licence granted by SEPA would be likely to contain requirements for ongoing monitoring of bioaerosols and specific limits that would require to be adhered to.
 - There may also be limits imposed on the quantities of material which could be composted at any one time. In addition, SEPA would regulate odour, dust and litter through conditions within the Waste Management Licence.
 - For the avoidance of doubt, SEPA contends that a Waste Management Licence will need to be in place prior to any composting taking place on the site.
 - The issue of bioaerosols impact is not a material planning consideration and, as such, no opinion or evaluation can be offered by the Planning Authority.
5. The number of vehicles generated from the site cannot be controlled through planning condition. Planning permission is not required for heavy goods vehicles utilising the public road. However, if noise generation is created through activities on the site, Falkirk Council is able to monitor and enforce statutory noise nuisance breaches.
6. The loss of 'Farm Assured Status' is not a material planning consideration, nor is the aspiration to renovate a derelict structure near the site (as no planning application has been submitted for consideration).
7. The threshold capacity of the site will be monitored through the Waste Management licence and any intensification of use may trigger a further planning application being required.

Scottish Natural Heritage Response

8. For the avoidance of doubt, Scottish Natural Heritage are satisfied that the revised site layout and activities, alongside the additional information on site drainage, have addressed the issues of impacts from the waste treatment operations upon Darnrig Moss SSSI. Scottish Natural Heritage withdrew the objection to the proposal subject to the following measures being secured by conditions or other appropriate means:
- Screening of all waste treatment and composting operations to prevent airborne pollution impacting upon Darnrig Moss SSSI.
 - Scottish Natural Heritage withdraws its objection to the application.
 - The suggested planning condition has been imposed (conditions nos 5 and 6).

Improved Site Access

9. The improved site access arrangement was the subject of planning application P/09/0193/FUL – Formation of access – approved on 21st May 2009.
10. The applicant has pointed out that the proposed wheelwash facility and 1.8m high link fencing are no longer proposed for the site and the planning conditions have been amended accordingly.
11. Since the date of the site inspection, the applicant has advised that the composting activity will be moved into the existing shed. The following paragraph replaces 10.3 within the supporting information appendix 3, previously submitted in October 2011:-

10.3 Compost Materials

- Waste for the composting process will include green waste and garden wastes, wood and forestry wastes in the main.
 - The material will be discharged on the ground within the confines of the building.
 - All composting operations will take place on the concrete base of the shed floor.
 - The material will be inspected for any contamination and removed. The material will then be shredded and formed into a batch of approximately 300 tonnes.
 - The composting process will be managed by using temperature measurement as the main control method. Temperature of windrows will be monitored on a daily basis at several points to determine the need for turning to improve aeration and moisture. Moisture levels will be monitored through a standard "squeeze test" technique.
 - Windrows will be turned using a back actor or similar piece of equipment and will be completed on a basis determined by temperature and moisture levels within the windrow. All controls and records needed to comply with PAS 100 for composting will be utilised.
 - When windrow temperatures do not respond to re-aeration or moisture addition the active compost phase will be deemed to be complete. The windrow can then be left in situ to mature to ambient temperature or alternatively moved off-site.
 - A planning condition (condition no. 8) has been imposed to reflect this amendment.
12. No other matters were raised that would amend the original recommendation to approve planning permission.

13. RECOMMENDATION

13.1 It is therefore recommended that Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) For the avoidance of doubt, no development shall be initiated prior to the construction and operation of the vehicular access arrangement (subject to P/09/0193/FUL approved 21 May 2009) as indicated in the submitted supporting statement dated November 2010.
- (3) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The level and scope of works associated with potential decontamination are as indicated in Falkirk Council's e-mail dated 28 February 2012 (M Campbell/ A Pollock) and the scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and types(s) of contamination on the site.
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works.
 - iv. condition of the site on completion of decontamination measures.

Before the site is brought into use the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (4) Further information shall be submitted to, and approved in writing by the Planning Authority as to:-
 - exact specification of the screen planting, including details of new planting, species to be used, nursery stock size and methods of protection.
 - details of woodland management and long term maintenance.
 - Measures to enhance the existing tree cove on the boundary of the site, including:-
 - cutting out any existing dead tree stems,
 - removing debris and rabbit fencing off a 15m wide strip of land on the north, west and south boundaries.
 - the planting of native tree species in shelters at 3m spacing.
- (5) Further information shall be submitted to and approved in writing by the Planning Authority as to the long term screening of waste treatment and composting operations to prevent airborne pollution.
- (6) For the avoidance of doubt, all pre-treated organic waste shall be stored within the existing building, with no outside storage taking place.

- (7) Prior to any works on site, a Flood Risk Statement shall be submitted to and approved in writing by the Planning Authority.
- (8) For the avoidance of doubt, all composting shall be restricted to the interior of the existing shed, with no outside storage taking place.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) The development would not be acceptable without these additional works.
- (3) To ensure the ground is suitable for the proposed development.
- (4) To safeguard the visual amenity of the area.
- (5-6) To safeguard the environmental amenity of the area.
- (7) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (8) To accord with the terms of the Supporting Information document (appendix 3) as submitted and amended.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03C, 04 and 05.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.
- (3) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal as legislation relating to odour nuisance is likely to affect this development.
- (4) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal, as legislation relating to the spread of dust is likely to affect this development.

- (5) It is recommended that the applicant should consult with Development Services Environmental Health Division with regard to legislation governing hours of operation.

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Director of Development Services

Date: 28 February 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Letter of objection received from NFU Scotland Rural Centre, West Mains, Ingleston Newbridge, Midlothian, EH28 8LT on 31 January 2011.
4. Letter of objection received from Mr Peter Goldie, Muiravonside Cottage, Maddiston, FK2 0BX on 10 January 2011.
5. Two letters of objection received from Mr Herd, Easter Jawcraig, Falkirk, FK1 3AL on 13 January 2011 and 19 January 2011.
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Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

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OPEN WINDROW COMPOSTING AT JAWCRAIG
BRICKWORKS FALKIRK FK1 3AL FOR JAMES MCCAIG FARMS
- P/10/0762/FUL

Meeting: PLANNING COMMITTEE

Date: 1 February 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Stephen Fry
Councillor John McLuckie

Community Council: No Community Council

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application relates to Jawcraig brickworks, located approximately 1.7km north of Slamannan and abutting the B803 Easter Jawcraig to Slamannan Road. The brickworks date from the inter-war years and were closed in the 1980's. Since then, the site has remained vacant, in a semi-derelict condition and comprises:
- A former brickwork shed, largely intact;
 - An extended area of hardstanding;
 - Foundations and base for a weighbridge, and
 - A restricted vehicular access.
- 1.2 The applicant proposes to utilise the site for the temporary storage, treatment and distribution of organic waste, including open-windrow composting and lime treatment. The proposed development would have a maximum throughput capacity of up to 23,000 tonnes per annum and would comprise:
- Re-use of existing brickworks building for storage;
 - Reception and shredding area;

- Lime treatment area;
- Reinstatement of weighbridge;
- Wheel wash facility;
- Site office cabin, and
- Staff and visitor parking for approximately 8 cars.

Operation

- 1.3 It is the applicant's intention that organic material for storage and treatment will be sourced from the Falkirk, Glasgow and Edinburgh areas with occasional loads from locations further north. It is intended to be utilised as a substitute to inorganic fertiliser for local agricultural benefit.

Organic Waste Storage

- 1.4 The proposal would reuse the existing brickwork building for the temporary storage of the pre-treated organic waste. This would ensure that the pretreated organic waste is kept dry. The size of the existing brickwork building would ensure that all the pre-treated organic waste held on site is stored within the building. It is anticipated that the organic waste would be stored on site for a maximum period of 12 months. Within the buildings, modifications would be made to the existing kilns to form storage bins for the organic material.

Lime Treatment of Bio-Solids

- 1.5 The proposals would also utilise an area of hard standing to the north-west of the existing brickworks building (approximately 625m²) for the lime treatment of organic waste. The lime cake for treatment would also be stored within this area. The area would be fully contained on two sides and partly contained on the other two sides by a reinforced concrete wall up to 3.6m high.
- 1.6 Incoming waste materials would pass over the proposed weighbridge before being deposited. The material would then be inspected and tested prior to treatment. The material would then be put through the mixing plant and lime. This would be monitored with a Hazard Analysis and Critical Control Points (HACCP) plan.
- 1.7 At the end of the process the material would be enhanced treated and would comply with regulatory requirements for use in agriculture. The material would then be utilised as a fertilizer for local agricultural land.

Open Windrow Composting

- 1.8 The proposal would also utilise part of the existing area of hard standing of the yard (approximately 1350m²) for small scale open windrow composting of green waste. Suitable materials for composting in this manner include forestry wastes, grass cuttings, sawdust and other products with a similar nature. A brief description of the process is given below.

- 1.9 Incoming waste materials will pass over the proposed weighbridge before being deposited at the reception area. The material will then be inspected, shredded into finer particles and screened to remove contaminants such as plastics and metals before being delivered to the composting area. After delivery the material will be pushed up into a windrow. Each windrow would measure approximately 4m high, 6m wide and be approximately 18m in length.
- 1.10 Temperature and moisture levels within the windrow will be regularly monitored to check when turning is needed and to ensure that aerobic conditions are maintained throughout the process. The windrow will be turned on a regular basis to ensure complete sanitisation of the material. Its shape may be altered during turning to increase or lower moisture levels as required.
- 1.11 At the end of the process the volume of waste will be significantly reduced, will be stabilised and sanitised. The compost material will then be utilised as a fertilizer for agricultural land.

Site Drainage

- 1.12 Surface water runoff from the composting and lime treatment operations will be drained to local sumps which would be drained down on a daily basis.
- 1.13 As the proposed development would be undertaken within the existing areas of concrete hardstanding and no additional areas of impervious hardstanding would be created, the quantity of surface water on the hardstanding areas would not increase above that currently experienced and would continue to be managed based upon the existing drainage system.

Maintenance

- 1.14 The composting and lime treatment areas would be inspected on a regular basis by one of the site operatives in case of any defects in the integrity of the concrete pad. Any such defects would be repaired at the earliest opportunity.

Access and Deliveries

- 1.15 The remaining existing area of hard standing of the yard would be utilised for vehicles accessing the site and for the turning and manoeuvring of vehicles.
- 1.16 Access to the site would be via new approved access onto the B803 from the south-east corner of the site.
- 1.17 Deliveries to the site would be in the form of 8 wheeler tipper lorries with a payload of approximately 20 tonnes. It is estimated that there would be in the region of up to 10 two way lorry movements per day at peak periods of activity. However, a more typical daily rate of movement may be in the order of 3 to 4 two way lorry movements per day. Lorries would be routed through Falkirk and Slamannan via the B803.

Vehicle Circulation

- 1.18 There would be no internal roads as a result of the proposed development. Vehicles dropping off/collecting materials would circulate within the area to the south of the existing brickwork buildings on the existing hardstanding.

Hours of Working

- 1.19 Waste deliveries would generally take place between the hours of 0700 and 1800 Monday to Friday and between 0700 and 1300 hours on Saturday. It may also be required to occasionally accept waste outside these hours in the event of unforeseen emergency circumstances.
- 1.20 The movement and storage of waste and turning of windrows would take place during normal working hours. Being a natural process, the outdoor windrow composting would operate continuously.

Staffing

- 1.21 There would be 6 members of staff required to run the site with additional car parking proposed in order to cater for visitors to the facility.

Plant and Machinery

- 1.22 The equipment used for operation on site would consist of the following:

- Mobile shredder
- Screening equipment comprising a hopper, de-stoner, magnet and mobile screen
- Excavator
- Atomiser
- Telehandler
- Loading shovel
- Batch mixer

None of the above plant would be permanently fixed and would be moved around the site as required. When not in use mobile plant may be removed from the site.

Boundary

- 1.23 The boundary of the site would be secured by a 1.8 metre high chain link fence with matching swing gates. The gates would be kept closed and locked when the site is unattended and at all times outside operating hours referenced above.
- 1.24 The banking to the north of the site would also be enhanced with additional planting of native broadleaves and shrubs. This would reduce the potential visual impact of the site and reduce the levels of noise from the site into the surrounding area.
- 1.25 The existing planting to the south and west of the site would be retained to minimise views of the site from the B803.

Site Facilities and Layout

- 1.26 The location of the proposed open windrow composting operations and lime treatment operations are shown on the submitted plans.
- 1.27 The site office cabin would be located to the west of the site entrance. The 20ft temporary container cabin (approx 6.1m long x 2.4m wide x 2.4m high) would be used for office and administration use and would include toilet and washing facilities. Adjacent to this cabin will be the site car park, which would provide parking for eight vehicles, based on six spaces for staff and two for visitors.
- 1.28 The weighbridge at the site of the former entrance to the south west of the site would be reinstated.
- 1.29 A wheel wash would be located at the entrance to the site located in line for all vehicles entering and exiting the site. The wheel wash system has the facility to recycle all water used in the washing process.
- 1.30 All the proposed development would be within the existing areas of hardstanding and no additional areas of impervious hardstanding would be created as a result of these proposals.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application has been referred to the Planning Committee at the request of Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 P/09/0193/FUL – formation of access – approved 21 May 2009.

4. CONSULTATIONS

- 4.1 The Scottish Environment Protection Agency (SEPA) has no objection to the proposals. The operation would require a licence under the Waste Management Licensing Regulations 1984 and would control:

- Odour
- Dust
- Noise (operational only) and
- Litter.

In principle, SEPA supports proposals for composting which would contribute towards delivery of the Zero Waste Plan objectives, to maximise the recycling and reuse of waste.

- 4.2 Scottish Natural Heritage has no objection to the proposals, subject to a planning condition that ensures the screening of all waste treatment and composting operations to prevent airborne pollution impacting upon Darnrig Moss SSSI.
- 4.3 Falkirk Council's Roads and Development Unit advise that, in general, the proposal is acceptable. However, it is recognised that the existing vehicular access to the site from the B803 has road safety concerns and a proposed new access to the east of the site (P/09/0193/FUL) has been approved. It is therefore considered that no construction relating to the proposed development should commence until the new access has been constructed in accordance with the planning permission. In addition, a Flood Risk Statement is requested to demonstrate that the development does not increase the flood risk downstream and/or in the vicinity of the site.
- 4.4 Falkirk Council's Environmental Protection Unit advises that planning conditions relating to the submission of a contaminated land assessment should be imposed, in addition to a planning informative regarding noise working.

5. COMMUNITY COUNCIL

- 5.1 No Community Council in place.
- 5.2 The adjoining Avonbridge and Standburn Community Council objects to the application on the grounds:
- Inappropriate development in a Green Belt;
 - Threat to wildlife and neighbouring SSSI (Birds);
 - Excessive bulk and scale;
 - Harm to plants and animals;
 - Threat to health of local population both human and animal;
 - Generating smells and pollution;
 - Road system inadequate;
 - Adverse affect on rural economy.

6. PUBLIC REPRESENTATION

- 6.1 2 letters of objection have been received, one from a neighbouring proprietor and one from the National Farmers Union of Scotland, concerned that:
- The location is inappropriate for the proposed function;
 - Traffic generation will adversely impact on local amenity;

- Damage to the environment through water run-off;
- The storage of waste and drainage arrangements are not clear;
- The continued exploitation of the rural community without benefit to that community;
- There is potential to negatively impact on the wellbeing of neighbouring agricultural businesses and farming families through bioaerosols, the nearest dwelling being 90m from the site;
- The capacity of the site falls just short (25,000 tonnes per annum) of constituting a 'major development'.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development 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.”*

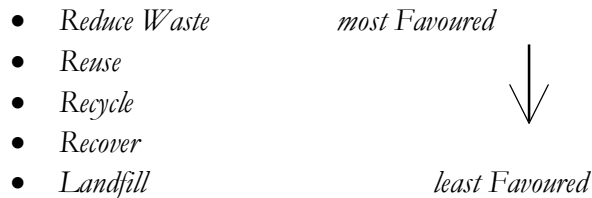
7a.2 It is considered that the proposal type normally requires a non urban location and that the principle is in accordance with this policy.

7a.3 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.4 While the above policy prefers locations to be within or adjacent to existing waste management facilities or within general industrial areas, the proposal is broadly consistent with the terms contained therein.

7a.5 Policy ENV.3 'Nature Conservation' states:

"The protection and promotion of nature conservation interests will be an important consideration in assessing all development proposals. Accordingly:

- (1) *Any development likely to have a significant effect on a designated or potential European Site under the Habitats or Birds Directives (Special Areas of Conservation and Special Protection Areas) or on a Ramsar or Site of Special Scientific Interest (see Schedule Env.3), must be subject to an appropriate assessment of the implications for the sites conservation objectives. The development will only be permitted where the appropriate assessment demonstrates that:*
- (a) *it will not adversely affect the integrity of the site, or;*
 - (b) *there are no alternative solutions and there are imperative reasons of overriding national public interest.*
- (2) *Sites of local or regional importance, including Wildlife Sites and Sites of Importance for Nature Conservation, will be defined in Local Plans. The designation of Sites will be based on Scottish Wildlife Trust criteria. Development likely to have an adverse impact on any such site or feature will not be granted planning permission unless it can be clearly demonstrated that there are reasons which outweigh the need to safeguard the site or feature. Until such areas are defined in Local Plans, identified or potential sites will be afforded the same protection.*

- (3) *Local Plans will identify opportunities for enhancing the natural heritage including new habitat creation, the identification of 'wildlife corridors' and measures to ensure the protection of priority local habitats and species as identified in the forthcoming Falkirk Local Biodiversity Action Plan.*
- (4) *The aims and objectives of the forthcoming Falkirk Local Biodiversity Action Plan and any associated Species Action Plans and Habitat Action Plans will be a material consideration in assessing any development proposal likely to impact on local priority species and habitats."*

7a.6 The potential impact of the proposals on the adjacent Darnrig Moss SSSI have been examined by Scottish Natural Heritage and no objection has arisen.

Falkirk Council Local Plan

7a.7 Policy EQ8 - 'Vacant, Derelict And Contaminated Land' states:

"The Council will seek to reduce the incidence of vacant, derelict and contaminated land, particularly within the priority areas for enhancement set out in Policy EQ7. Subject to compliance with other local plan policies, development involving the rehabilitation and re-use of derelict land will be encouraged."

7a.8 It is recognised that the application site is recorded in the Scottish Survey of Vacant Derelict Land and, as such, the principle of redevelopment is supported by Policy EQ8.

7a.9 Policy EQ19 - 'Countryside' states:

"(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.10 The above policy makes provision for development outwith settlement boundaries where it can be demonstrated that a countryside location is required, noting that proposals will be subject to specific policies outlined in Table 3.3. The relevant policy in this case is Policy EP5 (Business and Industrial Development in the Countryside), sub paragraph 3 of which refers to proposals involving the reuse of vacant industrial property. This policy also refers to the need for rigorous assessment of impact on the rural environment, having particular regard to policies which protect natural heritage (EQ19 –EQ30). It is considered that Policy EP5 offers support in principle for the proposal, with the natural heritage, rural amenity and landscape issues being satisfied.

7a.11 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations include comments received from consultees and contributors.

Points Raised Through Consultation

7b.2 The requested suspensive planning conditions relating to:

- the construction of an improved vehicular access prior to any use of the site;
- the preventative measures to secure the integrity of the adjacent SSSI;
- the effective drainage of the site;
- the submission of a Flood Risk Assessment;
- satisfactory landscaping provision, and
- the submission of further contaminated land information

have been noted and imposed.

Points Raised By Contributors

7b.3 The matters raised may be addressed as follows:

- The application site comprises isolated former industrial premises continuing to fall into a derelict condition with limited scope for redevelopment. The premises are not located within the Green Belt.
- The application represents an opportunity to introduce a use suitable for a countryside location and linked to existing infrastructure;
- The traffic generation is of limited frequency and the road system considered able to absorb the proposed activities;

- Scottish Natural Heritage have examined the proposal in terms of impact on the environment – including the sensitive Darnrig Moss SSSI –and have requested suspensive planning conditions to be imposed to ensure the standard of mitigation;
- The waste water storage and treatment is subject to a suspensive planning condition;
- No financial planning gain is sought through the application, but the introduction of employment opportunity into the area is recognised, any potential adverse affect on the rural economy has not been expanded upon;
- The production and dispersal of bioaerosols – a general term for micro-organisms suspended in the air – through waste and waste management operations is recognised, although bioaerosols are ubiquitous and can be found associated with houses, hospitals, industry, agriculture and waste management facilities. A suspensive planning condition to monitor bioaerosols, as well as make good working practice conducive to their limitations has been imposed. The Scottish Environment Protection Agency will also monitor bioaerosol generation through any license agreement.
- Any smell or pollution potential will be monitored through a licence agreement with the Scottish Environment Protection Agency.

7c Conclusion

- 7c.1 It is considered that the proposal accords with the terms of the Development Plan and, subject to the proposed planning conditions, represents an acceptable re-use of a derelict industrial operation within the rural community.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee approve planning permission subject to the following conditions.

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (2) For the avoidance of doubt, no development shall be initiated prior to the construction and operation of the vehicular access arrangement (subject to P/09/0193/FUL approved 21 May 2009) as indicated in the submitted supporting statement dated November 2010.
- (3) Prior to any works on site, further information shall be submitted to and approved in writing by the Planning Authority as to bioaerosol risk from the site, including details of management techniques, monitoring arrangements and bioaerosol control and mitigation measures to be employed.
- (4) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:

- i. the nature, extent and types(s) of contamination on the site.
- ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
- iii. measures to deal with contamination during construction works.
- iv. condition of the site on completion of decontamination measures.

Before the site is brought into use the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (5) For the avoidance of doubt, the proposed 1.8m high chain-link fence shall be placed in the inner side of the site boundary, with existing and new tree planting placed on the outer boundary of the site.
- (6) Further information shall be submitted to, and approved in writing by the Planning Authority as to:-
 - exact specification of the screen planting, including details of new planting, species to be used, nursery stock size and methods of protection.
 - details of woodland management and long term maintenance.
 - Measures to enhance the existing tree cove on the boundary of the site, including:-
 - cutting out any existing dead tree stems,
 - removing debris and rabbit fencing off a 15m wide strip of land on the north, west and south boundaries.
 - the planting of native tree species in shelters at 3m spacing.
- (7) Further information shall be submitted to and approved in writing by the Planning Authority as to the long term screening of waste treatment and composting operations to prevent airborne pollution.
- (8) For the avoidance of doubt, all pre-treated organic waste shall be stored within the existing building, with no outside storage taking place.
- (9) Prior to any works on site, a Flood Risk Statement shall be submitted to and 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) The development would not be acceptable without these additional works.
- (3, 9) To enable the Planning Authority to consider this/these aspect(s) in detail.

(4) To ensure the ground is suitable for the proposed development.

(5-6) To safeguard the visual amenity of the area.

(7, 9) To safeguard the environmental amenity of the area.

Informative(s):

(1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01, 02, 03C, 04 and 05.

(2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

(3) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal as legislation relating to odour nuisance is likely to affect this development.

(4) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal, as legislation relating to the spread of dust is likely to affect this development.

(5) It is recommended that the applicant should consult with Development Services Environmental Health Division with regard to legislation governing hours of operation.

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Director of Development Services

Date: 24 January 2012

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Letter of objection received from NFU Scotland Rural Centre, West Mains, Ingleston Newbridge, Midlothian, EH28 8LT on 31 January 2011.
4. Letter of objection received from Mr Peter Goldie, Muiravonside Cottage, Maddiston, FK2 0BX on 10 January 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/10/0762/FUL

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



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