

	<h1>Report</h1>	Agenda Item <h1>11</h1>
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Report to: **Planning Committee**
 Date of Meeting: **3rd November 2009**
 Report by: **Executive Director (Enterprise Resources)**

Application No EK/09/0121
 Planning Proposal: Proposed re-phasing of landfill operations; amend restoration levels and aftercare scheme, provision of a new waste reception building with associated infrastructure works.

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : Viridor Waste Management
- Location : Rigmuir Landfill Site
Off Strathaven Road
East Kilbride

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions – based on conditions listed)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Should the Committee agree to grant consent the decision notice should not be issued until the following matters are concluded;
 - A Section 75 Legal Agreement to;
 1. Annul consent P/M/93/195
 2. Incorporate provisions of the previous S75 agreement, namely
 - hours of operation,
 - the maintenance and renewal or replacement of a restoration bond,
 - the undertaking to carry out restoration works in accordance with the approved plans,
 - access to the site for the Council to carry out works or operations permitted by the consent, where necessary,
 - responsibility of the applicant to meet the Council's legal costs associated with the S75 and other agreements
 - A revised Restoration Guarantee Bond to cover the full costs of restoring the site

3 Other Information

- ◆ Applicant's Agent: Wardell Armstrong LLP
- ◆ Council Area/Ward: 05 Avondale and Stonehouse

- ◆ Policy Reference(s): The National Waste Plan 2003
Glasgow and Clyde Valley Area Waste Plan 2003
SPP10 – Planning for Waste Management
SPP21 – Green Belt
PAN63 – Waste Management Planning
- The Adopted South Lanarkshire Local Plan 2009
Policy STRAT3 – Green Belt
Policy ENV4 – Protection of the Natural and Built Environment
Policy ENV12 – Flooding Policy
Policy ENV18 – Waste Management Policy
Policy ENV 39 – Waste Management Site Assessment
Policy DM1 – Development Management

- ◆ Representation(s):
 - ▶ 1 Objection Letter
 - ▶ 0 Support Letters
 - ▶ 0 Comments Letters

- ◆ Consultation(s):

Scottish Executive Development Department

Environmental Services

Scottish Wildlife Trust

Lindsay, Auldhouse & Chapelton Community Council

RSPB Scotland

Roads & Transportation Services H.Q. (Flooding)

Scottish Water

West of Scotland Archaeology Service

Power Systems

S.E.P.A. (West Region)

Historic Scotland

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

Planning Application Report

1 Application Site

- 1.1 The site extends to an area of approximately 50 hectares and lies 1.5km to the south east of East Kilbride. The site is accessed from the A726 Strathaven Road, along a private road, 1.5km in length.
- 1.2 The application site comprises two distinct geographical areas, the access road and the operational landfill area. The site currently accommodates a landfill operation, consented under P/M/93/195. Site offices, associated car parking, weigh bridge and wheel washing facilities are located at the end of the access road, on the western side of the landfill operation. Construction of two large surfacewater management lagoons has recently been completed to the north of the site. In addition, a leachate treatment system, comprising of aeration lagoons, sequencing batch reactor and reed beds has recently been completed in the eastern area of the site. Overhead electricity power lines dissect the site from east to west.
- 1.3 The site is located within an area characterised primarily by agricultural activities. In addition to this agricultural activities which surround the site, a green waste recycling yard and open cast coal mine, which is currently being restored, is located to the north of the site. The Waukenwae Moss SSSI and SAC is located 700m to the south of the site.

2 Proposal

- 2.1 The applicant seeks planning permission to make a number of environmental and operational changes to the operations granted planning permission through application P/M/93/195. These changes relate primarily to the rephrasing and progressive restoration of the landfill at Rigmuir.
- 2.2 The consent for the current operation allows the landfill to extend to the north and south of overhead power lines. This planning application seeks permission to change the area of land to be used for waste disposal, moving the disposal area of the landfill operation to the south of the power lines. The landfill will be worked through a series of 12 phases, each phase lasting approximately 12 months with a projected input level of 230,000m³ of waste per annum. Progressive restoration will be undertaken as the operation continues. The proposed landform will provide circa 2.8million cubic meters of capacity for the landfill operation, which is anticipated to be completed by 2020, with a further 12 months for the completion of restoration works. The finished landform will result in a dome shaped hill, with a post settlement summit of 230m AOD, rising at its highest point by 24m from the existing on site ground level.
- 2.3 The operation currently utilises an open 'windy' tipping bay for tipping from refuse Collection Vehicles during bad weather. This planning application seeks permission to replace this tipping bay with a waste reception building, which will be completely enclosed and therefore provide a controlled environment where waste can be stored, sorted and, where possible, recycled prior to disposal within the landfill. Waste will be transported from the reception building to the landfill via vehicles purpose built for the transport of waste across the landfill terrain. This will ensure the majority of the refuse collection vehicles are kept off the landfill site.
- 2.4 Office and welfare facilities, with associated parking, and a weighbridge and wheelwash facilities are currently onsite, approved through the provisions of the previous consent (P/M/93/195). This application does not seek to alter any of these facilities.
- 2.5 The staffing of the site, which currently employs seven full time staff, will not be altered by the proposed rephrasing. Furthermore, no change to the hours of

operation is sought, which is currently permitted to operate between 07.00 to 19.00 on weekdays and 07.30 to 13.00 on Saturdays.

3 Background

Government Advice/Guidance

- 3.1 National Planning Policy and Guidance, so far as relevant, is material in the determination of this application. The following National Planning Policy is deemed relevant to this application;
- National Planning Framework for Scotland (2009)
 - SPP, Parts 1 & 2,
 - SPP 7 - Planning and Flooding
 - SPP10 - Planning for Waste Management
 - NPPG14 - Natural Heritage
 - SPP15 - Planning for Rural Development
 - SPP17 - Planning for Transport
 - SPP23 - Planning and the Historic Environment
- 3.2 SPP 10 – ‘Planning for Waste Management’ is the principal national policy relevant to this waste management planning application. SPP10 highlights that land use planning has an important role to play in achieving sustainable waste management. SPP10 states that *“landfill will continue to be required for residual wastes from which no further recyclables, products or energy can be recovered.”*
- 3.3 Planning Advice Note 63 (PAN 63) ‘Waste Management Planning’ provides planning advice on the approach to dealing with waste management infrastructure proposals.
- 3.4 The National Waste Plan 2003 - The National Waste Strategy for Scotland sets out a framework for sustainable waste management, including a commitment to transform Scotland’s record on waste reduction, recycling, composting and recovery.
- 3.5 The Glasgow and Clyde Valley Area Waste Plan 2003 (AWP) recognises landfill as the final disposal point for wastes and treatment residues and acknowledges that landfill will continue to play an important role within an integrated waste management system. The AWP further states that it is essential within the waste management system that there is sufficient landfill capacity for future use.

Development Plan Status

- 3.6 The proposed development requires to be assessed against Strategic Policy 9 - Assessment of Development Proposals of the Glasgow and Clyde Valley Joint Structure Plan 2006 (approved by Scottish Ministers April 2008).
- 3.7 The adopted South Lanarkshire Local Plan 2009 identifies the site as being within the Green Belt where policy STRAT3 applies. The site is also located within an area designated by Policy ENV18 – Waste Management. Policies DM1 - Development Management and ENV4 – Protection of the Natural and Built Environment are also of relevance.
- 3.8 All of these policies are examined in detail in the assessment and conclusions section of this report.

Planning Background

- 3.9 Detailed planning permission was initially granted in October 1983 for the infill of opencast coal workings to an area of land immediately to the north east of the

application site. The infill activity at this site now been completed and the site fully restored.

- 3.10 A further application (P/M/93/195), submitted in August 1993, for the 'formation of landfill site for deposit of waste' was granted permission. Site commenced operations in October 2007. The application before the Planning Committee seeks to amend this application.
- 3.11 In addition, further applications ancillary to the principle consent have been approved. These include a Certificate of Lawfulness for the access road, approved in July 2006 (EK/06/0278), an application for the relocation of the environmental compound, approved in November 2008 (EK/08/0382) and an application for the formation of a substation, approved in September 2009 (EK/09/0185).

4 Consultation(s)

- 4.1 **Scottish Natural Heritage (SNH)**: raised no objection to the proposed development. SNH initially requested further surveys be undertaken in relation to the presence and potential impact on Otters and Badgers. SNH also requested minor changes to be made to the planting scheme, due to the incompatibility of certain tree species. The applicant's agent undertook the additional survey work and made changes to the proposed planting scheme, as requested by SNH. In addition, SNH advised that they were satisfied that the rephrasing of the landfill operation will not adversely affect the qualifying interests of the Waukenwae Moss SAC and SSSI and the Blantyre Muir SSSI.

Following the review of the additional information submitted by the applicant, SNH reserved their position on the application until the applicant submitted a Badger Protection Plan (BPP). Whilst the applicant has confirmed their willingness to prepare such a plan, they have requested that this requirement be a requirement of a condition.

Response: The production of a BPP is required to be provided within 12 months prior to applying for a badger licence. If a BPP is provided pre-determination of this application, it is likely the BPP would be out-of-date by the time the applicant applies for a licence. This 'double handling' of work would be onerous on the applicant and it is therefore considered a condition would suitably control the requirement to produce a BPP.

- 4.2 **Environmental Services**: raise no objections to the proposed development, subject to the imposition of conditions relating to Noise, Dust, Vibration, Hours of Operation and Air Quality to be attached.

Response: Noted. Conditions controlling aspects of the development raised by Environmental Services are proposed to be attached to the consent, if permission is granted.

- 4.3 **Roads and Transportation Services**: raise no objection to the proposed development subject to conditions. The parking requirements for the site consist of seven staff spaces and two visitor spaces. The applicant has completed a Transport Impact Assessment, which concludes that by 2019 there will be an additional eleven vehicles entering the site daily, compared to 2008 numbers. Roads and Transportation Services also request that the access from Drumloch Highway is closed to waste carrying traffic.

Response: As this is an existing operation, the access arrangements and site parking area are already in place. Conditions relating to access restrictions to the site from the A726 and maintenance of the access road are proposed to be attached to the consent, if permission is granted.

- 4.4 **Roads and Transportation Services, Flood Prevention Unit**: requested the applicant provide a copy of their Professional Indemnity Insurance and a signed compliance certificate relating to Sustainable Drainage Design and Flood Risk Assessment. Following the subsequent submission of the completed documents the Flood Prevention unit confirmed that their requirements had been met and that they raise no objection to the proposal.
Response: Noted.
- 4.5 **Scottish Environment Protection Agency (SEPA)**: raise no objection to the proposed development. SEPA confirm that the site is also regulated by the Pollution Prevention and Control (PPC) permit PPC/A/1004241. SEPA is currently in the process of determining the application to vary the existing permit for the operations proposed by this planning application.
Response: Noted.
- 4.6 **Scottish Water**: raised no objections and made no specific comment relative to the proposed development.
Response: Noted.
- 4.7 **Scottish Power Energy Networks**: raise no objections to the proposed development and note that the proposal does not necessitate the deviation of Scottish Power cables.
Response: Noted.
- 4.8 **Historic Scotland**: raise no objections to the proposed development and confirm that they broadly agree with the conclusions of the Environmental Statement, that there will be no significant impacts on any historic environment assets of national importance.
Response: Noted
- 4.9 **West of Scotland Archaeology Service**: raise no objections and made no specific comment relative to the proposed development.
Response: Noted
- 4.10 **Transport Scotland**: note that although the proposal represents an intensification of use, the increase is not significant and the proposal is unlikely to cause an impact on the road network.
Response: Noted.
- 4.11 **Scottish Executive Development Department**: raise no objections to the proposed development.
Response: Noted.
- 4.12 The following organisations were consulted; however no response was received;
- Lindsay, Auldhouse & Chapelton Community Council
 - RSPB
 - Scottish Wildlife Trust

5 Representation(s)

- 5.1 The application was advertised in the East Kilbride News and Edinburgh Gazette in accordance with Regulation 13 (5) of the Environmental Impact Assessment (Scotland) Regulations 1999 and Article 12(5) of the Town and Country Planning (General Development Procedure)(Scotland) 1992 (Application Requiring Advertisement due to Scale or Nature of Operation) and neighbour notification was

carried out. As a result, one letter of objection sent on behalf of 10 local residents was received in respect to this application.

5.2 The representation can be summarised as follows:

- a) **Our property has been subject to serious flooding issues since the Rignuir Landfill operation began.**

Response: The applicant confirms within the ES that surface water was discharged, via a settlement lagoon on the west of the site to the Rotten Burn. A new attenuation basin and sedimentation lagoon has been recently constructed which increases the volume of water storage available from 3,125m³ to 22,500m³. I am satisfied that the existing measures taken within the site adequately restrict the likelihood of the existing and proposed development causing flooding to properties downstream. Furthermore, the applicant has provided a compliance certificate in relation to flood risk and a professional indemnity insurance certificate. The Flood Prevention Unit do not object to the proposed development.

- b) **It was our understanding that the applicant discharged their water to the Rotten Calder, however it is now understood that the water is discharged by spreading it over their land.**

Response: As stated above, surface water is currently discharged to the Rotten Burn via an attenuation basin and sedimentation lagoon which have been designed with sufficient capacity.

- c) **The applicant made unconsented changes to the access road to the site, which has caused increased risk of flooding at our property.**

Response: No unconsented changes have been made to the access road.

- d) **Waste water from Strathaven Road has increased significantly as a result of the Viridor site due to the volume of traffic emitting water and debris.**

Response: This issue is considered within point (a) above and the Flood Prevention Unit raised no objection regarding the application.

- e) **The creation of a large dome does not constitute landfill. The dome will be conspicuous and will not blend in with the surrounding countryside.**

Response: The applicant has submitted a landscape and visual impact assessment as part of the ES. Furthermore, Scottish Natural Heritage who provide advice to the Council on landscape and visual impact matters were consulted. The ES concludes that although there may be visual impacts as a result of the landfilling operation, these would be of a short term temporary nature. On completion, the ES concludes that the proposed land forming would result in moderate visual impact on a number of properties within the immediate surrounding area. These impacts would however be reduced through the use of mitigation measures such as planting. Furthermore, the application has provided a number of photomontages, which demonstrate that the landform is unlikely to break the skyline from many viewpoints within the area.

- f) **A burial ground of historic interest is located near the Crutherland Farm Field, about half a mile from Crutherland Hotel. Consideration should be given to the impact of the proposed development on this historic site.**

Response: The location of the burial ground is noted. Furthermore, consultation was undertaken with Historic Scotland and the West of Scotland

Archaeology Service, who did not object to the proposal. It is considered that the development is unlikely to adversely effect the setting of the burial ground, which is screened by intervening trees.

g) Badger setts exist within the local area. Consideration should be given to the impact of the proposed development on badgers.

Response: Noted. SNH have been consulted and do not object to the application. A condition will be attached to the consent, if the planning application is granted, requiring the submission of a Badger Protection Plan.

h) The conservation of wild orchids is a weak argument for relocating operations.

Response: The applicant has provided a robust justification for the rephrasing of the landfill operations. Whilst the rephrasing of the operations will protect wild orchids present on the northern side of the site, this is not the only reason for the rephrasing. These reasons are discussed further in Section 6 below.

i) A tree survey should be undertaken to establish if any damage has been done to trees located adjacent to the site entrance.

Response: The proposed development does not involve the removal of any trees on site. The applicant has provided additional planting to improve visual screening and additional planting is proposed in during the restoration phase of the development.

j) A bat survey should be undertaken to consider the impacts of the development on bat populations and to establish mitigation measures to reduce impact.

Response: Scottish Natural Heritage were consulted in relation to the proposed development, and did not raise any concern with regards to bats.

k) The operation of the landfill site has had a detrimental impact on the value of my property.

Response: This is not a planning consideration.

l) The landfill has resulted in an increase in rodents and insects in the area.

Response: The Environmental Statement sets out mitigation measures to be undertaken to minimise risk of rodent or insect populations. These measures include the use of insecticide, the use of the waste reception building, daily cover of the landfill to restrict access to food sources, minimisation of the working face area etc. Furthermore, the site has been operational for some time without resulting in problems with flies or rodents. Environmental Services were consulted in relation to the proposed development and raise no objections in relation to rodents and insects.

6 Assessment and Conclusions

- 6.1 Firstly, the principle of landfilling on the site was considered and subsequently approved through permission P/M/93/195. The current application seeks to make changes to the way in which the landfill operates but does not seek to extend the 'life' of the landfill, consented until 2020. As the principle of the development has been established it is considered that there is no requirement to assess this proposal against national or structure plan policies. Therefore assessment of this application considers the detailed operation of the development in relation to local development plan policy. The determining issues in this application are therefore whether the

proposal accords with the relevant provisions of the local plan and whether there are any other material considerations that require to be taken into account.

- 6.2 The adopted South Lanarkshire Local Plan 2009 (SLLP) identifies the application site as being within the Green Belt, designated by Policy STRAT3. Policy STRAT3 sets a presumption against development within the Green Belt unless a proposal is considered to be an appropriate use within the Green Belt. The principle of the use of this site for landfill activities has been established through the approval of P/M/93/195. Furthermore, the site is designated and supported by Policy ENV18 – Waste Management of the adopted SLLP.
- 6.3 Policy ENV18 notes that existing and new waste management facilities shall be safeguarded for waste management use. Table 13.1 lists Rigmuir Landfill site for safeguarding. Proposals for waste management facilities should be assessed against specific criteria contained with Policy ENV39 of the SLLP.
- 6.4 Policy ENV39 – Waste Management Site Assessment Policy of the SLLP sets out specific criteria against which waste management proposals should comply. These criteria are summarised in bold and an assessment provided below.

a. that there is a demonstrated need for the facility

The Environmental Statement includes a statement of need for both the land filling operation (the principle of which was previously approved through P/M/93/195) and for the proposed rephrasing of the land filling.

The National Waste Plan 2003 indicates that by 2020, approximately 30% of municipal waste will still require to be landfilled. SEPA monitor landfill capacity within Scotland, through the review of their Waste Management Licence's or Pollution Prevention and Control (PPC) permits. SEPA's *Landfill Capacity Report for Scotland 2007* refers to the landfill capacity provided by Rigmuir landfill. Given the continued need for landfill capacity over next decade, I am satisfied that there is a justifiable need for this facility.

A justification for the proposed rephrasing of the landfill is also included within the ES. The removal of landfilling operations to the north of the site will both protect the area containing wild orchids and improve site safety by relocating the entire landfill operation to the south of the overhead power lines. Furthermore, an area to the north of the overhead power lines will be used to control surface water runoff, thereby resulting in improvements to the water environment. Finally, the profile of the landform will also be improved, establishing a more natural landform than that previously consented.

In addition to the above, the waste reception building will provide a controlled environment for the arrival, stockpiling, sorting and transfer of waste to the landfill area. I am therefore satisfied that the proposal present environmental benefits which justify the need for the proposed development.

b. its location in relation to the main sources of waste

The residual waste collected from Hamilton, East Kilbride, Cambuslang and Rutherglen will be taken to Rigmuir Landfill for disposal. The site is located within close proximity to these sources of waste and I am therefore satisfied that the proposal complies with this criteria.

c. impact on local communities and other sensitive land uses

The landfill site is currently operational. Council officers have undertaken a number of site inspections and the operation is found to be controlled and well managed, which causes minimal impact on surrounding properties and other land uses. The Environmental Statement sets advanced mitigation measures to control issues such as pests, litter, and odour which is addressed further below. Furthermore, Environmental Services do not object to the proposed development.

The proposed development introduces a number of environmental benefits which will further minimise adverse impacts on the local amenity. I am therefore satisfied that the proposal complies with criteria (c) of Policy ENV39.

d. impact on built heritage features

The impact of the proposed development on archaeology and cultural heritage is considered by the Environmental Statement. The majority of the site has been subject to substantial ground disturbance due to previous opencast coal mining operations. As a result, no Scheduled Ancient Monuments (SAM's) or Listed Buildings are present within the application site. The closest group of listed buildings is located 1km to the north-west of the operational landfill area, however the setting of this group of buildings will not be adversely affected due to substantial tree screening between the site and these buildings. The closest SAM is approximately 2km to the northwest, within the settlement of East Kilbride. I am satisfied that the proposed development will not have an adverse impact on built heritage features and that the proposal accords with this criteria

e. impact on natural heritage features

The site is located approximately 700m northwest of Waukenwae Moss Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), protected for its raised bog habitat. SNH were consulted in relation to the application and confirmed that the development is unlikely to have a significant effect on the protected areas.

The Environmental Statement includes a Landscape and Visual Impact Assessment of the proposed landforming. The assessment concludes that the landscape and visual impact of the landfilling operation would be similar to that previously consented, however there would be an improvement to the completed landform, which involves a more natural landform. SNH agree with this assessment.

In terms of impact of the proposed development on protected species, in addition to the consideration given with the Environmental Statement, the applicant submitted a badger survey, otter survey and national vegetation classification assessment. The applicant has also confirmed agreement to prepare a Badger Protection Plan. SNH, having reviewed the information submitted, raise no objections in relation to impact on species or habitat.

f. impact on environment through issues such as noise, dust, vibration, odour, litter

Environmental issues such as noise, dust, vibration, odour and litter has the potential to cause nuisance to neighbouring land uses, particularly sensitive uses such as residential properties. In extreme circumstances, noise can impinge on people's quality of life.

Noise - The Environmental Statement provides a noise assessment for each phase of the landfill in relation to the four closest residential properties. It is predicted that the closest property, Crutherland Farm, will experience the loudest noise levels (45.2dB (A)) during phase 1 of the operation, which is currently underway. These

noise levels will be reduced once the waste reception building is constructed. It is considered that through the imposition of a condition limiting daytime noise levels in line with national guidance, the operation can be undertaken without adversely impact nearby noise sensitive properties.

Dust and Odour – The Environmental Statement considers the impact of the proposed development on Air Quality and sets out mitigation measures to minimise adverse conditions relating to air quality. These measures include dampening down material with water, use of wind barriers and the siting of stockpiled material being kept away from the site boundary.

Litter – The Environmental Statement sets out a number of mitigation measures to control the unwanted distribution of litter from the landfill operation. Many of the measures set out within the Environmental Statement are already employed within the site, such as fencing the perimeter of the site, inspection and manual removal of litter from the periphery of the site, and operational methods, such as the use of compaction equipment, sheeting of vehicles entering or leaving the site and minimising the size of the area of exposed waste. The proposal also involves the construction of a waste reception building which will provide a controlled environment for unloading waste from refuse collection vehicles.

Vibration – The operation practices adopted within the site are unlikely to cause an adverse impact on the amenity of the area as a result of vibration.

g. design of the site and associated buildings and structures

The application seeks permission for the construction of a waste reception building, which will replace the open reception area. The building will be 35m by 48m by 14.5m high (9.5m to the eaves). It is proposed to attach a condition requiring the approval of materials and colours of the external materials to be used for the building, to ensure it will create minimal impact on the local landscape. The building is of a form and scale similar to those associated within agricultural uses and is therefore deemed appropriate for the rural location. Furthermore, the building will be of a temporary nature and decommissioned on completion of the landfill operation.

Other buildings and structures associated with the operation were previously approved through permission P/M/93/195, and have been constructed on site.

h. hours of operation and term of operation

Condition 9 will limit hours of operation to 7.00am to 7.00pm on Weekdays and 7.30am to 1.00pm on Saturdays with no working on Sundays.

The term of the operation will also be unaltered from that previously consented through P/M/93/195, with a landfill operations due to be completed in 2020 and a further 12months for restoration.

i. mode of transport to be used, access arrangements and traffic volumes

The proposed development will utilise the existing access arrangements from the A726 for heavy waste carrying traffic. The access is currently well maintained, and condition 17 is proposed to be attached to the consent to ensure it continues to be maintained to an acceptable condition. Traffic volumes will remain the same as the consented levels, with up to 249 vehicle movements per day. I am satisfied that the proposed development will not have an adverse on the environment in terms of traffic generation.

j. cumulative impact

Cumulative impact was considered within the Environmental Statement and concluded that there will be no cumulative impact.

k. restoration and aftercare schemes

The application includes details of a restoration and aftercare scheme, which is based on the currently approved scheme. The scheme aims to recreate and enhance the habitats which were on site before the opencast coal extraction began. The restoration would see the creation of woodland, unimproved and wet and dry grassland, and wetland habitat and the aftercare of the site for up to 10 years. The proposed restoration and aftercare arrangements are appropriate for the site and will result in an overall ecological improvement of the site.

l. impact of odours, gas, effluent or leachate

An approved odour management plan is currently in place, which sets out mitigation measures to minimise odour emissions from the site. Consent has been granted for the construction of a gas utilisation compound, which will utilise landfill gas to generate energy which can be fed into the national electricity grid. Furthermore, effluent or leachate is dealt with through the use of reed beds and attenuation and settlement ponds within the northern part of the site. I am therefore satisfied that the proposed development meets the requirements of this policy criteria.

- 6.5 Also of relevance to the determination of this application is policy ENV4 (Protection of the Natural and Built Environment) of the SLLP which seeks to prevent or minimise damage to the natural and built environment. I am satisfied that the proposal will not have a significant impact on the surrounding environment, as discussed in 6.5 above. In addition, it is noted that no objections to the application have been received from consultees.
- 6.6 Policy ENV12 – Flooding of the SLLP sets a presumption against development which would be at risk of flooding or increase the risk of flooding elsewhere. The Environmental Statement includes a Flood Risk Assessment, which concludes that there is no significant increased offsite flooding risks as a result of the development. Furthermore, the Flood Prevention Unit were consulted in relation to the proposed development and raise no objection.
- 6.7 Finally, Policy DM1 of the SLLP requires all developments to take fully into account the local context and built form. As stated above, I am satisfied that the proposal will not unduly impact upon any residential properties and that the environmental impacts of the proposal can continue to be satisfactorily mitigated. Therefore, it is considered that the proposal is consistent with this policy.
- 6.8 In respect of the responses received from statutory consultees, I am satisfied that where appropriate, any comments can either be accommodated in planning conditions and legal agreements.
- 6.9 In summary, I consider that the re-phasing of this landfill facility accords with relevant policies contained within adopted South Lanarkshire Local Plan 2009. The site will be restored as habitat area and it is likely to result in an improvement to the environment. Therefore it is recommended that a time limited permission be granted subject to the schedule of conditions attached.

7 Reasons for Decision

- 7.1 The proposal accords with relevant policies contained within the adopted South Lanarkshire Local Plan 2009. Best practice advice has been incorporated into the

recommended conditions attached to ensure that the site is satisfactorily restored and that the environmental impacts of the proposal are managed.

Colin McDowall
Executive Director (Enterprise Resources)

26 October 2009

Previous References

- ◆ P/M/93/195
- ◆ EK/06/0278
- ◆ EK/08/0382
- ◆ EK/09/0185

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
 - ▶ Volume 1 - Planning Supporting Statement, dated April 2009;
 - ▶ Volume 2 - Environmental Statement and Appendices, dated April 2009;
 - ▶ Volume 2 - Environmental Statement - Drawings; dated April 2009, which includes;
 - LE10278/EIA3.1 - Site Location
 - LE10278/EIA3.2 - Site Location
 - LE10278/EIA4.1 - Consented & Proposed Cell Formation Levels
 - LE10278/EIA4.2 - Proposed Site Layout
 - LE10278/EIA4.3 - Elevations of Proposed Waste Reception Building
 - LE10278/EIA4.4 - Phase 1
 - LE10278/EIA4.5 - Phase 2
 - LE10278/EIA4.6 - Phase 3
 - LE10278/EIA4.7 - Phase 4
 - LE10278/EIA4.8 - Phase 5
 - LE10278/EIA4.9- Phase 6
 - LE10278/EIA4.10 - Phase 7
 - LE10278/EIA4.11 - Phase 8
 - LE10278/EIA4.12 - Phase 9
 - LE10278/EIA4.13 - Phase 10
 - LE10278/EIA4.14 - Phase 11
 - LE10278/EIA4.15 - Phase 12
 - LE10278/EIA4.16 - Post Settlement Restoration Contours
 - LE10278/EIA4.17 - Cross Sections
 - LE10278/EIA4.18 - Phase 1 Restoration
 - LE10278/EIA4.19 - Phase 2 Restoration
 - LE10278/EIA9.2 - Proposed Drainage
 - LE10278/EIA13.3 - Dust Monitoring Locations
 - ▶ Volume 3 - Design and Access Statement, dated April 2009;
 - ▶ National Vegetation Classification Survey Report, dated July 2009;
 - ▶ Otter Survey, dated July 2009;
 - ▶ Extended Badger Survey, dated July 2009.
- ▶ Consultations

Historic Scotland	15/05/2009
Environmental Services	19/05/2009
Scottish Natural Heritage	13/05/2009
Scottish Water	27/04/2009
Power Systems	22/05/2009
Scottish Executive Development Department	13/05/2009
West of Scotland Archaeology Service	07/05/2009
Scottish Executive Development Department	11/05/2009
Scottish Natural Heritage	24/09/2009

► Representations

Representation from : Mrs E Campbell, On behalf of the ten residents at East Flatt Cottages
East Flatt Cottages
Strathaven Road
East Kilbride
G75 0QZ, DATED 30/04/2009

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Donald Wilkins
(Tel: 01698 455903)
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CONDITIONS

- 1 The development hereby permitted shall be started within three years of the date of this permission.
- 2 The Council shall be notified in writing by the applicant of the intended date for the commencement of development on site of the works for which planning permission has been granted.
- 3 The Council shall be notified in writing by the applicant on completion of the works for which planning permission has been granted.
- 4 Unless otherwise directed by conditions attached to this consent, this decision relates to;
Volume 1 - Planning Supporting Statement, dated April 2009;
Volume 2 - Environmental Statement and Appendices, dated April 2009;
Volume 2 - Environmental Statement - Drawings; dated April 2009, which includes;
 - * LE10278/EIA3.1 - Site Location
 - * LE10278/EIA3.2 - Site Location
 - * LE10278/EIA4.1 - Consented & Proposed Cell Formation Levels
 - * LE10278/EIA4.2 - Proposed Site Layout
 - * LE10278/EIA4.3 - Elevations of Proposed Waste Reception Building
 - * LE10278/EIA4.4 - Phase 1
 - * LE10278/EIA4.5 - Phase 2
 - * LE10278/EIA4.6 - Phase 3
 - * LE10278/EIA4.7 - Phase 4
 - * LE10278/EIA4.8 - Phase 5
 - * LE10278/EIA4.9- Phase 6
 - * LE10278/EIA4.10 - Phase 7
 - * LE10278/EIA4.11 - Phase 8
 - * LE10278/EIA4.12 - Phase 9
 - * LE10278/EIA4.13 - Phase 10
 - * LE10278/EIA4.14 - Phase 11
 - * LE10278/EIA4.15 - Phase 12
 - * LE10278/EIA4.16 - Post Settlement Restoration Contours
 - * LE10278/EIA4.17 - Cross Sections
 - * LE10278/EIA4.18 - Phase 1 Restoration
 - * LE10278/EIA4.19 - Phase 2 Restoration
 - * LE10278/EIA9.2 - Proposed Drainage
 - * LE10278/EIA13.3 - Dust Monitoring Locations
Volume 3 - Design and Access Statement, dated April 2009;
National Vegetation Classification Survey Report, dated July 2009;
Otter Survey, dated July 2009;
Extended Badger Survey, dated July 2009.
- 5 That if, due to unforeseen circumstances, it becomes necessary or expedient following commencement of works to materially amend the provisions contained within the approved plans or these conditions, the developer shall submit, for the consideration of the Planning Authority, an amended application and statement of intent: the developer shall adhere to the approved plans unless and until such time

as an amended application is approved by the Planning Authority.

- 6 That all landfilling operations on the site shall be discontinued not later than the 31st December 2020 and, within a period of 12 months from the discontinuance of infilling operations, the entire site (excluding any buildings, structures, lagoons, fixed plant or areas of hardstanding required in association with ongoing management of leachate and landfill gas generated by the site) shall be restored in accordance with the approved restoration plan to the satisfaction of the Council as Planning Authority.
- 7 That within a period of six months from the termination of landfill operations all plant machinery, buildings and the foundations thereof, except those required in association with the leachate treatment, gas monitoring or collection and control or the generation of electricity and restoration, shall be removed from the site and the areas so occupied restored in accordance with the approved restoration plan to the satisfaction of the Planning Authority.
- 8 Prior to the commencement of the works hereby authorised under this planning permission, the following details shall be submitted to and approved in writing by the Council as Planning Authority:
- (a) Details of the location, style and height of all fences and walls erected within or around the boundaries of the site;
 - (b) Details of the location and type of wheel washing facilities installed, and the system (which shall remain in place for the duration of the operation) to ensure that all vehicles using the landfill site have to pass through the operational wheelwash;
 - (c) Details of the site notice board (of durable material and finish), installed at the site entrance detailing the hours the site is open and giving the name, address and telephone number of the operator.
 - (d) A layout of the site service and waste reception area, and detailed plans and elevations of all buildings, structures and fixed plant erected on site, including colours and type of external materials to be used.
 - (e) Details of the reed bed construction
 - (f) Details of the site access road from the A726
- 9 That, without the prior written approval of the Planning Authority, the site shall not operate outwith the hours stated below, and during these hours the site shall be adequately manned and supervised.

	Weekdays	Saturdays
Time of Opening	7.00 am	7.30 am
Time of Closing	7.00 pm	1.00 pm

There shall be no working on Sundays, unless otherwise agreed in writing with the Planning Authority.

- 10 That with respect to the control of noise resulting from the operations at this site the developer shall comply with the following:
- that during the operational hours, as defined by Condition 9, the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 55 dB(A) LAeq, over any one hour period;
 - that during the non-operational hours the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 42 dB(A) LAeq, over any one hour period;
 - that, for activities such as soil stripping and constructing permanent landforms, during operational hours and for no more than 8 weeks in any 12 month period,

the nominal noise limit from site operations at all noise sensitive properties, in the vicinity of the site, shall not exceed 70 dB(A) LAeq, over any one hour period .

- 11 Efficient silencers shall be fitted to and used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.
- 12 That reversing alarms used on plant and vehicles shall be either non-audible, ambient related, or low tone devices.
- 13 That no external lighting shall be installed at the site without the details of which being submitted to, and approved in writing by the Planning Authority beforehand.
- 14 Final grading shall be carried out in accordance with the approved restoration scheme and as a minimum will avoid dishing or other depressions where water may collect.
- 15 Heavy waste carrying traffic shall only access the site via the existing site access point from the A726 (East Kilbride to Strathaven Road), unless otherwise approved in writing by the Council as Planning Authority.
- 16 The applicant or subsequent operator(s) shall at all times be responsible for the removal of mud or other materials deposited on the public highway by vehicles entering or leaving the site.
- 17 That the site access road from the A726 (East Kilbride to Strathaven Road) shall be maintained in such a condition as to prevent ruts, potholes and ponding of water and must at all times be free of debris.
- 18 Topsoil, subsoil, and any other soil forming material shall be carefully stored in separate dumps and prevented from mixing. Topsoil and subsoil dumps shall be evenly graded and the tops shaped to prevent water ponding, and seeded with a suitable grass mixture.
- 19 That all weeds growing in the area shall be cut or sprayed with weedkiller annually, or more often if considered necessary in the opinion of the Council as Planning Authority for the duration of the infilling operation and for five years following completion of the restoration.
- 20 That the type of waste to be deposited within the site shall consist solely of wastes permitted by the Landfill (Scotland) Regulations 2003 for acceptance at a Non-Hazardous landfill.
- 21 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant shall be erected or installed within the site, unless details of their location and appearance have received the prior written approval of the Planning Authority.
- 22 All containers being used to store liquids (which have the potential to cause pollution) within the application site shall be labelled clearly to show their contents, and located in a bund which shall be at least 110% of the capacity of the largest container stored within it.

Bunds shall conform to the following standards:

- * The walls and base of the bund shall be impermeable
- * The base shall drain to a sump
- * All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- * Vent pipes shall be directed down into the bund;
- * No part of the bund shall be within 10 metres of a watercourse;
- * Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

- 23 Prior to the commencement of the approved development, a Badger Protection Plan shall be submitted to the Council for approval, in consultation with Scottish Natural Heritage (SNH). The Badger Protection Plan shall detail the measures and programme to be put in place to protect Badgers present on site.

For avoidance of doubt, the Badger Protection Plan shall include the information requested by SNH within Appendix 1 of their letter dated 14th August 2009, unless otherwise agreed in writing by the Council.

The Badger Protection Plan shall be implemented in full unless otherwise agreed in writing with the Council as Planning Authority.

REASONS

- 1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 2 To enable the Planning Authority to monitor the development and to ensure that it is carried out in accordance with the terms of this consent.
- 3 To allow inspection of the finished work
- 4 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 5 In order that the terms of consent may be reconsidered should a change in operation become necessary.
- 6 To ensure that the Planning Authority retains effective control of the development and to ensure that the site is satisfactorily restored.
- 7 To ensure the timeous removal of any buildings, machinery or equipment no longer required at the site.
- 8 In order to retain effective planning control.
- 9 To safeguard the amenity of the nearby properties.
- 10 To minimise any nuisance and to protect the amenity of nearby properties.
- 11 To minimise any nuisance and to protect the amenity of nearby properties
- 12 To minimise any nuisance and to protect the amenity of nearby properties
- 13 In the interests of the general amenity of the area.
- 14 To ensure a satisfactory final landform.
- 15 In the interests of road safety.
- 16 In the interests of road safety.
- 17 To minimise the chance of any debris from the site being trailed onto the public highway; in the interests of road safety.
- 18 To preserve the quality of the soils and to secure the eventual restoration of the site.
- 19 In the interests of visual amenity.
- 20 To control the type of waste to be deposited at the site.
- 21 To ensure control over such development on the site so as to minimise potential visual and landscape intrusion
- 22 To ensure the safekeeping of such liquids.
- 23 To ensure that provision is made to safeguard the interests of protected species.

For information only

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