

FALKIRK COUNCIL

Subject: TEMPORARY STORAGE, TREATMENT AND DISTRIBUTION
OF ORGANIC WASTE INCLUDING LIME TREATMENT,
JAWCRAIG BRICKWORKS, FALKIRK FK1 3AL FOR JAMES
MCCAIG FARMS - P/10/0762/FUL
Meeting: PLANNING COMMITTEE
Date: 22 August 2013
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: No Community Council

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

CONTINUED

1. Members will recall that this application was originally referred to the meeting of the Planning Committee on 1 February 2012 where it was agreed to continue the application for a Committee site visit. This took place on Monday 20 February 2013.
2. At the following meeting of the Planning Committee on 7 March 2013, the application was deferred to allow further consideration by officers over procedural matters.
3. On 25 June 2013, the Planning Committee were presented with a further update report, but deferred decision until clarification was sought over the role of the Scottish Environment Protection Agency in the control and monitoring of potential activities on the site.
4. Members may be aware that further clarification over these matters was sought by officers prior to the Committee meeting of 25 June 2013 (Appendix 1) and a draft copy of the Waste Licence Agreement between the applicant and the Scottish Environment Protection Agency is available (Appendix 2).
5. The Scottish Environment Protection Agency do not object to the application. A number of matters will be controlled by the Scottish Environment Protection Agency through a required Waste Management Licence, including:-
 - Waste type and quantities
 - Hours of operation
 - Maximum duration of storage
 - Lighting
 - Inspection of loads

- Pollution Discharge
- Dust
- Mud on roads
- Odour
- Vermin/insect/bird control
- Litter, and
- Burning

While these matters are not exhaustive, reference may be made to the Schedule of Matters on page 1 of the draft Waste Management License for further expansion.

6. With regard to the letter from the Scottish Environment Protection Agency dated 20 June 2013, it is confirmed that odour will be controlled as part of the Waste Management License to reduce the likelihood of offensive odours being detected beyond the site boundary (paragraph 1.3). The Scottish Environment Protection Agency suggest that Falkirk Council may wish to consider if the site is compatible with existing land use and whether there are adequate separation distances for process failures which could generate odour problems.
7. Noise is not controlled through the Waste Management License for the site.
8. The Scottish Environmental Protection Agency recommend that if Falkirk Council requires additional information or assurance on the impacts of the proposal, that determination of the planning application is deferred until it can be established whether or not a Waste Management License can be granted (paragraph 1.6).
9. In response to these matters, it should be noted that no objection to the application has been raised through Falkirk Council's Environmental Health and Trading Standards Unit. In terms of the nearest dwellinghouse, the nearest occupied property is Easter Jawcraig Farm (approximately 130 metres). Easter Jawcraig is recognised as a working farm, where storage and distribution of agriculturally related material occurs. Indeed, on the site visit by Planning Committee on 20 February 2013, animal waste was being stored on the land between the property and the application site, capable of generating odour to the Easter Jawcraig inhabitants. Therefore, not only the separation distance from application site to residential property should be considered but also the use of the intervening land (agriculture) and the potential for odour creation. There are no further residential properties that are closer to the site than Easter Jawcraig. This is a rural location and the proposed use is considered appropriate for this location.
10. It may be considered that planning powers should not be used to regulate matters more properly dealt with under other specific statutory powers, unless such circumstances indicate that a planning purpose is being served. In addition, if other statutory consents are required on an application site, there is no general rule requiring a decision on the planning application to be delayed until the outcome of the other statutory consent process(es). In this instance, odour is defined as being within the remit of the Scottish Environment Protection Agency through a Waste Management License. Falkirk Council's Environmental Health and Trading Standards Unit has not raised objection to the application. The intervening land use (agriculture) between the application site and Easter Jawcraig is capable of giving rise to odour issues, limiting any creation of a 'neutral buffer' in terms of odour control.

11. In the context of the application site, it would be process failures which could generate odour problems – the process being controlled through the Scottish Environment Protection Agency's Waste Management License.

12. RECOMMENDATION

- 12.1 It is therefore recommended that Committee approve planning permission subject to the following conditions:

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (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 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) 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.
- (5) 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 cover 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.
- (6) 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 comply with 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.
- (4-5) To safeguard the visual amenity of the area.
- (6) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

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

Pp

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Director of Development Services

Date: 13 August 2013

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. Letter of objection received from Avonbridge and Standburn Community Council, c/o Ballenbriech Farm, Blackstone Road, Avonbridge, FK1 2LB on 23 January 2012.
6. Letter of objection received from Mr C Herd, Easter Jawcraig, Falkirk, FK1 3AL on 23 February 2012.
7. Letter of objection received from Mr C Herd, Easter Jawcraig, Falkirk, FK1 3AL on 23 February 2012.
8. Letter of objection received from Peter & Doreen Goldie, Muiravonside Cottage, Falkirk, FK2 0BX on 19 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, Constituency Office, 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.



Our ref: PCS/120945
Your ref: P/10/0762/FUL

If telephoning ask for:
Stephanie Balman

John Milne
Development Services
Falkirk Council

By email only to: john.milne@falkirk.gov.uk

20 June 2013

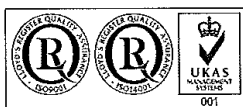
Dear Mr Milne

Town and Country Planning (Scotland) Acts
Planning application: P/10/0762/FUL
Temporary Storage, Treatment and Distribution of Organic Waste Including Lime Treatment
Jawcraig Brickworks, Falkirk, FK1 3AL

Thank you for your email dated 17 June 2013 requesting a representative from SEPA to attend the planning committee for the above planning application. We will be unable to attend the planning committee but have the following comments to make. We have **no objection** to this planning application.

1. Waste Management Licence

- 1.1 We stated in previous responses, that the proposed site will require authorisation from us under the Waste Management Licensing (Scotland) Regulations 2011. We have received an application for a waste management licence (WML). However, this is still to be determined and we are consulting with the applicant on the draft licence. We are satisfied that the proposal is potentially capable of being authorised under this regime.
- 1.2 We note that the planning application has now been amended and now excludes the open windrow composting element. We therefore no longer require the submission of a site specific bio-aerosol risk assessment with the WML application to demonstrate that bio-aerosol levels will be maintained at acceptable levels.
- 1.3 Due to the nature of the development proposed, there may be potential for residual odour to be detected outwith the site boundary. Odour will be controlled by us as part of the WML and SEPA will ensure that the applicant puts measures in place to reduce the likelihood of offensive odours being detected beyond the site boundary. Notwithstanding this, even a well managed site that operates in accordance with the licence conditions, there is always a risk that residual odour nuisance may occasionally be experienced by neighbouring properties. A residual odour is defined as an odour detected at or beyond the site boundary that is deemed to be non-offensive by the attending SEPA officer. This is not something which we can control and given the potential for residual odour from the site, the Council may wish to consider if this site is compatible with existing and proposed adjacent land use, and whether there are adequate separation distances for process failures which could generate odour problems.



Chairman
David Sigsworth
Chief Executive
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Clearwater House, Heriot Watt Research Park
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- 1.4 Scottish Planning Policy (paragraph 217) states that planning authorities should consider the need for buffer zones between sensitive receptors (e.g. houses) and new waste management facilities.
- 1.5 It should be noted that we do not intend to control noise through the WML for this site. We will however, be attaching standard conditions to the licence regarding dust and litter. As we are still consulting with the applicant on these we can not be specific at this time about what they will include.
- 1.6 We recommend that if the Council requires additional information or assurance on the impacts of this proposal that determination of the planning application is deferred until we can establish whether or not a licence can be granted.
- 1.7 It should be noted that our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's own commercial risk if they do not wish to provide it at this stage and any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.
- 1.8 This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

Regulatory advice

2. Regulatory requirements

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office (tel: 01786 452595).

If you have any queries relating to this letter, please contact me by telephone on 0131 449 8559 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Stephanie Balman
Planning Officer
Planning Service

APPENDIX 2

Licence Number: WML/L/1109101
File Reference: WML/L/1109101



INTERPRETATION OF TERMS3

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INTERPRETATION OF TERMS

For the purposes of these Conditions, and unless the context requires otherwise, the following definitions shall apply:

"authorised SEPA officer" means any person who is authorised in writing under Section 108 of the Environment Act 1995 to carry out duties on behalf of SEPA;

"European Waste Catalogue" is a list of wastes pursuant to Article 1(a) of Directive 75/442/EEC on waste and Article 1(4) of Directive 91/689/EEC on hazardous waste contained in Council Decision 2000/532/EC (O.J. L 226, 6.9.2000p.3) as amended by Council Decisions 2001/118/EC (O.J. L 47 16.2.2001, p.32) and 2001/119/EC (O.J. L 203, 28.7.2001, p.18)(or any subsequent amendments to the same);

"incident" means any of the following situations:

- (a) Where an accident occurs which has caused or may have the potential to cause pollution of the environment;
- (b) Where any malfunction, breakdown, or failure of plant or techniques is detected which has caused or has the potential to cause pollution of the environment;

"other relevant person" has the same meaning as in section 74(7) of the Act;

"pollution of the environment" has the same meaning as in section 29 of the Environmental Protection Act 1990;

"SEPA" means the Scottish Environment Protection Agency;

"sealed drainage system" has the same meaning as in paragraph 45(7) of Schedule 3 of the Waste Management Licensing Regulations 1994;

"the Act" means the Environmental Protection Act 1990;

"the Licence Holder" means the Licence Holder specified in the licence or other person to whom the licence has been transferred in accordance with section 40 of the Act. Except where specified otherwise, any reference to the Licence Holder shall include a reference to the Licence Holder's employees, agents or contractors;

"the site" is defined in the site licence;

"the site licence" is waste management licence WML/L/1109101 granted to the Licence Holder by SEPA;

"waste" has the same meaning as in section 75 of the Act;

"Water Environment" means all surface water, groundwater and wetlands as defined in Section 3(1) of the Water Environment and Water Services (Scotland) Act 2003;

"Working Plan" means the document(s) identified as the Working Plan in writing by SEPA at the time of grant of the licence, as listed in appendix 2 to the schedule of conditions, and any subsequent changes to that Working Plan made in accordance with the conditions of the licence;

Any reference to a group of Conditions, numbered Condition, Schedule, Table, Appendix, Figure or Paragraph is a reference to a group of Conditions, numbered Condition, Schedule, Table, Appendix, Figure or Paragraph bearing that number in these Conditions;

Except where specified otherwise in these Conditions:

- "day" means any period of 24 consecutive hours,
- "week" means a period of 7 consecutive days,
- "month" means a calendar month,
- "year" means any period of 12 consecutive months,

and any derived words (e.g. "monthly", "quarterly") shall be interpreted accordingly,

Except where specified otherwise, any reference to an enactment or statutory instrument includes a reference to it as amended (whether before or after the date of the Conditions) and to any other enactment, which may, after the date of this licence, directly or indirectly replace it, with or without amendment.

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1 GENERAL CONSIDERATIONS

1.1 Licence Conditions

- 1.1.1 The activity/activities at the site shall be restricted to the keeping and treating of waste.
- 1.1.2 The site licence shall apply to the area of land at Jawcraig Brickworks, Falkirk, FK1 3AL ("the site") as delineated in red on the Site Plan attached to this Licence as Appendix 1.

1.2 Site Licence

- 1.2.1 A copy of the site licence, its conditions and the associated Working Plan shall be made available on the site when the site is in operation. The licence, its conditions and the details of the associated Working Plan shall be made known to all staff manning, or responsible for supervising, the site.

1.3 Waste Types and Quantities

- 1.3.1 Only waste types detailed in column 1 of Table 1 shall be accepted at the site for the purpose of keeping. The quantities of waste accepted at the site on any day shall not exceed those detailed in column 2 of Table 1. The quantities of waste accepted at the site in any year shall not exceed those detailed in column 3 of Table 1.

Table 1

Column 1	Column 2	Column 3
Waste Accepted	Daily Tonnage	Yearly Tonnage
Sewage Pellets (EWC code 19 08 05)	75	1000
Distillery Cake (EWC code 02 07)	100	1000
Off Specification Compost (EWC code 19 05 03)	100	250
Digestate from anaerobic treatment of animal and vegetable waste (EWC code 19 06 06)	100	250
Wood Waste (EWC code 03 01 05)	100	250
Ash (EWC code 10 01) not containing dangerous substances	100	250

- 1.3.2 Only waste types detailed in column 1 of Table 2 shall be accepted at the site for the purpose of treatment. The quantities of waste accepted at the site on any day shall not exceed those detailed in column 2 of Table 2. The quantities of waste accepted at the site in any year shall not exceed those detailed in column 3 of Table 2.

Table 2

Column 1	Column 2	Column 3
Waste Accepted	Daily Tonnage	Yearly Tonnage
Sewage Sludge Cake (EWC code 19 08 05)	700	17000

1.3.3 The total quantity of waste kept on site shall not exceed 2800 tonnes.

1.3.4 Waste types detailed in Table 2 shall not be accepted at the site.

Table 3

Waste Excluded
All special wastes as defined in the Special Waste Regulations 1996 (as amended)

1.4 Hours of Operation

1.4.1 The Licence Holder shall notify SEPA in writing of the opening hours for the receipt of waste, and if different, the hours of other operations. SEPA shall be given 7 days written notice of any change in operating hours.

1.4.2 The site shall only receive waste within the following hours -

Monday to Friday 07:00 hours – 18:30 hours
Saturday 07:00 hours – 18:30 hours
Sunday 07:00 hours – 18:30 hours

1.4.3 Waste processing / handling shall only take place within the following hours

Monday to Friday 07:00 hours – 18:30 hours
Saturday 07:00 hours – 18:30 hours
Sunday 07:00 hours – 18:30 hours

1.5 Commencement of Operations

1.5.1 SEPA must be advised in writing of the date the site is to become operational and receive waste at least 7 days before the site becomes operational and receives waste.

1.6 Temporary Cessation of Operations

- 1.6.1 Any temporary cessation of operations in excess of two weeks shall be notified to SEPA in writing.
- 1.6.2 SEPA shall be given at least one day's prior notice of the Licence Holder's intention to recommence operations after such a temporary cessation.

1.7 Permanent Cessation of Operations

- 1.7.1 Written notice shall be given to SEPA of the designated date when the site shall cease operations permanently at least 14 days prior to the said designated date.

1.8 Staffing and Management

- 1.8.1 When the site is open to receive waste the site shall be staffed by at least 1 member of staff.
- 1.8.2 When the site is closed to receive waste, but waste processing / handling are taking place, the site shall be staffed by at least 1 member of staff.

1.9 Working Plan

- 1.9.1 All operations on site shall be carried out in accordance with the Working Plan. Where any licence condition conflicts with the Working Plan, the licence condition shall take precedence over the Working Plan.
- 1.9.2 Any change(s) to the Working Plan shall be made in writing to SEPA in accordance with condition 1.9.3 or 1.9.4 below, and must be accompanied by a completed quality control sheet as detailed in Appendix 3 to the schedule of conditions.
- 1.9.3 Proposed change(s) submitted as described in Condition 1.9.2 above to any section of the Working Plan detailed in Table 4 below shall not be implemented until SEPA has given its written consent to the proposed change(s). If SEPA does not give its written consent within 28 days of receipt of the proposed change(s) the request for change(s) shall be deemed refused.
- 1.9.4 Changes to any subject area of the Working Plan other than those areas detailed in Table 4 below, may be implemented at any time provided the licence holder complies with the requirements of condition 1.9.2 above within 7 days of implementation of the change.
- 1.9.5 The licence holder, in consultation with SEPA, shall review the Working Plan to ensure consistency with licence conditions at least once a year and by 31 May each year. This review shall include the submission of "as-built" drawings for construction work undertaken during the year.

Table 4

Section of working plan requiring prior consent	Activity to which working plan section relates
5	Staffing
8	Technical Competence
9	Security
10	Waste Acceptance
13.3	Waste storage
14.2	Dust
14.5	Odours

1.10 Incident Procedures

- 1.10.1 SEPA shall be informed forthwith of any incidents occurring on site. Immediate action shall be taken to deal with the incident. A written report shall be forwarded to SEPA within 7 days of any such incident. This shall include the circumstances of the incident, the identity of any persons responsible or thought to be responsible for the incident and the actions taken by the Licence Holder.

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1.11 Maximum Duration of Storage

1.11.1 Waste shall not remain on site for a period exceeding that specified below:

Waste Type	Maximum Storage Period
Digestate	7 days
Sewage sludge awaiting treatment	7 days
Processed sewage cake	3 months
Segregated Wood	3 months
Distillery cake	3 months
Off Specification Compost	6 months
Ash	12 months
Sewage Pellets	12 months

1.12 Technical Competence

1.12.1 At least one technically competent person shall be responsible for supervising the site and shall be contactable by site staff and SEPA at all times during operational hours.

1.12.2 A list of technically competent persons shall be included in the Working Plan.

1.12.3 Any changes to the list of technically competent persons who may be in charge of the site shall be notified to SEPA within 2 working days.

1.13 Reporting of Relevant Convictions

1.13.1 Where the Licence Holder or other relevant person (as defined in Section 74(7) of the Act) has been convicted of an offence prescribed by Regulation 3 of The Waste Management Licensing Regulations 1994, the Licence Holder shall notify SEPA in writing within 7 days of the conviction, whether or not the conviction is subsequently appealed.

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2 SITE INFRASTRUCTURE

2.1 Internal Site Roads

- 2.1.1 All roads and surfaces shall be constructed and maintained in a condition such that their use is not compromised by debris, ruts, potholes or ponded surface water, as detailed in the Working Plan.

2.2 Site Security

- 2.2.1 The site shall be maintained in a secure condition to prevent unauthorised access as detailed in the Working Plan.

2.3 Notice Board and Signs

- 2.3.1 A site notice board of durable material and finish shall be displayed at the site entrance. The notice board shall contain the under noted information, which information shall be legible from outwith the site boundary.

- site name, address and WML number
- site Licence Holder's name
- site opening times
- emergency contact telephone number for the Licence Holder
- telephone number of the SEPA area office and emergency number

- 2.3.2 Legible signs of a durable material and finish shall be prominently displayed throughout the site to ensure that users of the site are aware of:-

- traffic routing and access restrictions
- the location of the various facilities
- all areas of high risk

2.4 Storage of Liquids

- 2.4.1 All containers used to store any liquids shall be located in a bund. The minimum capacity of any bund shall be either; 110% of the capacity of the largest container, or 25% of the total capacity of all the containers within the bund, whichever is the greater. In the event of any containers being connected to one another, they shall be treated as one container.

2.4.2 The bunded area(s) and containers shall conform to the following standards -

- the walls and base of the bund shall be impermeable
- the base shall drain to a sump
- when not in use all taps, valves, pipes and every part of each container shall be located within the area served by the bund
- vent pipes shall be directed downwards into the bund
- no part of the bund shall be within 10 metres of a watercourse

2.4.3 The accumulation of rainwater, spillages or leaks shall be managed to ensure that at least 95% of the capacity of the bund is free of liquid.

2.5 Secure Compound

2.5.1 An area within the site boundaries shall be provided for isolating non-conforming wastes. This area shall have an impermeable surface as detailed in the working plan, designed to ensure that no liquid fraction can escape beyond this area.

2.6 Lighting

2.6.1 At all times the site is open to the public or operations are being carried out on site average and minimum luminance detailed in Table 4 below must be achieved.

Table 4

Area	Average Luminance Lx	Minimum Measured Luminance Lx
1. Movement of people, vehicles, plant, machines	50 (measured at ground level)	20 (measured at ground level)
2. Waste Inspection	200 (measured at waste level)	100 (measured at waste level)

2.6.2 If lighting systems are used to comply with the standards they must be provided and maintained as detailed in the Working Plan.

2.7 Traffic Control

2.7.1 Waiting areas shall be provided and maintained for vehicles delivering waste to or removing waste from the site as detailed in the Working Plan in order to prevent vehicles queuing on the public highway and congestion within the site.

2.7.2 Spaces shall be provided for staff and visitor car parking, in accordance with the Working Plan.

2.8 Impermeable Pavement

2.8.1 All working surfaces shall be impermeable to water and laid to falls that direct surface run-off to a purpose designed drainage system.

- 2.8.2 Impermeable pavement shall be constructed of concrete or similar material and be laid to a fall so as to direct pavement water run-off to a sealed drainage system and oil interceptor. The impermeable pavement shall be of such a design that any spillage on it or run-off from it is fully contained and cannot escape onto adjacent ground.

2.9 Bays and Bins

- 2.9.1 Separate facilities shall be provided for the reception of different categories of wastes. These facilities shall be as detailed in the Working Plan.

2.10 Site Office

- 2.10.1 A site office facility equipped with an effective communication system shall be provided and maintained as detailed in the Working Plan.

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3 WASTE RECEPTION

3.1 Inspection of Loads

- 3.1.1 The Licence Holder shall monitor all wastes entering the site as detailed in the Working Plan, (including weight recording of waste loads) to ensure that they are within the types/quantities permitted under the conditions of this licence. Vehicles shall not be permitted to proceed to the storage area / treatment area unless the source of waste has been checked and where practicable, the load visually inspected by a suitably trained member of staff and found to comply with the requirements of this licence.
- 3.1.2 All waste received shall be further inspected by a suitably trained member of staff when it is kept/treated, to check that the waste is permitted for acceptance under the conditions of this licence. Any waste found not to conform to the conditions of this licence detected during this inspection shall be immediately removed to the secure compound as detailed in the Working Plan.

3.2 Procedure for Rejected Loads

- 3.2.1 Where the Licence Holder refuses any person permission to deposit waste at the site the Licence Holder shall take all reasonable steps to obtain the following details: name and address of person, registration number of vehicle, quantity and type of waste, date and time of refusal. Details of the occurrence shall be passed to SEPA forthwith.

3.3 Labelling

- 3.3.1 All waste storage areas shall be clearly labelled. The label shall identify the material stored in the area and any hazardous properties. This information shall be legible from outwith the storage area.

3.4 Adequate Storage Capacity

- 3.4.1 In the event that the maximum capacity of the storage facilities, as detailed in the Working Plan, is reached, no further waste shall be accepted at the site until capacity becomes available.

4 SITE OPERATIONS

4.1 Plant and Machinery

- 4.1.1 All plant, machinery, equipment and instrumentation used at the site shall be operated, maintained and inspected in accordance with the manufacturers' guidelines. Should the plant, machinery equipment and instrumentation for any reason become unserviceable or inoperable, its replacement, repair or arrangements for its repair shall be put in hand forthwith.

4.2 Breakdowns, Leakages, Spills

- 4.2.1 Any spillages of waste, fuel or other liquids shall be cleaned up forthwith. A supply of a suitable absorbent material as detailed in the Working Plan shall be kept on site to deal with any such spillages.

4.3 Tidiness

- 4.3.1 All storage areas shall be cleared of all wastes at least once every 3 months and the area thoroughly cleaned. Details of such cleaning shall be recorded in the Site Diary.

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5 POLLUTION CONTROL

5.1 Polluting Discharge

- 5.1.1 In the event of any contaminants from the site entering or threatening to enter the Water Environment or land out with the site boundary, SEPA shall be informed forthwith. Immediate action shall be taken to terminate such a discharge and to take such other remedial action as may be necessary.

5.2 Dust

- 5.2.1 The emission of dust to the atmosphere shall be minimised and dust suppression water spraying equipment shall be provided, maintained and used as detailed in the Working Plan or specify when needed.

5.3 Mud on Roads

- 5.3.1 The Licence Holder shall ensure that all roads and site surfaces are kept free from mud and other debris to the extent necessary to prevent fouling of the public highway.

5.4 Odour

- 5.4.1 Waste Operations shall be carried out so that offensive odours from the site in the opinion of an authorised SEPA officer do not become detectable beyond the boundaries of the site.

5.5 Vermin/Insect/Bird Control

- 5.5.1 All site operations shall be carried out so as to minimise the presence of insects, birds and vermin. The site shall be inspected at least once every three months by a person suitably qualified and experienced in pest control and a treatment programme shall be undertaken to deal with any identified infestation forthwith.

5.6 Litter

- 5.6.1 All site operations shall be carried out such that no litter escapes beyond the site boundary. On a daily basis any litter lying within the site shall be removed and contained.

5.7 Burning

- 5.7.1 No waste shall be burned within the boundaries of the site.

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6 RECORDS

6.1 Site Diary

6.1.1 The Licence Holder shall keep on site a diary to record significant events including as a minimum those detailed below:-

- Site visits by a certificate of technical competence holder & any instruction issued to staff regarding compliance with licence conditions
- Plant maintenance
- Emergencies and details of remedial action taken
- Problems with waste received including actions taken
- Pest control inspections
- Environmental problems specific to the site

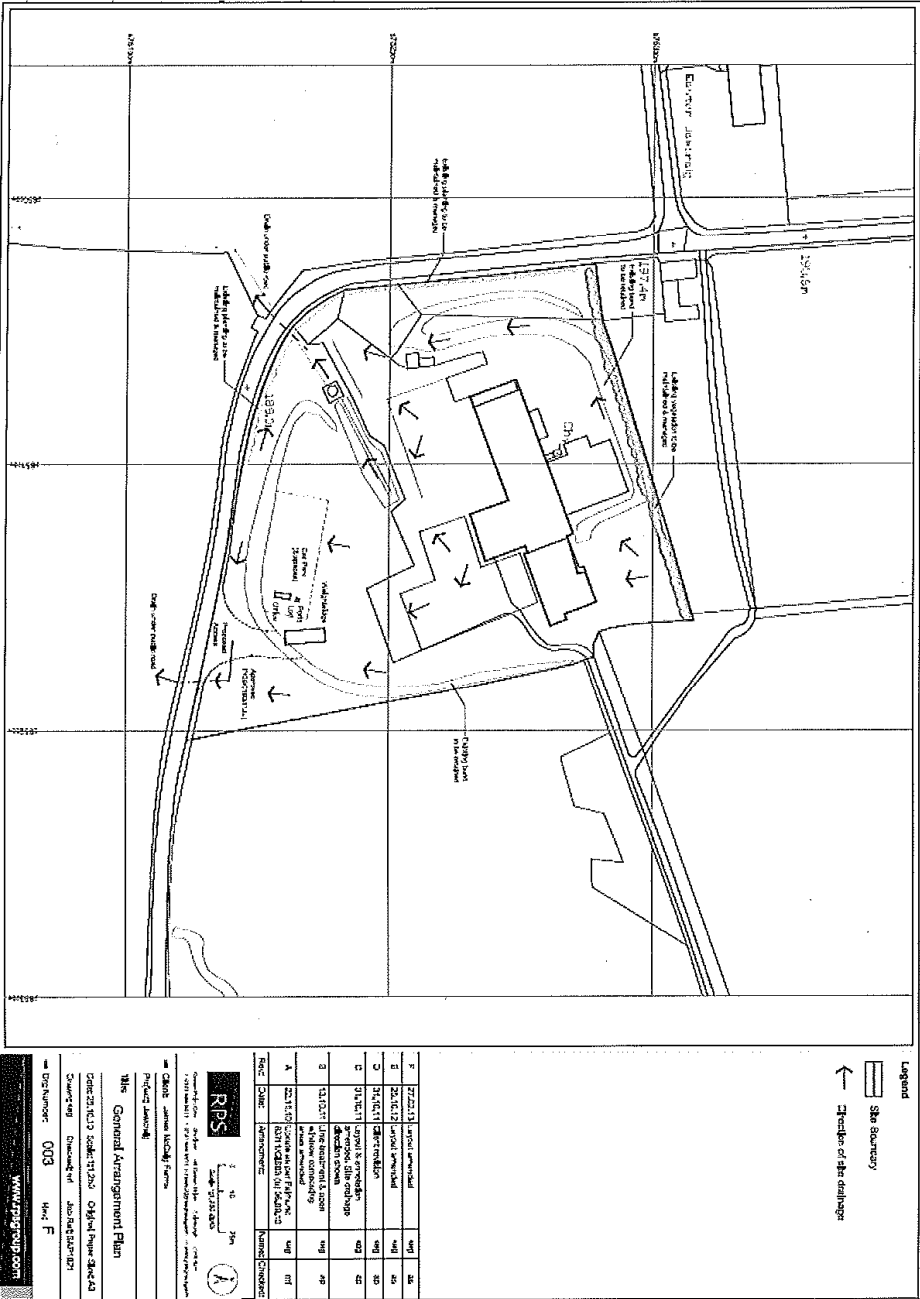
The site diary shall be kept in a form that can be audited and shall be made available for inspection at any reasonable time.

6.2 Waste Data Returns

6.2.1 The Licence Holder shall compile the data required to complete "the Licensed/Permitted Site return form" detailed in Appendix 4. A copy of the completed form shall be returned to SEPA within 28 days of the last day of March, June, September and December each year.

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7 APPENDIX 1 - SITE PLAN



APPENDIX 2 - LIST OF DOCUMENTS COMPRISING THE WORKING PLAN

- Site Working Plan for the Storage and Treatment of Waste Materials at Jawcraig Brickworks
- Brickworks Material Transfer Station: Odour Management Plan

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APPENDIX 3 - WORKING PLAN - QUALITY CONTROL SHEET

Amendments

Revision No	Date	Page/Item No	Change	Signed Operator	Acknowledged SEPA	Approval Required	WP Amended	QC Sheet Returned

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Licence Number: WML/L/1109101
File Reference: WML/L/1109101

APPENDIX 4 - LICENSED/PERMITTED SITE RETURN FORM

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EXPLANATORY NOTES

(These explanatory notes do not form part of the licence)

1. GRANT OF LICENCE

This licence is granted in accordance with the provisions of Section 35 and 36 of the Environmental Protection Act 1990.

2. MODIFICATION OF LICENCE

Licence conditions may only be modified in accordance with Section 37 of the Environmental Protection Act 1990. The working plan may be modified in accordance with the relevant conditions of the licence.

3. SUSPENSION OF LICENCE

SEPA may suspend or partially suspend a licence in accordance with the provisions of Sections 38 and 42 (5) and (6) of the Environmental Protection Act 1990 and Section 41(6) of the Environment Act 1995.

4. REVOCATION OF LICENCE

A licence may be revoked or partially revoked in accordance with the provisions of Sections 38, and 42(5) and (6) of the Environmental Protection Act 1990 and Section 41(6) of the Environment Act 1995.

5. SURRENDER OF LICENCE

A licence may only be surrendered in accordance with the provisions of Section 39 of the Environmental Protection Act 1990.

A licence shall remain in effect, subject to any modification, revocation or transfer issued by SEPA until such time as the licensed activity has ceased, an application for surrender of licence has been made by the licence holder and the certificate of completion has been issued by SEPA.

6. TRANSFER OF LICENCE

A licence may only be transferred in accordance with the provisions of Section 40 Environmental Protection Act 1990.

7. GENERAL STATUTORY REQUIREMENTS

A licence does not detract from any other statutory requirements applicable to the licence holder or his operations, such as any need to obtain planning permission or building regulations approval or any responsibilities under legislation for health, safety and welfare in the workplace.

8. SUBSISTENCE CHARGES

An annual subsistence charge will be payable in respect of the licence under Section 41 of the Environment Act 1995.

9. OFFENCES

Under Section 33(6) of the Environmental Protection Act 1990, a person who contravenes any condition of a waste management licence commits an offence.

A person who commits an offence under Section 33(6) may be liable to imprisonment and/or to a fine.

10. ADDRESS AND TELEPHONE NUMBERS

The contact address and telephone number for all information to be reported in terms of the licence, is as follows: -

Scottish Environment Protection Agency
Bremner House
Castle Business Park
Stirling
FK9 4TF

Tel No: 0800 80 70 60 and/or 01786 452595
Fax No: 01786 461425

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FALKIRK COUNCIL

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

Meeting: PLANNING COMMITTEE

Date: 25 June 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: No Community Council

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

UPDATE REPORT

1. Members will recall that this application was originally referred 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 took place on Monday 20 February 2012.
2. At the following meeting of the Planning Committee on 7 March 2012, it was agreed to continue consideration of the application to allow further deliberation by officers of various technical matters as well as await receipt of a response from the Scottish Ministers on a request made to them to carry out a Screening Directive.
3. Approach to Scottish Ministers resulted in a response dated 30 March 2012, where Scottish Ministers declined to issue a Screening Direction in this case. Instead Scottish Ministers returned the case to Falkirk Council for further consideration and determination.
4. On 13 July 2012, Falkirk Council issued a Screening Opinion (PRE/2012/0009/SCREEN). Although both SEPA and SNH commented that they did not consider EIA to be necessary for the protection of their interests, Falkirk Council considered that the proposal required an Environmental Impact Assessment.
5. On consideration, the applicant requested that the windrow composting element be withdrawn from the proposal. This element has now been deleted from the application description.

6. On 15 April 2013, Falkirk Council issued a Screening Opinion (PRE/2013/0006/SCREEN) confirming that, with the removal of the windrow composting element, an Environmental Impact Assessment is not required.
7. Members will note that previously recommended planning conditions (3, 7 and 8) relating to bioaerosol monitoring, screening and storage of organic waste have been deleted as no windrow operations are the subject of this application.
8. For clarification, the principal elements of the proposal would comprise:-

Re-use of the existing brickworks buildings for:

- housing lime treatment of sewage cake;
- sewage cake receiving bay;
- storage of lime and mixing equipment; and
- loading and unloading of cake and lime treated cake
- pellet storage; and
- reception area

Outwith the brickworks there would be:

- weighbridge;
- site office cabin; and
- staff and visitor parking for approximately 8 cars.

9. Taking into account the removal of the windrow composting element from the proposal and an Environmental Impact Assessment not being required, it is considered that the proposed development is acceptable. With some amendment to conditions the previous recommendation to grant planning permission is reiterated below.

10. RECOMMENDATION

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

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (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 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) 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.

(5) 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 cover 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.

(6) 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 comply with 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.

(4-5) To safeguard the visual amenity of the area.

(6) To enable the Planning Authority to consider this/these aspect(s) in detail.

Informative(s):

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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: 17 June 2013

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.

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: 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.”*

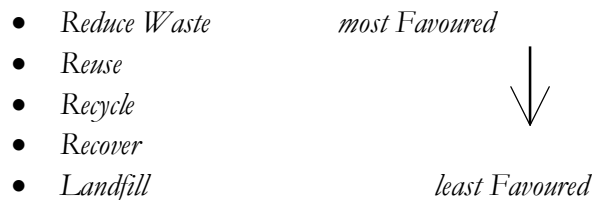
7a.2 It is considered that the proposal type normally requires a non urban location and that the principle is in accordance with this policy.

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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