

FALKIRK COUNCIL

Subject: WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON
Meeting: PLANNING COMMITTEE
Date: 15 SEPTEMBER 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward – Carse, Kinnaird and Tryst

Councillor Steven Carleschi
Councillor Stephen Bird
Councillor Charles MacDonald
Councillor Craig Martin

Ward - Falkirk North

Provost Pat Reid
Councillor David Alexander
Councillor Craig R Martin
Councillor Cecil Meiklejohn

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Ian Dryden (Development Management Manager), Ext 4756

1. INTRODUCTION

- 1.1 West Carron landfill site is currently regulated by SEPA under the Pollution, Prevention and Control (PPC) regime. The company holding the permit, Central Demolition, is the landfill operator and owner of the site. This report seeks to update the Committee on the planning status of the West Carron Landfill site

2. CURRENT POSITION

- 2.1 Central Demolition is in the process of submitting a planning application to regularise the current planning position. The proposal constitutes a major planning application as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The regulations require Pre Application Consultation (PAC) prior to submission. Central Demolition had previously submitted a Proposal of Application Notice (PAN) and had carried out a community consultation event in December 2011.

- 2.2 Legal advice received in respect of the length of validity of PANs (not specifically on this particular case but in relation to all PAN's) intimated that PANs are only valid for a year. Therefore, given the time that has elapsed since the previous consultation, a further PAN and related consultation event will be undertaken by Central Demolition in advance of their planning application submission.
- 2.3 Central Demolition has submitted a further Pre Application Notice (ref PRE/2015/0026/PAN) on 27 July 2015. Under the above regulations, a planning application cannot be lodged for a period of at least 12 weeks after submitting a PAN (earliest submission date of planning application is 19 October 2015). It is proposed that a consultation event, similar to the previous event will be undertaken after the main holiday period. This will be held on Thursday 17 September at Larbert Library, 22 Hallam Road, Stenhousemuir. A copy of the relevant site/location map is attached.
- 2.4 The proposed application was also screened for an Environmental Impact Assessment (EIA), and it was concluded that an EIA was required to accompany the planning application. This requirement in itself has raised complex issues, including survey requirements, the timing of which has been a factor in the delay to the submission of the planning application.
- 2.5 During this time, there have been regular residents' meetings with representatives from both SEPA and Falkirk Council's Development Services in attendance. There remains an on-going dialogue between officers and Central Demolition, although it is unfortunate that the planning application submission has taken longer than originally anticipated. However, there remains a commitment by Central Demolition to submit a planning application. The works that have been undertaken remain within the boundary of the CLUD and there is no lateral expansion of the site operations outwith this boundary.
- 2.6 However, it is acknowledged that there is a planning breach with regard to the current site levels. Any enforcement action considered needs to be proportionate and appropriate and to take into account the possibility of planning permission being granted. Members may recall that the Planning Committee took a decision on 2 November 2011 not to take enforcement action as a more reliable operator is now in place. As the mandatory public consultation process, in advance of the submission of the planning application has restarted, a planning application submission at the end of the 12 week consultation period is a real prospect.

3. CONCLUSION

- 3.1 In planning terms, the overall use of the site is lawful, having the benefit of the granting of a Certificate of Lawful Use and Development (CLUD), which Falkirk Council approved in 2005.
- 3.2 The serving of an Enforcement Notice would require the operator to remove the fill from both the current landfill cells to the approved 2005 levels. This would require fill to be removed resulting in further odour nuisance, litter and bird nuisance. This would also leave this area of the landfill site at a significantly lower level than that of the adjoining cells to the north. SEPA has advised that this scenario is likely to exacerbate surface drainage concerns which could lead to significant leachate and gas issues with associated pollution potential and nuisance.

- 3.3 Reverting back to the site levels permitted by the CLUD, the operator could cease works and vacate the site without restoration. The CLUD levels constitute a level site profile and, unlike a planning permission, there are no planning conditions included with a CLUD which require the restoration of the site. However the levels of a finished landfill cell require a gradient to allow the shedding of water in a manner which removes the risk of leachate and gas generation in the aftercare phase.
- 3.4 The current area, to which the active cells in question relate, is an authorised landfill in land use terms. There has been no lateral expansion in the footprint of the landfill area. If there was to be such expansion at any time in the future without the benefit of planning permission, the use of the above enforcement powers including the serving of a stop notice/temporary stop notice would be seriously considered.
- 3.5 It should also be noted that many of the above mentioned concerns such as dust/litter/smell pollution are the remit of SEPA who have granted Central Demolition a license to operate the site for landfill purposes under their legislative regime.
- 3.6 The use of enforcement action under the planning legislation has been carefully considered but has not been pursued at this time while there remains the prospect of a better solution i.e. the submission and consideration of a planning application.

4. RECOMMENDATION

- 4.1 It is recommended that Committee agree that planning enforcement is not pursued at this stage while there remains the prospect of the submission of a planning application.**

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Director of Development Services

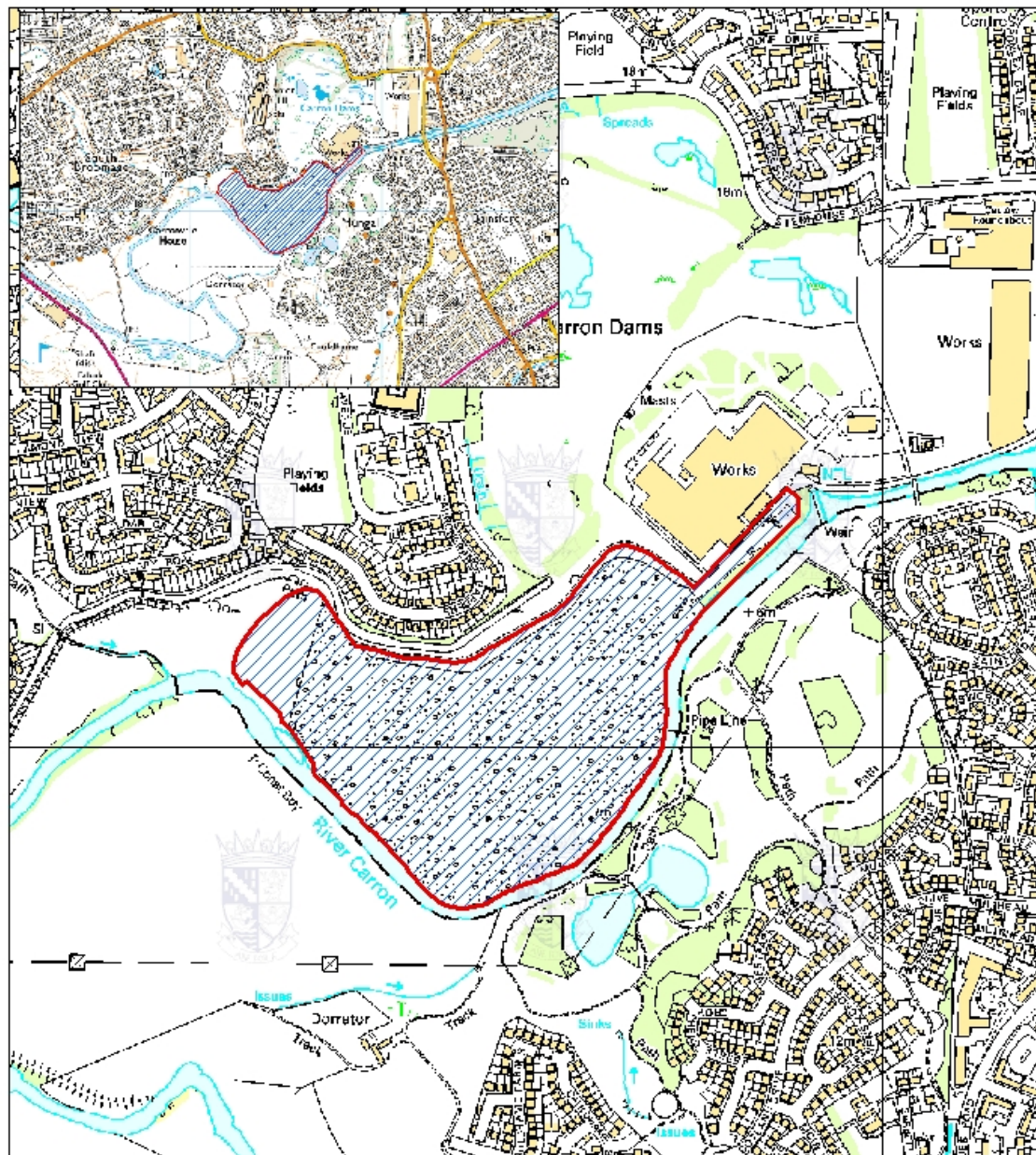
Date: 2 September 2015

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Ian Dryden, Development Management Manager.

Planning Committee

Planning Application Location Plan PRE/2015/0026/PAN

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



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