AGENDA ITEM 6

FALKIRK COUNCIL

Subject:	**OPERATIONS YARD/WASTE RECYCLING/TRANSFER FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON – P/10/0423/FUL**
Meeting:	**PLANNING COMMITTEE**
Date:	**18 May 2011**
Author:	**DIRECTOR OF DEVELOPMENT SERVICES**
Local Members:	**Ward - Grangemouth** **Depute Provost Allyson Black** **Councillor Angus MacDonald** **Councillor Alistair McNeill** **Councillor Robert Spears**
Community Council:	**Grangemouth**
Case Officer:	Julie Seidel (Planning Officer), Ext. 4880

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered at the meeting of the Planning Committee on 20 April 2011 (copy of previous report appended), when it was agreed to continue the application and to undertake a site visit. This visit took place on 12 May 2011.

2. The applicant's agent presented a summary of the development proposals to the Committee, advising that the application is in accordance with the Development Plan and the application site is appropriate for the proposed use. The agent discussed the planning history of the site, concluding that the proposed use would be less polluting than the previous site use. The application site is in close proximity to strategic road links and avoids residential streets. The proposal would consolidate its operations into one site and the applicant's agent described the proposed operations in detail.

3. Grangemouth Community Council reiterated their objections in relation to an increase in noise, dust, contamination and the detrimental visual impact of the proposed activities. The Community Council consider that the proposals would add no value to the community of Grangemouth economically or environmentally.

4. Members raised concerns in relation to noise and dust as a result of operations and asked if the applicant had considered any type of site screening. Members sought clarification as to how many machines would be in operation during a normal day. Members also sought clarification in relation to the proposed dust management and suppression system and requested a further site visit to see dust suppression and fogging equipment in use.

5. The applicant advised that they would be willing to consider site screening. The applicant was also able to confirm that the amount of machinery on site will vary. However 2 machines and a forklift would be normal, emphasizing that their license would be limited to 25000 tonnes per year therefore limiting processes on site. The applicant advised that jobs would be created at the application site and that the company were currently recruiting a number of positions. The applicant advised that the open storage areas, as indicated on the proposed masterplan drawing, would be leased out and could be the subject of further planning applications where required.

6. Members sought clarification in relation to the distance of the proposed crushing and screening area to the closest residential property. Members should note that this is measured at approximately 124 metres from the nearest dwellinghouse to the closest edge of the proposed stockpiling and segregation area.

7. The Environmental Protection Unit asked Members to note that there was no dust suppression at the applicant's High Bonnybridge site and the proposed development would have a full dust management system, including fogging equipment, which should contain dust within the application site. The Council have dust monitoring equipment and would detect dust emanating from the site. It was also advised that dust levels within Grangemouth fall well below set targets. Grangemouth is inherently noisy with background noise levels within the locality in excess of 50 Db. The Unit also note that the submitted noise report examined the worst case scenario, with all machinery operating at one time, within one corner of the application site. The Unit advise that machinery can be fitted with acoustic barriers and all vehicles fitted with white noise reverse alarms, to assess in noise mitigation from out with the application site. In relation to vehicular movements, road traffic has to increase by 25% before a 3Db increase in background noise is recorded. The Unit concludes that the proposal is acceptable in relation to noise and dust and the Council would approve the noise protection scheme and dust management program prior to development commencing.

8. Councillor Spiers as Local Member, not on the Planning Committee, commented that Grangemouth is not a dumping ground and that moving jobs from the west was not in accordance with the Development Plan. Councillors McNeil and MacDonald in their roles as Local Members agreed with the points raised by the Grangemouth Community Council and reiterated concerns raised in relation to the applicant's High Bonnybridge site. They also recognise the concerns of Calor Gas and referred to a recent fire at the nearby Oran MRF site.

9. No matters were raised that would amend the original recommendation to approve planning permission. However it is recommended that the application be continued to allow a further site visit to take place in relation to dust suppression and the submission of site screening details.

10. RECOMMENDATION

10.1 It is therefore recommended that Committee continue the application to allow Members to view dust suppression equipment at the application site, or another site to be agreed, and the submission of site screening details.

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pp Director of Development Services

Date: 13 May 2011

LIST OF BACKGROUND PAPERS

1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Letter of objection from Calor Gas Ltd, Athena House Athena Drive Tachbrook Park Warwick on 27 July 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

APPENDIX 1

FALKIRK COUNCIL

Subject:	**OPERATIONS YARD/WASTE RECYCLING/TRANSFER FACILITY AT SABIC INNOVATIVE PLASTICS, BO'NESS ROAD, GRANGEMOUTH FK3 9XF FOR MASTERTON – P/10/0423/FUL**
Meeting:	**PLANNING COMMITTEE**
Date:	**20 April 2011**
Author:	**DIRECTOR OF DEVELOPMENT SERVICES**
Local Members:	**Ward - Grangemouth** **Depute Provost Allyson Black** **Councillor Angus MacDonald** **Councillor Alistair McNeill** **Councillor Robert Spears**
Community Council:	**Grangemouth**
Case Officer:	Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

1.1 This detailed planning application is for a local development and seeks detailed planning permission for an operations yard, waste recycling and transfer facility at the former Sabic Innovative Plastics site, Grangemouth.

1.2 The application site is accessed off the A904 Bo'ness Road. The site is bounded by industrial and petrochemical development, extending to approximately 6.2 hectares. The closest residential property is located approximately 80 metres north west of the application site, at the Powdrake Roundabout.

1.3 The use of the site would involve the processing, recycling and storage of inert material, arising from demolition, construction and excavation operations. The types of material likely to be processed and recycled include brickwork, concrete, stone, timber, steelwork, soil and sub-soil. The material would be delivered to the site, separated, crushed and screened where appropriate, stored and made available for either sale or further disposal.

1.4 The operator (JR Masterton and Son (Demolitions) Ltd) has its offices and yard at Boyd Street, Falkirk, and an operations site at High Bonnybridge. The applicant has advised that it is looking to relocate and operate fully from the application site. Refurbishment of the existing office buildings on the north east of the application site, to accommodate the applicant's offices, formed a separate planning application, granted planning permission on 31 November 2010 (see site history).

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application has been called in by Councillor Angus MacDonald and Councillor Alistair McNeill.

3. SITE HISTORY

3.1 The application site is subject to a number of historic planning applications relating to its industrial use, being formerly occupied by Sabic Innovative Plastics.

3.2 The most relevant is P/10/0701/FUL – formation of pitched roof and cladding exterior – granted on 31 November 2010.

4. CONSULTATIONS

4.1 The Roads Development Unit do not object to the application and advise of conditions relating to drainage.

4.2 The Transport Planning Unit has no objection to the application.

4.3 The Environmental Protection Unit advise of conditions relating to contamination. The Unit advise that the proposal would be subject to licensing by the Scottish Environment Protection Agency (SEPA) in terms of the Waste Management regime. Accordingly, complaints of dust, noise, and smells attributable to the premises would fall within the remit of SEPA for investigation.

4.4 SEPA has no objection to the application.

4.5 The Health and Safety Executive (HSE) does not advise, on safety grounds, against the granting of planning permission.

4.6 Scottish Water has no objection to the application.

4.7 Shell UK has no comment to make on the application.

4.8 BP have no objection to the application and advise that the BP Forties Pipeline would be unaffected by the proposal.

4.9 The Emergency Planning Unit note the proposal but have no observations.

5. COMMUNITY COUNCIL

5.1 The Grangemouth Community Council object to the proposal on the following grounds:

- Visual impact as a result of the open storage of materials;
- Concerns in relation to the management of dust arising from open storage, processing and a lack of robust procedures to deal with dust;

- The proposal would exceed World Health Organisation guidelines for residential areas;

- Reversing alarms and excavator, including night movements, would cause noise nuisance for nearby residents;

- The Pollution Prevention and Control permit issued by SEPA should form part of the application;

- There are no guarantees that the waste will be inert. Masterton offer an asbestos removal service;

- The proposal would represent a significant increase in traffic volumes on an already busy road;

- The increased vehicle movements would be detrimental to the objectives of the Air Quality Management Area (AQMA);

- The proposal may result in contamination of surrounding roads; and

- The proposal is not the Best Practical Environmental Option (BPEO) or sustainable for the community of Grangemouth.

6. PUBLIC REPRESENTATION

6.1 One letter of objection was received from Calor Gas Limited, who operate from a site in close proximity to the application site, on the following grounds:

- HSE should be a consultee for the application;

- The proposal could result in fire or explosion and pose a risk to the adjacent plant where large quantities of Liquefied Petroleum Gas (LPG) are stored;

- The proposal would have an unacceptable impact on the road network; and

- The proposal would result in dust and odours.

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

Approved Falkirk Council Structure Plan

7a.1 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*
>
> - *Reduce Waste* *most Favoured*
> - *Reuse*
> - *Recycle*
> - *Recover*
> - *Landfill* *least Favoured*
>
> *(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.2 The proposal is considered to support the National Waste Strategy as it involves the re-use, recycling and recovery of materials and supports the aims of the Waste Hierarchy to shift the emphasis away from landfill. The site lies within an identified industrial area, and is not located in close proximity to residential properties on the A904, Bo'ness Road. The application site is within an industrial area and in close proximity to an existing Material Recycling Faculty MRF, located on the opposite site of the A904 Bo'ness Road at 1-5 Abbotsinch Road, Grangemouth. The application accords with policy ENV.11.

Falkirk Council Local Plan

7a.3 Policy EP2 - 'Land For Business And Industrial Use' states:

> *"In order to maintain the business and industrial land supply and the employment role of existing business and industrial areas:*
>
> *(1) The sites for new business and industrial development identified on the Proposals Map will be safeguarded for the employment use specified for each site; and*
> *(2) The areas for retention in business and industrial use identified on the Proposals Map will be retained and reserved for Class 4, 5 or 6 uses, except for the established business parks of Callendar Park and Gateway Business Park, Grangemouth which will be reserved for Class 4 uses only.*

Other ancillary employment uses may be permitted within these areas where they are compatible with the principal business / industrial use of the site, will not result in a significant reduction in the availability of business land or property, and are consistent with other Local Plan policies."

7a.4 The application site is located within an area for the retention of business and industry. Whilst it is accepted that the proposal does not fall within a class 4, 5 or 6 use the proposal is considered compatible within the existing industrial use of the site and wider industrial and petrochemical development area and as such the application accords with policy EP2.

7a.5 Policy EP18 - 'Major Hazards' states:

"Within the Major Hazard and Pipeline Consultation Zones identified on the Proposals Map, proposals will be judged in relation to the following criteria:

(1) The increase in the number of people exposed to risk in the area, taking into account the advice of the Health and Safety Executive, any local information pertaining to the hazard, and the existing permitted use of the site or buildings; and
(2) The extent to which the proposal may achieve regeneration benefits, which cannot be secured by any other means."

7a.6 The application site is located within multiple hazard consultation zones and has been considered using PADHI+, HSE's planning advice software tool. HSE does not advise, on safety grounds, against the granting of planning permission. It is considered the proposal would not significantly increase the number of people exposed to risk in the area, the application accords with policy EP18.

7a.7 Policy ST18 - 'Waste Management Facilities' states:

"Proposals for large scale waste management facilities will be directed to locations within or adjacent to existing waste management facilities and general industrial areas as indicated by Policy EP2. Any proposal must demonstrate that the impact on the environment and local communities is acceptable and comply with the other policies of the Local Plan"

7a.8 The application site is within an established industrial and petrochemical development area and is in close proximity to an existing Materials Recycling Facility (MRF) operated by 'Oran'. It is considered that the application site provides an ideal location for the proposed operations yard, waste recycling and transfer facility and is remote enough from existing residential properties so as not to impact on the local community. The application accords with policy ST18.

7a.9 Policy ST12 - 'Flooding' states:

"In areas where there is significant risk of flooding, there will be a presumption against new development which would be likely to be at risk, would increase the level of risk for existing development or would be likely to require high levels of public expenditure on flood protection works. Applicants will be required to provide information demonstrating that any flood risks can be adequately managed both within and outwith the site."

7a.10 The application site is at risk of flooding, though not significantly. The applicant has submitted a flood risk assessment demonstrating that any flood risks can be adequately managed within and outwith the site. The application accords with policy ST12.

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

7b Material Considerations

7b.1 The material planning considerations in respect of the application are National Planning Policy and Guidance, the planning history for the site and related sites, the consultation responses, third party representation and impacts on amenity.

National Planning Policy and Guidance

7b.2 Scottish Planning Policy states that the Scottish Government has adopted zero waste as a goal. Toward that end, the reuse and recycling of material is promoted, in accordance with the Waste Hierarchy. Scottish Planning Policy recognises that a significant increase in the number, range and type of waste management installations will be required. It states that the 'proximity principle' requires waste to be dealt with as close as possible to where it is produced. The proposal is considered to be broadly supported by Scottish Planning Policy as it provides for recycling and reuse and therefore reduces the need for landfill.

7b.3 Scottish Planning Policy indicates that a 100 metre buffer may be appropriate between new facilities such as recycling facilities and sensitive receptors (for example, housing), whilst recognising that appropriate buffer zones will depend on the specific characteristics of the site. In this instance, the application site lies approximately 80 metres to the south east of housing on the A904 Bo'ness Road. In addition to the distance of housing to the proposal, the intervening road and surrounding industrial and petrochemical development provides a context within which to consider the potential impact on amenity (discussed in section 7b.7).

Planning History

7b.4 Within the Falkirk Council area the applicant currently operates from two premises, at Boyd Street, Falkirk and Hillview Road, High Bonnybridge. Planning permission was refused on 18 August 2010 at the applicant's High Bonnybridge site for the following reasons:

- The development is contrary to the terms of the Development Plan and there are no material considerations which would outweigh the provisions of the Development Plan;

- The development would have an adverse impact on the amenity of neighbouring properties.

7b.5 It is noted that the applicant intends to relocate operations from both of its sites into one facility at the application site. This would include office accommodation, currently situated at Boyd Street and its operations yard at Hillview Road. The refurbishment of existing offices within the application site was recently granted planning permission under a separate planning application (Ref: P/10/0701/FUL).

Consultation Responses

7b.6 The consultation responses are summarised in Section 4 of this report and it is considered that matters raised could be the subject of conditions of any grant of permission.

Impact on Amenity

7b.7 It has been recognised in this report that the proposal is to be located within an existing heavy industrial and petrochemical development area, however it is acknowledged that residential properties are located approximately 80 metres from the application site. It should be noted that the nearest properties to the application site are located adjacent to office facilities associated with the adjacent petrochemicals development and directly opposite several industrial units, most notably 'Oran' MRF. The residential properties are also located on a busy distributor road, the A904 Bo'ness Road and adjacent to the Powdrake Roundabout. Within this backdrop it is considered that any impact on the amenity of these residents would not be significant. The previous use of the site was for the manufacturing of plastics.

7b.8 Visually the proposed stockpile and segregation area would be screened from residential properties by the proposed open container / skip area and the effluent treatment plant to be retained on site. Whilst is accepted that the stockpiles differ in character from the industrial buildings, plant and petrochemical plant typical of the wider area, the application site is set back from Bo'ness Road and partially screened by planting on the wide verge area between Bo'ness Road and the service road. Subject to a restriction on the height of the stockpiles, the visual impact of the proposal can be adequately mitigated. It is considered that a 6 metre height restriction should apply. The overall development does not break the skyline and is no higher than other development, buildings and plant in the immediate area.

7b.9 Activities such as screening, crushing and separation of demolition debris and other aggregates have the potential to cause dust nuisance. The applicant would carry out regular dust monitoring and dust suppressing sprays would be used on all crushing and screening equipment. Further monitoring and additional water spraying would be employed should unacceptable levels of dust be generated. In relation to noise the proposal would be operational 24 hours a day, seven days a week, although not all activities would be undertaken at all time periods. Lorry movements and excavators would be in operation 24 hours a day with screening and crushing operation only undertaken during 12 hours day shifts. The applicant has submitted a dust impact assessment, noise impact assessment, traffic movement statement and operations statement. No major concerns have been raised by consultees in relation to information submitted in support of the application.

Representations Received

7b.10 In relation to objection received through third parties, Grangemouth Community Council and Calor Gas Limited, the following comments are considered relevant. It should be noted that the applicant responded in writing to the third parties, who maintain their objections.

- Concerns in relation to visual impact, noise, dust and hours of operation have been discussed in detail in this report.

- The Roads Development Unit and Transport Planning Unit has not raised any concerns regarding traffic impacts based on the information submitted with the application.

- The Environmental Protection Unit have not raised any concerns in relation to the AQMA.

- The applicant has made a separate application to SEPA for a Waste Management License, currently pending. This application relates to concrete, brick, scrap metal, mixed industrial waste and timber and does not include asbestos.

- The proposal is considered acceptable within the heavy industrial and petrochemical area and is in close proximity to an existing material recycling facility.

- The application has been considered using PADHI+, HSE's planning advice software tool. HSE does not advise, on safety grounds, against the granting of planning permission.

- The proposal relates to the processing of inert materials and as such it is considered that the proposal would cause no more risk of fire or explosion than any other surrounding industrial or petrochemical uses.

7c Conclusion

7c.1 This application, for an operations yard, waste recycling and transfer facility accords with the terms of the Development Plan, for the reasons detailed in this report. The site lies within an industrial and petrochemicals area and its proposed use is considered appropriate.

8. RECOMMENDATION

8.1 It is recommended that the Planning Committee grant planning permission subject to the following conditions:-

(1) The development to which this permission relates must be begun within three years of the date of this permission.

(2) Unless otherwise agreed in writing no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

(3) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

(4) Prior to the commencement of development the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.

(5) In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.

(6) Prior to the use of the site as an operations yard, waste recycling and transfer facility commencing, vehicular parking, as shown on the approved masterplan (our online reference 12C), shall be constructed and available for use.

(7) Development shall not commence on site until the Development Impact Assessment (DIA) response from Scottish Water is submitted to the Council. Thereafter development shall not commence on site until the detailed drainage design is submitted to and agreed in writing by the Council.

(8) The development hereby approved shall be implemented in accordance with the approved plans and there shall be no stockpiling of materials out with the stockpiling and segregation area hatched orange on the approved masterplan (our online reference 12C).

(9) All vehicles entering and leaving the site shall be closed or sheeted and properly trimmed so as to avoid the depositing of materials onto the public highway or giving rise to airborne dust partials.

(10) Unless otherwise agreed in writing by the Council no screening or crushing shall take place on site between the hours of 1930 and 0730.

(11) Development shall not commence on site until a scheme for protecting near by residential properties from operational noise has been submitted to and approved in writing by the Council. The development shall not be brought into use until the measures in the approved noise prevention scheme operate to the satisfaction of the Council.

(12) Development shall not commence on site until a comprehensive dust management program is submitted to and approved in writing by the Council. Thereafter the development shall commence in accordance with the approved program.

(13) Development shall not commence on site until details of wheel washing facilities are submitted to and approved in writing by the Council. Thereafter the approved wheel washing facilities shall be provided within the site in accordance with the approved details and must be used by vehicles leaving the site to ensure that the public road is kept clean and free from mud and dirt.

Reason(s):

(1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.

(2-5). To ensure the ground is suitable for the proposed development.

(6). To ensure that adequate car parking is provided.

(7). To ensure that adequate drainage is provided.

(8) To protect the visual amenity of the area.

(9, 12) To protect the surrounding area from dust pollution.

(10, 11) To safeguard the residential amenity of nearby residential properties.

(13) To safeguard the interests of the users of the highway.

Informative(s):

(1). For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 11, 12C, 13 - 16 and supporting documents.



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pp Director of Development Services

Date: 12 April 2011

LIST OF BACKGROUND PAPERS

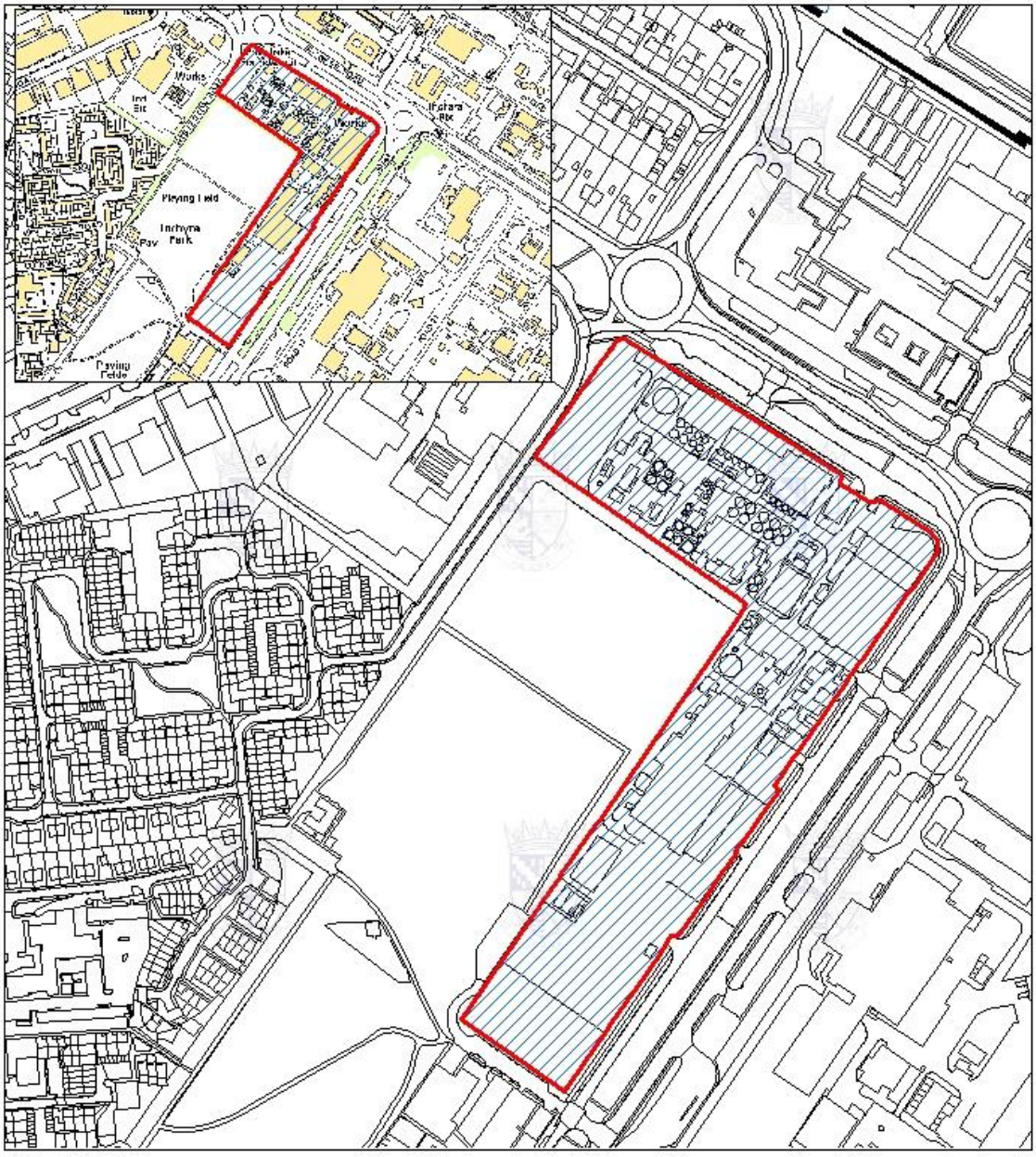
5. Falkirk Council Structure Plan
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7. Scottish Planning Policy
8. Letter of objection from Calor Gas Ltd, Athena House Athena Drive Tachbrook Park Warwick on 27 July 2010.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan P/10/0423/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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