

P98. Section 42 Application for the Removal of Condition 7 of Planning Permission P/08/0086/FUL which Restricted the Operation of the Development to the Processing, Recycling and Treatment of Inert Construction Materials Only at Craigend Works, Falkirk, FK1 2HY for Anglo Scottish Biosolids Limited – P/19/0211/FUL

The committee considered a report by the Director of Development Services seeking a decision by the Committee on the response by the Council to the appeal to the Scottish Government Planning and Environmental Appeals Division (DPEA) in relation to a section 42 application for the removal of condition 7 of Planning Permission P/08/0086/FUL which Restricted the Operation of the Development to the Processing, Recycling and Treatment of Inert Construction Materials Only at Craigend Works, Falkirk.

Councillor Hughes, seconded by Councillor Coombes moved:

That the DPEA is advised that Falkirk Council would not have been minded to grant planning permission if it had been in a position to determine this application for the following reasons:-

- (1) Without condition 7, which restricts the operation of the development to the processing, recycling and treatment of inert construction materials, the proposed operation, while a transfer station, is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and would be likely to have a significant effect on the environment. Accordingly, it requires Environmental Impact Assessment;
- (2) Removal of condition 7 and operation of the site without the restriction would likely have a significant effect on the environment and have a significantly adverse impact on the amenity of the surrounding area. It is, accordingly, considered that it is appropriate that the Council

maintains control over such use notwithstanding SEPA powers, and

- (3) The site and its use is considered to be abandoned as evidenced by lack of use for a number of years, surrender of the waste management licence issued by SEPA in April 2014, missing perimeter fencing, graffiti and vandalism and the removal of wheel washing equipment from the site.

In accordance with Standing Order 20 Councillor Hughes, with the consent of Councillor Coombes as his seconder, agreed to adjust the wording of his motion to read:-

The committee agree that the Director of Development Services is instructed to advise DPEA that Falkirk Council would not have been minded to grant

planning permission if it had been in a position to determine this application for the following reasons:-

- (1) Without condition 7, which restricts the operation of the development to the processing, recycling and treatment of inert construction materials, the proposed operation, while a transfer station, is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and would be likely to have a significant effect on the environment. Accordingly, it requires Environmental Impact Assessment;
- (2) Removal of condition 7 and operation of the site without the restriction would likely have a significant effect on the environment and have a significantly adverse impact on the amenity of the surrounding area. It is, accordingly, considered that it is appropriate that the Council maintains control over such use notwithstanding SEPA powers, and
- (3) The site and its use is considered to be abandoned as evidenced by lack of use for a number of years, surrender of the waste management licence issued by SEPA in April 2014, missing perimeter fencing, graffiti and vandalism and the removal of wheel washing equipment from the site.

Decision

The committee agreed that the Director of Development Services is instructed to advise DPEA that Falkirk Council would not have been minded to grant planning permission if it had been in a position to determine this application for the following reasons:-

- (1) Without condition 7, which restricts the operation of the development to the processing, recycling and treatment of inert construction materials, the proposed operation, while a transfer**
- (2) station, is considered to fall within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and would be likely to have a significant effect on the environment. Accordingly, it requires Environmental Impact Assessment;**
- (3) Removal of condition 7 and operation of the site without the restriction would likely have a significant effect on the environment and have a significantly adverse impact on the amenity of the surrounding area. It is, accordingly, considered that it is appropriate that the Council maintains control over such use notwithstanding SEPA powers, and**

- (4) The site and its use is considered to be abandoned as evidenced by lack of use for a number of years, surrender of the waste management licence issued by SEPA in April 2014, missing perimeter fencing, graffiti and vandalism and the removal of wheel washing equipment from the site.**