

FALKIRK COUNCIL

Subject: **FORMATION OF A NEW LINED CELL, THE DEPOSITION OF WASTE, RAISING OF LAND FORM LEVELS, BOUNDARY AND ANCILLARY EARTHWORKS, LANDSCAPING AND RESTORATION AT WEST CARRON LANDFILL, STENHOUSE ROAD, CARRON, FOR G R SERVICES (FALKIRK) LTD - (P/07/0897/FUL)**

Meeting: **PLANNING COMMITTEE**

Date: **26 August 2009**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Member: **Councillor Steven Carleschi**
 Councillor Lynda Kenna
 Councillor Charles MacDonald
 Councillor Craig Martin

Community Council: Larbert, Stenhousemuir and Torwood

Case Officer: Allan Finlayson (Senior Planning Officer), ext 4706

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The Oran Group is seeking detailed planning permission for an extension, by means of a new landfill 'cell' within the greater site area of its existing landfill site at West Carron, Falkirk.
- 1.2 The existing landfill site area is approximately 20.23 hectares in size and the proposed new cell is 9.6 hectares. The new cell is situated in the southern part of the existing landfill site, towards Cauldhame Farm, Falkirk.
- 1.3 The site abuts the riparian land of the River Carron. Residential areas of Larbert and New Carron Village are located 200 metres away.
- 1.4 The landfill operations at West Carron have taken place in excess of 200 years, the site having previously been used for the deposition of spoil from the Carron Iron Works and subsequent uses thereafter.
- 1.5 It is proposed to extend the existing landfill to provide additional capacity for the disposal of commercial, industrial and domestic wastes classified as 'inert' and 'non-hazardous' under landfill directives.
- 1.6 The new landfill cell would provide additional capacity and secure the operation of West Carron Landfill until approximately 2015 - 2020. However the final "fill date" is a best estimate due to the variation of factors involved, such as weight, rate and volume of materials deposited.

- 1.7 In the first planting and seeding season following any approval of planning permission, screening woodland and riparian planting would be implemented around the perimeter of the site. There are currently no obligations on the site operator to landscape the site.
- 1.8 The site would be progressively restored to final levels and it is intended that the fully restored site would be used for informal recreation with the emphasis on the creation of a habitat to enhance local biodiversity.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The proposed development is contrary to the Development Plan as the site is located in the Green Belt and represents additional landfill capacity at a site not identified for this purpose.

3. SITE HISTORY

- 3.1 The deposition of waste material at the site dates back to the 1700's and the inception of the Carron Iron Works. Extracted coal and ironstone at the site was used in the foundry process and resultant voids from aggregate extraction were infilled with foundry slag and associated waste products.
- 3.2 The site was vacated by the Carron Iron Works in the 1950's and previously deposited foundry waste material was excavated for road construction purposes. The site, since the 1950's, has been used for landfill purposes by a number of site owners and landfill operators.
- 3.3 The inception of landfill at the site pre-dated the need for planning permission by some 200 years. The operators of the site in 2005 (G R Services) sought and were granted, a Certificate of Lawful Use and Development (CLUD) for the site on 02 June 2005 (application reference F/2005/0164). The issue of this Certificate confirms the lawful use of the site for landfill purposes.
- 3.4 The application under consideration is for the formation of a new landfill 'cell' within the site. The lawful use of the site is not being re-assessed.

4. CONSULTATIONS

- 4.1 The Environmental Protection Unit has no objections to the development and has confirmed that the regulation of the site with regards to noise, odour and waste management regulations is the responsibility of the Scottish Environment Protection Agency (SEPA).
- 4.2 The Roads Development Unit has no objections to the development. The limitation of vehicle movements and use of wheel washing facilities is requested to be controlled by planning conditions.
- 4.3 Scottish Water has no objections to the development.

- 4.4 SEPA has objected to the application on the basis of a lack of information relating to National Waste Strategy. In the absence of additional information on National Waste Strategy considerations, SEPA cannot be satisfied of the need for additional landfill capacity within the central belt and therefore the requirement for capacity at this site. SEPA has further objected on the grounds of lack of information in relation to flood risk and the impacts of the development with regards to potential exacerbation of surface water run-off, through land raising, on the adjacent River Carron.
- 4.5 Scottish Natural Heritage (SNH) has no objection to the development. SNH considers that the development will not have an impact on the Carron Dams Site of Special Scientific Interest (SSSI) which lies 300 metres to the north of the proposed area of deposition and the Firth of Forth Special Protection Area (SPA), SSSI and Ramsar Site which lies 5 kilometres south of the application site.
- 4.6 A screening assessment for the development in relation to the Environmental Assessment (Scotland) Regulations 1999 has confirmed that an Environmental Impact Assessment is not required. This is on the basis of unlikely environmental impact on the surrounding environment.

5. COMMUNITY COUNCIL

- 5.1 The Larbert and Stenhousemuir Community Council has not made representation.

6. PUBLIC REPRESENTATION

- 6.1 Thirty five objections have been received in relation to the application. These include a holding objection from the agent for another landfill operator in the Falkirk Council Area, an objection from the developer of a housing site in the surrounding area and an objection from Friends of the Earth. The remaining objections include residents of the surrounding areas of Larbert, New Carron and the recent housing development at Mungal/Cauldhame Farm. The majority of objections have been received from residents overlooking the site.
- 6.2 The objections are on grounds of Development Plan policy, waste management justification for additional landfill capacity and concerns in relation to potential environmental and amenity impact.

7. DETAILED APPRAISAL

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

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

Accordingly,

7a The Development Plan

Approved Falkirk Council Structure Plan

7a.1 Policy ENV.2 ‘Green Belt’ states:

“There will be a system of Green Belts in the areas generally described in Schedule ENV.1 and indicated on the Key Diagram. Within these there will be a long term presumption against development in order to prevent the coalescence of settlements, protect their landscape setting, and avoid prejudicing future proposals for landscape enhancement and countryside recreation.

The detailed boundaries will be defined in Local Plans, having regard, where appropriate, to the Strategic Development Opportunities set out in Policy Econ.1 and Schedule Econ.1 and other structure plan policies.”

7a.2 The development is located within the larger site of West Carron landfill operations. Whilst the site is located within Green Belt land, the existing landfill use, historic site operation and restoration proposals for public recreation following completion of operations are considered to represent acceptable development in the context of the aims of Policy ENV.2.

7a.3 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."*

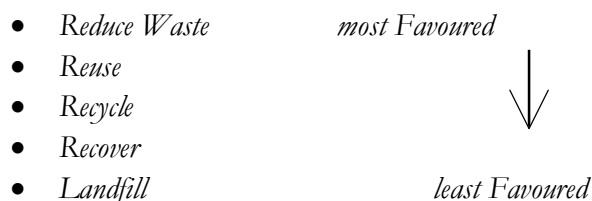
7a.4 The proposed development, following detailed assessment and consultation, has been demonstrated to have no significant impact on the Carron Dams SSSI and the Firth of Forth SPA and Ramsar SSSI. Therefore the proposal is acceptable within the context of this policy.

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

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

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

Fig. 2: The Waste Hierarchy



- (2) *The treatment of waste as close as possible to the area in which it is generated.*
- (3) *The minimisation of the impact on the local environment and the amenity of communities through the selection of appropriate sites and adoption of best operational practices.*

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

- 7a.6 Policy ENV.11 establishes that provision will be made for a range of waste treatment facilities subject to the waste hierarchy and establishes a general presumption in favour of reducing waste and recycling rather than landfilling. The preferred location for new facilities will be within or adjacent to existing waste management sites or within general industrial areas where minimisation of amenity and environmental impacts will occur.
- 7a.7 The landfill extension is located within an existing landfill site and is served by adjacent materials recycling and general industrial uses. The applicant has not, however, provided justification of the need for additional capacity at West Carron. The development is therefore contrary to this policy.
- 7a.8 Policy ENV.12 'Landfill Sites' states:
- "Land at Avondale, Polmont shall be safeguarded to permit the extension of the existing landfill facility."*
- 7a.9 Policy ENV.12 identifies the Avondale landfill site at Polmont to be safeguarded for future expansion to accommodate landfill needs. Further landfilling at West Carron has to be considered in the context of the Structure Plan which only identifies Avondale to meet the Area Waste Plan requirements. The applicant has not submitted evidence to justify the proposal on the basis of capacity. The development is therefore contrary to this policy.
- 7a.10 A review of landfill capacity has not yet been undertaken in the context of the Structure Plan. The Waste Action Plan for 2007/2008 conducted through the Forth Valley Waste Strategy Group identifies the need to carry out this review.

Larbert and Stenhousemuir Local Plan

- 7a.11 Policy RURAL 11 'The Green Belt' states:

"That there will be a presumption against new development in the areas of designated Green Belt indicated on the Policies and Proposals Map, with the exception of development required for farming and forestry, and appropriate recreation and tourism purposes that require a countryside location. Other types of development such as telecommunications and temporary uses, including mineral and landfill activity, may be acceptable provided that :-

1. *A Green Belt location is essential;*
2. *There is no serious detrimental impact on the character of the Green Belt.*

Temporary uses will only be permitted where these operate within a clearly limited timescale, and where landscape improvements are obtained. In general proposals which strengthen the function of the Green Belt and enhance its character and landscape qualities will be encouraged.

In accordance with the provisions of S.D.D Circular 24/1985 "Development in the Countryside and Green Belts", the District Council strongly supports the principle of the Green Belt:

- a. *To separate the main settlements of the District;*
- b. *To provide areas for countryside recreation (excluding such urban forms as hotels, time-shares and holiday villages);*

- c. *To provide a clear segregation of urban and rural uses;*
- d. *To enhance the landscape adjacent to built up areas;*
- e. *To provide a corridor for essential services.”*

- 7a.12 The development site lies within the site area previously confirmed as operating legally by the issue of a Certificate of Lawful Use and Development in 2005. Nevertheless the site lies within an area defined as Green Belt and the criteria of Policy Rural 11 require to be addressed.
- 7a.13 The development proposed lies within an existing landfill site. The operation of this existing site, albeit without planning controls relating to landscape impact, has resulted in rehabilitated land (grass seeded and boundary planted) to the north and unkempt scrub land to the south, the site of the current area of deposition of materials.
- 7a.14 The development includes proposals for the rehabilitation of final land form with meadow flower planting, planting along the riparian land of the River Carron and woodland and screening planting. The land, once reinstated, would be available to the public for informal recreation.
- 7a.15 The purpose of the Green Belt designation in this area is to separate the settlement of Falkirk and Larbert. The existing landscape setting is poor on the basis of a lawful use uncontrolled by conditions ensuring a visually attractive landscape setting. A Green Belt location for landfill is not essential however and the development is therefore contrary to this policy.
- 7a.16 Policy RURAL 12 ‘Ecological Sites’ states:

“That to protect and conserve wildlife and other natural features of significance :-

1. *There will be an overriding presumption against development which would adversely affect sites designated as a Special Protection Area, a Special Area of Conservation or a Ramsar site, Sites of Special Scientific Interest or any sites proposed by the UK Government or Scottish Natural Heritage for such designation.*
2. *Development likely to adversely affect Listed Wildlife Sites and local or non-statutory nature reserves will not normally be permitted.*
3. *Other sites of high nature conservation value will be safeguarded wherever possible.*
4. *Where development is to be approved which could affect any site of high nature conservation value, appropriate measures will be required to conserve, as far as possible, the site’s biological or geological interest and to provide for replacement habitats or features where damage is unavoidable,*
5. *Appropriate site management will be encouraged wherever possible,*
6. *Local nature reserves will be designated as appropriate.”*

- 7a.17 The development has, through detailed assessment and consultation with SNH demonstrated no significant impacts on the Carron Dams SSSI and Firth of Forth SPA and Ramsar SSSI and is in compliance with this policy.

7a.18 Policy RURAL 30 ‘Tipping and Waste Disposal’ states:

“That applications for tipping and waste disposal will be considered on their merits, in accordance with all relevant District Council policies and standards of provision. There will be a general presumption against proposals which, in the opinion of the District Council, would have a significant adverse impact on the visual and residential amenity of the surrounding area or result in unacceptable levels of pollution. Conditions will be imposed to strictly control the timescale of operations and to ensure satisfactory restoration of the land.”

7a.19 The proposed development is within the site area of existing lawful landfill use which operates without planning controls protecting visual and residential amenity and offers the potential for environmental improvement following rehabilitation. The proposal accords with this policy on the basis of opportunity to control future land use and environmental impact.

7a.20 Policy LAR 44 - ‘Watercourses’ states:

“The Council recognises the importance of Larbert and Stenhousemuir’s rivers and burns, and adjacent banks in terms of landscape, recreation and nature conservation value, and seeks to improve recreational usage and overall quality of these watercourses. Accordingly:

- (i) there will be a general presumption against development which would increase pollution or have a detrimental impact upon water quality, aquatic ecosystems or recreational amenity of watercourses. Development likely to adversely affect groundwater or major aquifers will not normally be permitted. Where necessary the Council will require applicants to submit supplementary information to assist in the determination of planning applications;*
- (ii) the Council supports SEPA’s efforts to promote best practice in the treatment of surface water within new developments; and*
- (iii) there will be a general presumption in favour of proposals to improve the use of water courses and adjacent banks for appropriate recreation and/or habitat enhancement.”*

7a.21 The proposed development would allow the opportunity to improve landscape setting at the River Carron and ensure future recreational use. The potential for pollution of the River Carron is controlled by SEPA in respect of the requirement of the site operator to adhere to the requirements of an operating license. The proposal is therefore considered to accord with this policy.

7a.22 In conclusion, the application is contrary to the Development Plan as the site lies within the Green Belt and the proposed development represents additional landfill capacity at a site not identified for this purpose.

7b Material Considerations

7b.1 The material considerations relating to the application are national planning policy, the Falkirk Council Local Plan Finalised Draft and the views of consultees and the submitted objections.

The National Waste Plan (2003)

7b.2 The National Waste Plan acknowledges the need to take full account of local needs and circumstances in order to identify the best solutions for waste management across Scotland through Waste Strategy Areas. Falkirk Council area falls within the Forth Valley Waste Area together with Stirling and Clackmannanshire Councils.

- 7b.3 The Forth Valley Area Waste Plan (2003) conforms to the national plan and identifies the existing Avondale Landfill site at Polmont as the preferred location for landfill within the Falkirk Council Area.

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

- 7b.4 SPP 10 remains the basis for government guidance on planning and waste management. SPP 10 emphasises that ‘Planning Authorities already have a duty to provide policies for suitable waste disposal sites or installations in order to supply the land necessary for waste treatment and disposal to take place.’ Therefore relevant Structure and Local Plans are required to address this issue in a manner appropriate to their locality.
- 7b.5 SPP 10 also identifies key planning contributions and in the context of this proposal the following are relevant:
- Apply the appropriate aims of the Government’s sustainable development strategy.
 - Implement the National Waste Strategy by appropriate land allocations.
- 7b.6 In relation to the strategy of sustainable development, SPP 10 refers to the issues of proximity, regional self sufficiency, the precautionary and the polluter pays principles and the best practicable environmental option.
- 7b.7 In assessing the proposal against these issues it is considered that the site is well located in terms of the source of waste arising and that the local road network provides an efficient route to the site. Of less certainty however, given the applicant’s failure to justify the need for landfill at the site in the context of the National Waste Strategy, are the issues of best practicable environmental option.

Scottish Planning Policy (SPP) 21 – Green Belt

- 7b.8 Scottish Planning Policy 21: Green Belt announces new procedures relating to the control of development in green belts.

Key objectives of Green Belt policy are; -

- To direct planned growth to the most appropriate locations and support regeneration;
- To protect and enhance the character, landscape setting and identity of towns and cities; and
- To protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

Appropriate uses within the Green Belt may include;-

- Agricultural uses, including re-use of historic agricultural buildings in keeping with their surroundings;
- Woodland and forestry, including community woodlands;

- Horticulture, including market gardening (but not retailing unconnected with or out-of-scale with this purpose) and
- Recreational uses that are compatible with an agricultural or natural setting.

Where a proposed use would not normally be consistent with Green Belt designation, exceptionally it may still be considered appropriate, either as a national priority or to meet an established need, and only if no other suitable site is available. Proposals for non-conforming uses will also need to be sympathetic in scale and form to link with walking, cycling and public transport provision. In this instance, the existing landfill facility containing the application site and future rehabilitation and recreational use are considered to fulfill the criteria for appropriateness of a Green Belt location. The requirement for additional landfill capacity is addressed in para 8b.14 below.

Regional Planning Policy

Forth Valley Area Waste Plan – (2003)

- 7b.9 The National Waste Plan (Scotland) sets out strategy for waste management and it is delivered through Area Waste Plans. The Forth Valley Area Waste Plan is the principle vehicle for action on waste issues in the Falkirk Council Area. The Forth Valley Area Waste Plan was approved by Scottish Ministers in January 2003. The goal of the plan is to significantly reduce the amount of waste landfilled and this reflects European and national objectives. A range of measures are to be put into place of which land use planning is one aspect. However, the key land use implication of the Area Waste Plan is:

“Action 11 – Maintain a 10 year landfill capacity for all wastes with planning permission across the Forth Valley area.”

- 7b.10 National Planning guidance makes it clear that the policies of the Area Waste Plan can be a material consideration in the assessment of development proposals.
- 7b.11 A sub group of the Area Waste Group carried out a study and concluded that there was not a 10 year landfill capacity. In addition, a number of possible new sites across the Forth Valley area were investigated, and the best option was considered to be the extension of the Avondale site at Polmont into the adjacent sand and gravel workings. It was the work of this study that formed the basis of the altered Structure Plan Policy ENV.12 and Finalised Falkirk Council Local Plan Policy ST.17. A 10 year landfill capacity therefore now exists.
- 7b.12 It is recognised that waste not recycled, composted or recovered in any other way, will continue to be disposed of to landfill. In addition, reject materials from other waste management processes will still need to be landfilled.
- 7b.13 The proposal for further landfill at West Carron is not therefore necessary to achieve the objectives of the National Waste Strategy and could be seen to obstruct the move towards recycling of material and the future reduction in landfill waste deposited. The proposed development could therefore be seen as contrary to the aims of the National Waste Strategy.

- 7b.14 However, the site has operated as a landfill site for a lengthy period, and is located adjacent to a materials recycling facility and general industrial uses. In addition the proposed regulation of final land forms and rehabilitation of land into recreational ground following completion could be considered to outweigh the apparent contradiction with the National Waste Strategy.

Falkirk Council Local Plan Finalised Draft

- 7b.15 Policy ST 17 'Landfill' of the Local Plan Finalised Draft safeguards the existing landfill site at Avondale in Polmont for future landfill expansion.
- 7b.16 Policy ST 18 'Waste Management Facilities' directs landfill to locations within or adjacent to existing waste management facilities and general industrial areas where impacts on the environment and local communities are considered to be acceptable.
- 7b.17 The proposal would direct landfill to an existing facility remote from site identified in the Local Plan at Avondale. The site is however located within an existing landfill site adjacent to a waste recycling centre and general industrial uses and has an acceptable impact on the environment and local communities in terms of limited additional impacts and the opportunity to control site operation and achieve longer term recreational improvement. The proposal is considered to accord with Policy ST18.

Consultations

- 7b.18 The views of the Roads Development Unit with regards the installation of wheel washing facilities can be achieved by planning condition. The limitation, by condition, of vehicle movements to the site could not properly be enforced.
- 7b.19 The objection from SEPA has been made on basis of a lack of information relating to the justification of landfill at the site in the context of the National Waste Strategy and information relating to potential flooding at the River Carron.
- 7b.20 The applicant has declined to submit justification of landfill in the context of the National Waste Strategy. The applicant has stated that, on the basis the site is an existing landfill site, that this is not required. The assessment of the proposal without this justification has therefore been necessary. It is considered for the reasons stated in paragraph 7b.17 of this report that continued landfill at the site can be justified.
- 7b.21 The Roads Development Unit acting in Falkirk Council's capacity as flooding authority has not required the submission of a flood risk assessment or further information relative to potential flood risk. It is considered that the new landfill cell would not exceed finished ground levels of land surrounding the cell and that there is no significant risk of flooding south of the River Carron through increased surface water run off. The land immediately adjacent to the application site does flood. This, however, is a natural occurrence which is catered for by an existing flood plain. The development is not considered to impact on existing surface water conditions.

Objections

- 7b.22 Thirty five letters of objection have been received as a result of neighbour notification and advertisement of the development in the Falkirk Herald.
- 7b.23 The Walker Group, housing developer at the nearby Mungal/Cauldhame Farm, objects to the development on the basis of a final landform inappropriate to the scale and character of the surrounding environment. The opportunity for Falkirk Council to introduce additional controls over the operation of the site is raised.
- 7b.24 Agents for the operators of the Avondale landfill site in Polmont registered a 'holding' objection early in the assessment of the application. The objection was made on the grounds of lack of supporting environmental information and proximity to River Carron flood plain, Carron Dams SSSI, Firth of Forth SPA and Ramsar site and nearby residential areas. No further objection has been received.
- 7b.25 The remaining received from residents in the surrounding area on the following grounds:
- the proposal is contrary to national planning policy, national waste strategy, and local Development Plan policies.
 - adverse impact on residential amenity by means of noise, odour, litter and other associated impacts resulting from landfill use.
 - inappropriate site for landfill deposition given proximity of residential areas.
 - unsatisfactory monitoring and enforcement of environmental impacts resulting from the development.
 - increased flood risk.
- 7b.26 Friends of the Earth (Falkirk) have objected on the grounds of Development Plan policy, national planning policy and national waste strategy.
- 7b.27 The grounds of objection are considered as follows:
- 7b.28 The proposed final land form would not exceed the highest ground level, now restored, from previous landfill operations at the site. The opportunity to impose planning controls is noted.
- 7b.29 The requirement for environmental supporting information has been assessed through the preparation of a screening opinion under the direction of the Environmental Impact Assessment (Scotland) Regulations, 1999. The information submitted by the applicant is considered to be acceptable to allow detailed assessment of the development. The supporting information provides information on materials to be deposited, hours of operation, obligations for environmentally sensitive working practices and final landform and restoration proposals. Any requirement for further environmental information is not supported following consultation.

- 7b.30 The development, through detailed assessment, has been demonstrated to be acceptable development in the context of national planning policy, national waste strategy and Development Plan policy. Whilst it could be seen to be potentially contrary to this guidance, the location of the proposed development within an existing landfill site, adjacent to recycling facilities and general industrial uses, with limited impacts on the environment and amenity are considered to be strong material considerations in support of the development.
- 7b.31 The potentially adverse impacts on the environment and residential amenity are noted. The environmental regulation of the site is the responsibility of SEPA and the operators require to comply with the Pollution Prevention Control (PPC) issued for the site by SEPA. Failure to comply with the PPC could result in site closure. Evidence of acceptable operating procedures, albeit with occasional difficulties in relation to litter, have been submitted to Falkirk Council.
- 7b.32 It should be noted that all objections but two have been submitted from residents to the south and south west of the application site and with a view towards the site. On the basis of prevailing south westerly winds and the northern back drop of the previously restored landfill use it is considered that no adverse impacts on the environmental or residential amenity of Larbert and Stenhousemuir settlements to the north are exhibited.
- 7b.33 The prevailing south westerly wind will limit both noise and odour nuisance to the south and south west of the site. The visual impact of landfill operations and occasional litter, seagull attraction and vehicle noise are, however, noted. These impacts are considered to be unavoidable and historic given the previous landfill use of the site. The staged renovation measures proposed will allow progressive environmental improvement and screening and it is considered that final landform will provide a more attractive visual environment from that which exists at present.
- 7b.34 The formation of a riverside park as part of the Mungal Farm housing development immediately to the south of the River Carron is designed to act as a natural flood plain for the River Carron. The River Carron historically floods in this area comprised of ground conditions of sand and gravel.
- 7b.35 The proposed increase in material to be stored at the site would not increase the area of the existing landfill site, or the length of its boundary with the River Carron to the south. It has no impact on the flood plain of the River Carron.
- 7b.36 Land levels would be raised in the development and the slopes created would increase land surface area. The slopes would be finished in top soil, grassed and planted with vegetation at some locations. Surface water run-off would, therefore, be as a greenfield surface i.e. infiltration until saturated then run-off. There would be no immediate run-off as created by an impermeable surface such as hardstanding.
- 7b.37 Cut-off drains collecting leachate are proposed for treatment prior to discharge, for water quality purposes. Surface water discharge from the site, to the River Carron, during storm events would not, therefore, be immediate, therefore allowing attenuation.
- 7b.38 The additional land surface, from which surface water could discharge directly to the River Carron from the raised ground, has been estimated at 1% of the proposed 9.6Ha site extension. The impact on the hydraulic regime of the River Carron from the additional surface water run-off generated by land raising at this locus is, therefore, considered negligible.

7c Conclusion

- 7c.1 The proposed development of additional landfill capacity at West Carron is considered to be acceptable in the context of national planning policy, National Waste Strategy and Development Plan policy for the reasons that the site is an existing landfill location, is located adjacent to materials recycling facilities and general industrial uses and has a limited impact on environmental and residential amenity. In these respects the proposal is considered to be acceptable development in the context of SSP10 Planning for Waste Management, SSP 21 Green Belt and the National Waste Management Plan for Scotland.
- 7c.2 For these reasons the development is considered to be an acceptable departure from Structure Plan policies ENV 11 'Waste Management' and ENV 12 'Landfill Sites', ENV 2 'Green Belt' and Larbert and Stenhousemuir Local Plan policy Rural 11 'Green Belt'.
- 7c.3 The assessment of consultation responses received has demonstrated that there is no likely unacceptable impact on the Carron Dams SSSI, Firth of Forth SPA, SSSI and Ramsar site and the River Carron in terms of flood risk or pollution.
- 7c.4 The acknowledged concerns of residents to the south of the site with regards to noise, odour, litter and residential amenity are not, in themselves, considered to justify refusal of the application. The ability to impose planning control on the site with regards to operation and future restoration are considered to represent a long term opportunity for environmental improvement and public recreation outweighing the short term limited environmental impacts arising from landfill development.
- 7c.5 For the reason that the applicant has declined to provide justification of landfill development in the context of the National Waste Management Plan and information on flooding, SEPA maintains an objection to the development. Therefore, if Committee is minded to approve the application, it requires to be notified to Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. Whilst contrary to certain provisions it is not considered that the development marks a significant departure from the approved Structure Plan or Larbert and Stenhousemuir Local Plan and is not considered to prejudice the implementation of the strategic objective of the Structure Plan. The proposal does not require to be notified to Scottish Ministers on this basis. Although, it is considered that Falkirk Council has an interest in the site as it has been used for the deposition of municipal waste, the proposal is not considered to be a significant departure, and so it would not require to be referred to Ministers on that count.

8. RECOMMENDATION

- 8.1 It is therefore recommended that Committee indicate that it is minded to grant detailed planning permission subject to:-
 - (a) Notification of the application to Scottish Ministers by virtue of the Town and Country Planning (Notification of Applications) (Scotland) Amendment Direction 2009.

- (b) The satisfactory completion of an Agreement in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 addressing the following matters:-
- The final landscape treatment and maintenance of the site following completion of works including surfacing and landscaping;
 - Access arrangements to the site to members of the public following completion of the works;
 - A financial security by way of an appropriate bond in the eventuality of non-completion of agreed restoration works.
- (c) And thereafter on conclusion of the Agreement and notification procedure in satisfactory terms, to remit to the Director of Development Services to grant planning permission subject to the following conditions:
- (1) The development to which this permission relates must be begun within five years from the date of this permission.
 - (2) Prior to development commencing on site, a Construction Method Statement, including details of all on site earth movement, road/track construction, drainage, mitigation, restoration and reinstatement timetables shall be submitted to and approved in writing by the Planning Authority. The site shall thereafter be operated in accordance with the approved details.
 - (3) Wheel washing and road sweeping proposals outlined in paragraph 5.1.2 of the SEPA PPC Permit (PP/A/1004300) shall be implemented on commencement of landfill operations hereby approved.
 - (4) All advance planting and screen fencing shall be completed in accordance with the submitted details and unless otherwise agreed in writing by the Planning Authority shall be within one year of the grant of planning permission.
 - (5) All screen planting and fencing shall be maintained during the operational period to provide adequate screening of operations. Details for maintenance shall be submitted for the prior written approval of the planning authority.
 - (6) Within one year of completion of the deposit of waste materials, restoration works indicated on the approved plans shall be completed, all buildings and ancillary plant shall be removed from the site and all operations shall cease with the exception of those operations, buildings and plant which are required for the monitoring and management of gas, leachate and ground water.
 - (7) The landfill operations shall be undertaken in accordance with a working plan to be submitted to and approved in writing by the Planning Authority.
 - (8) Restoration contouring, landscaping and removal of haul roads after the landfill operations are completed shall be conducted in accordance with the approved working plan and approved plans and shall be completed on a phase by phase basis.

- (9) In the event of the landfill operation being abandoned before the approved profile of the site is achieved, an appropriately amended scheme of restoration shall be submitted for the written approval of the Planning Authority within 6 months and shall be implemented within a period of 12 months from approval.
- (10) In the event that the approved post-settlement final levels of restoration are not achieved, an amended restoration plan shall be submitted for the written approval of the Planning Authority.
- (11) On an annual basis a report shall be submitted to the Planning Authority outlining the extent of landfill operations during the preceding 12 month period. This shall also detail the remaining void and estimated capacity/time period for operations.

Reason(s):

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) To ensure natural heritage impacts are minimised during construction, operation, restoration and reinstatement.
- (3) In the interests of road safety and uses of the public highway.
- (4-5) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (6-9) To enable the Planning Authority to exercise proper control over the nature and duration of the development.
- (10-11) To ensure that the completed land contours and levels are in accordance with the approved plans.

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Director of Development Services

Date: 18 August 2009

LIST OF BACKGROUND PAPERS

1. Scottish Planning Policy (SPP) 10 – Planning For Waste Management.
2. The National Waste Management Plan.
3. Scottish Planning Policy 21 – Green Belts.
4. Certificate of Lawfulness of Development (Reference F/2005/0164).
5. Falkirk Council Structure Plan.
6. Larbert and Stenhousemuir Local Plan.

7. Letter of representation received on 30 October 2007 from Friends Of The Earth (Falkirk), C/o N Philip 37 School Road Redding Falkirk
8. Letter of representation received on 01 November 2007 from Mr Chris Ferrie, 18 Westpark Crescent Falkirk FK2 7GH
9. Letter of representation received on 08 November 2007 from Jamie Hepburn MSP, Dalziel Workspace, Mason Street, Motherwell ML1 1YE.
10. Letter of representation received on 26 November 2007 from Rr Graeme Patrick, Strategic Land Director Walker Group (Scotland) Ltd Westerwood House Royston Road. Livingston
11. Letter of representation received on 14 October 2007 from Councillor Meiklejohn, Falkirk Council, Members Service Municipal Buildings Falkirk FK1 5RS.
12. Letter of representation received on 23 October 2007 from Friends Of The Earth Falkirk, C/o N Philip 37 School Road Redding Falkirk.
13. Letter of representation received on 08 October 2007 from Chris Ferrie, 18 Westpark Crescent Falkirk FK2 7GH.
14. Letter of representation received on 15 October 2007 from Avondale Environmental Ltd, C/o McLean Bell Consultants Ltd 33 Miller Park Polmont Falkirk.
15. Letter of representation received on 05 December 2007 from Mr Brian Callery, 57 Carrongrange Gardens Stenhousemuir Larbert FK5 3DU.
16. Letter of representation received on 11 March 2008 from Walker Group (Scotland) Limited, Westerwood House Royston Road Deans Industrial Estate Livingston.
17. Letter of representation received on 13 June 2008 from Phyllis MacNicol, 23 Doune Crescent Stenhousemuir Larbert FK5 4TW.
18. Letter of representation received on 13 June 2008 from Mark McGuire, 32 Sainford Crescent Falkirk FK2 7QF
19. Letter of representation received on 16 June 2008 from Mr G Urquhart, 2 Mulloch Avenue Falkirk FK2 7GA.
20. Letter of representation received on 12 June 2008 from Councillor Meiklejohn, Falkirk Council, Members Service Municipal Buildings Falkirk FK1 5RS.
21. Letter of representation received on 17 June 2008 from Iain Grant Fleming, 51 Stephens Croft Falkirk FK2 7GU.
22. Letter of representation received on 17 June 2008 from Derek W McLeod, 3 Mulloch Avenue Falkirk FK2 7GA.
23. Letter of representation received on 17 June 2008 from Scott MacNicol, 51 Sainford Crescent, Falkirk FK2 7QE.
24. Letter of representation received on 17 June 2008 from Suzanne Wilson, 3 Mulloch Avenue, Falkirk FK2 7GA.
25. Letter of representation received on 17 June 2008 from Mr and Mrs M Crothers, 11 Westpark Crescent Falkirk FK2 7GH.
26. Letter of representation received on 10 June 2008 from Mr and Mrs Ferrie, 18 Westpark Crescent Falkirk FK2 7GH.
27. Letter of representation received on 10 June 2008 from Ms S Dalli, 2 Goosedubs Place Falkirk FK2 7GW.
28. Letter of representation received on 10 June 2008 from Mr B Jess, 2 Goosedubs Place Falkirk FK2 7GW
29. Letter of representation received on 10 June 2008 from Mr Andrew J Patrick, 8 Sainford Crescent Falkirk FK2 7QF
30. Letter of representation received on 10 June 2008 from Mr Steven Weir, 4 Crofthead Street Falkirk FK2 7GG.
31. Letter of representation received on 09 June 2008 from Mr David McFadden, 1 Mulloch Avenue, Falkirk FK2 7GA.

32. Letter of representation received on 09 June 2008 from Mr and Mrs C Scholes, 4 Cotland Drive Falkirk FK2 7GE.
33. Letter of representation received on 12 June 2008 from Steven Soroka, 18 Crofthead Street, Falkirk FK2 7GG.
34. Letter of representation received on 12 June 2008 from Friends Of The Earth Falkirk, C/O N. Philip 37 School Road Redding Falkirk.
35. Letter of representation received on 12 June 2008 from Fraser Fleming, 22 McNally Crescent Falkirk FK2 7GY.
36. Letter of representation received on 20 June 2008 from Mr Derek N Hastings, 9 Westpark Crescent Falkirk FK2 7GH.
37. Letter of representation received on 13 June 2008 from Miss G Watson & Miss C Byers, 11 Mungal Mill Court Falkirk FK2 7GL.
38. Letter of representation received on 20 June 2008 from Mr Anthony McNairney, 17 Westpark Crescent Falkirk FK2 7GH.
39. Letter of representation received on 20 June 2008 from Mrs Janette McNairney, 17 Westpark Crescent Falkirk FK2 7GH.
40. Letter of representation received on 20 June 2008 from Frances Ansari, 11 McNally Crescent, Falkirk FK2 7GY.
41. Letter of representation received on 23 March 2009 from Rita Jardine, 22 Burder Park, Carron, Falkirk FK2 8FL.

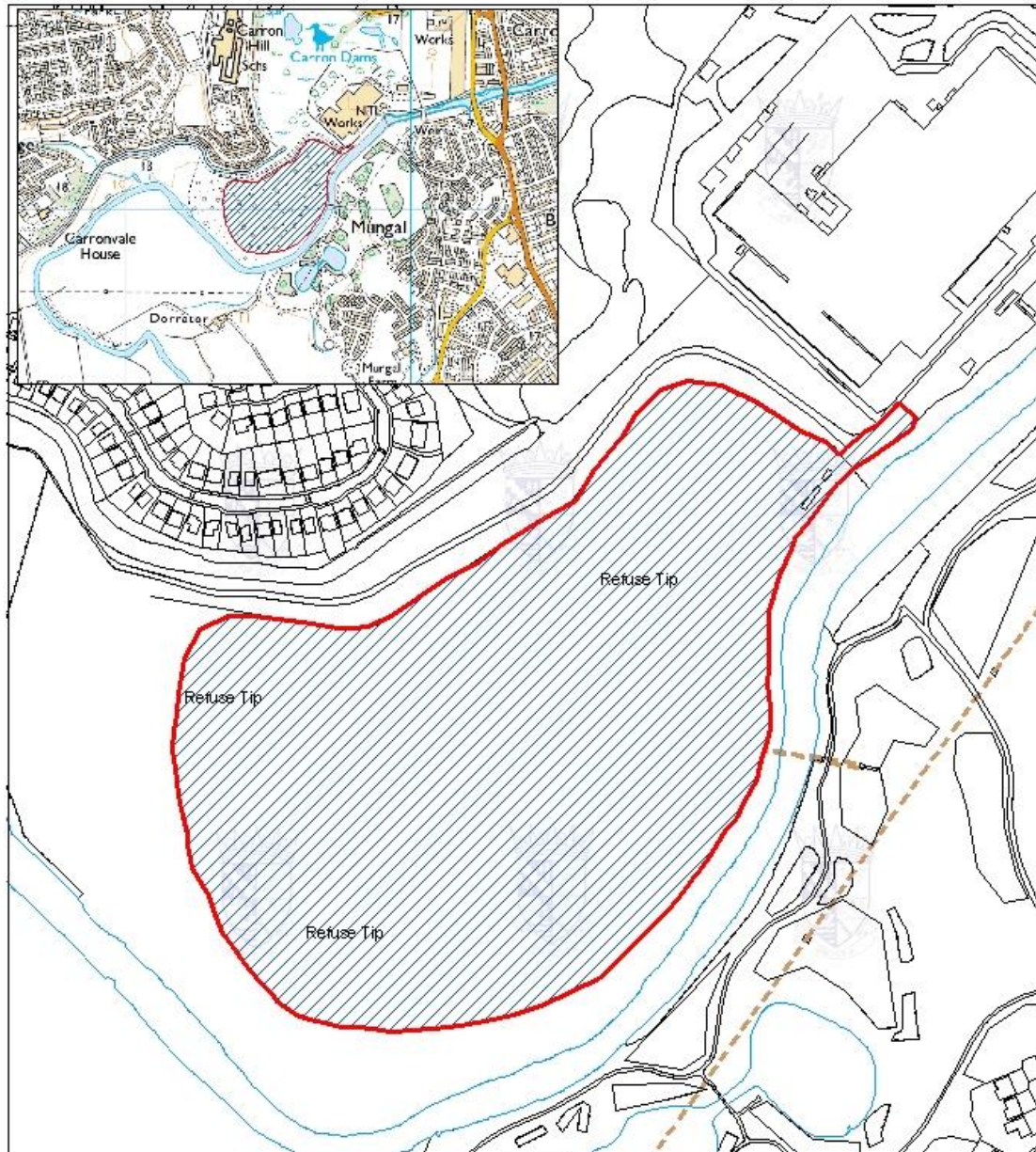
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson (Senior Planning Officer).

Planning Committee

Planning Application Location Plan

P/07/0897/FUL

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



Falkirk Council

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