

	<h1>Report</h1>	Agenda Item <h2>8</h2>
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Report to:	Planning Committee
Date of Meeting:	26 May 2009
Report by:	Executive Director (Enterprise Resources)

Application No	HM/08/0667
Planning Proposal:	Continued Operations of Existing Landfill and Recycling Centre for Inert Waste, Road Construction Waste, Green Waste and Gully Waste for Recycling of Materials for Resale or Disposal to Landfill.

1 Summary Application Information

- Application Type : Mineral Application
- Applicant : William Hamilton & Sons (Contractors) Ltd
- Location : Dovesdale Farm
Carlisle Road
Stonehouse

2 Recommendation(s)

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

- (1) Grant Detailed Permission – Subject to Conditions (based on conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application. Prior to consent being issued a Restoration Bond will require to be lodged by the applicant to ensure that the site is satisfactorily restored.

3 Other Information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted)**
Policy STRAT 3 – Green Belt
Policy ENV 17 – Waste Management Policy
Policy 38 – Waste Management Site Assessment Policy
Policy DM1 – General Development Management Policy

The National Waste Plan 2003 and Glasgow and Clyde Valley Area Waste Plan 2003

- ◆ Representation(s):

- ▶ 0 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Roads and Transportation Services (Hamilton Area)

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

Planning Application Report

1 Application Site

- 1.1 Dovesdale Farm is situated adjacent to the B7078 Carlisle Road, some 1.5 km southeast of Stonehouse and 4 km south of Larkhall. The site is located approximately 1km to the southwest of Carlisle Road and comprises the applicant's haulage business centre (an operational building and associated lorry and car parking area), together with a former quarry which is currently being infilled with inert material. The site also contains recycling facilities for certain types of waste material. It covers an area of 5.5ha and is surrounded by agricultural land.
- 1.2 Access is gained via a private road leading from the B7078 and serving no other properties. The M74 Motorway is located to the east of the site with access to it gained some 2km to the north.

2 Proposal(s)

- 2.1 The applicant seeks to renew and consolidate previous planning consents relating to the site, namely HN/94/0075 (Infilling of former stone quarry using inert materials), HN/96/H452 (an amendment to extend the time period for operations, the type of material brought to the site and hours of operation) and HM/00/00128 (an amendment to permit material to be brought to the site on Sundays). HN/96/H452 was granted in February 1998 and required the infilling operations to cease on 30th April 2009.
- 2.2 Since that consent was issued, the applicant has significantly developed that part of his operations relating to the recycling of materials. In turn, this has had an impact on the volumes of material being deposited to the landfill. It is now anticipated that with the landfill having a void of around 560,000m³ and with the current filling rate being 25,000 to 30,000m³ per annum, that its life could be extended for a further 20 years.
- 2.3 The applicant therefore seeks to extend the period for infilling and recycling operations until 2029. No changes are sought to operating hours or processes taking place on-site. Current consented hours of operation are from Monday to Saturday 0700hrs – 1900hrs and Sundays 1100hrs – 1600hrs. Materials brought to the site for infill or recycling include inert waste, road construction waste, green waste and gully waste.

3 Background

3.1 Government Advice/Guidance

- 3.1.1 SPPG 10 – 'Planning for Waste Management' - states that land use planning has an important role to play in achieving sustainable waste management and that planning decisions should be based on amongst other principals, the consideration of Best Practicable Environmental Option (for dealing with a particular waste stream) and the proximity principle (for dealing with waste in the area it arises).
- 3.1.2 It also states that the continued provision of facilities that allow for sorting and transfer of materials will spare the needless landfilling of such waste.
- 3.1.3 Planning Advice Note 63 (PAN 63) 'Waste Management Planning' provides planning advice on the approach to dealing with waste management infrastructure proposals.

- 3.1.4 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.
- 3.1.5 The Glasgow and Clyde Valley Area Waste Plan 2003 recognises that to achieve recycling targets, suitably located facilities will be required in the Glasgow and Clyde Valley Area. It states that in 2000, approximately 2,665,000 tonnes of construction and demolition waste arose within the Glasgow and Clyde Valley Waste Strategy Area. Of this, approximately 39% is recovered and 37% sent to landfill. Nationally it has been found that a further 37% of the landfilled waste could be recycled.

3.2 **Development Plan Status**

- 3.2.1 The adopted South Lanarkshire Local Plan (SLLP) identifies the site as being covered by Policy STRAT3 – The Greenbelt and Urban Settlements. Also relevant to the determination of this proposal are Policies ENV17 – Waste Management and ENV38 – Waste Management Site Assessment Policy. Policy DM1 – Development Management states that all planning applications require to take account of the local context and built form and should comply with various criteria relating to amenity, access etc.

3.3 **Planning Background**

- 3.3.1 Planning consent was initially granted in 1994 under HN/94/0075 for the infilling of the former stone quarry/open cast coal site with inert material. Operations were conditioned to cease by 30 April 1999. In a separate consent, the applicant relocated his haulage business from Larkhall, to Dovesdale Farm. A further application (HM/96/H452) to amend these two separate, but related applications was approved in May 1997. These amendments largely related to:
- a) the incorporation of recycling/reprocessing operations and stockpiling of wastes and reprocessed products;
 - b) an extension to the lifespan of the landfill site until 2009;
 - c) permitting additional waste types to be brought to the site including biodegradable wastes; and
 - d) extending opening hours and the number of vehicles operating from the site.
- 3.3.2 Subsequent applications were approved under HM/00/0128 to allow limited green waste to be brought to the site on Sundays and under HM/05/0018 to permit an increase in the number of vehicles operating from the site.

4 **Consultation(s)**

- 4.1 **Roads and Transportation Services** – no objections since the proposed increase will not affect the current access arrangements and will have no significant impact on the local road network.

Response: Noted.

- 4.2 **SEPA** – no objection. The landfill activities on-site are currently regulated in accordance with the Waste Management Licensing Regulations (WML) 1994 (as amended). Discussions are ongoing with the applicant re future changes which will result in authorisation being required under the Pollution Prevention and Control (Scotland) Regulations 2000 (as amended). The applicant has submitted the requisite permit application but this has yet to be determined. Composting activities on-site will continue to be regulated under the WML.

Response: Noted.

- 4.3 **Environmental Services** – no objections subject to conditions relating to dust mitigation and hours of operation.

Response: Noted. Appropriate conditions will be imposed.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to the Scale or Nature of Operations). No letters of representation were received.

6 Assessment and Conclusions

- 6.1 The determining issues relate to whether the proposal accords with the relevant provisions of the development plan; whether it is consistent with the relevant guidance and advice in the National Waste Strategy (NWS), the Glasgow and Clyde Area Waste Plan (GCVAWP) and Scottish Planning Policy 10: Planning for Waste Management (SPP 10); and whether there are any other material considerations that require to be taken into account.
- 6.2 The proposal is generally consistent with the aims and objectives of both the NWS and the GCVAWP. These recognise the need to deal with non-municipal waste as an important part of the overall effort to achieve more sustainable ways of treating waste. They encourage measures taken to secure increased recycling and reuse of waste resulting in a reduction of waste returned to landfill.

Similarly, SPP10 emphasises that priority be given to the reduction of waste at source, its reuse and recovery by recycling.

- 6.3 The site is identified in the SLLP as being covered by Policy STRAT 3 - The Green Belt and Urban Settlements in the Green Belt Policy. This contains a presumption against development unless it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation or other uses considered by the Council to be appropriate to the Green Belt. The principle of infill operations at this site was previously established through the granting of planning permission for infill and subsequent restoration to agricultural land under application HN/94/0075. Within this context and assessing the current scheme, I therefore do not consider that the Green Belt policy is compromised by this application.
- 6.4 Policy ENV17 – Waste Management, states that in considering applications for waste management facilities or the disposal of waste, the Council will have regard to government guidance, the National Waste Strategy, National Waste Plan and the Glasgow & Clyde Valley Area Waste Plan. In addition, Policy ENV 38 sets out the specific criteria that any proposal would have to comply with. A number of environmental criteria are listed and I am satisfied that the continuation of the existing operations would not adversely impact on matters such as noise, visual impact, dust, vermin, natural or built heritage and effect on the road network.
- 6.5 Policy DM1 – Development Management, lists a number of criteria which proposals are expected to comply with. This includes criteria relating to visual and environmental impact, provision of suitable access and parking facilities, making appropriate infrastructure provision to serve the development and addressing sustainability issues. The site is situated off the B7078 which, in conjunction with the close proximity of the M74 motorway, provides a good roads network for this type of operation. No other properties share the site access. The contours of the land are such that the site slopes down towards the Cander Water and then rises towards

Stonehouse. This undulating topography conceals the site from most of Stonehouse and it is only visible from a limited number of locations. The facility has operated, to date, without adversely affecting the locality in terms of visual or environmental impact. No complaints regarding the operation of the site have been received in recent years and no objections were lodged to the application and there are no adverse comments from consultees. Further, increased recycling operations at the site have improved the sustainability of the operation. I am therefore satisfied that the proposal complies with policy DM1.

- 6.6 In conclusion, it is considered that the continued use as a recycling facility and landfill site with subsequent restoration to agricultural use complies with both local and national policy guidance which seeks to encourage increased recycling and reuse of waste resulting in a reduction of waste returned to landfill. The site has operated since 1995 and the business as a whole has grown to a level that it now employs 70 people. The increased emphasis on the recycling of waste materials has contributed towards this.
- 6.7 In light of the above, I recommend that the application be granted subject to conditions. Although the applicant has requested a 20 year extension to the time period for operations, I consider that a 10 year consent is more appropriate in order to retain effective control of the site. However, consent will not be issued until a restoration bond has been lodged with the Council.

7 Reasons for Decision

- 7.1 The proposal complies with Policies STRAT3, ENV17, ENV38 and DM1 of the adopted South Lanarkshire Local Plan and with the general provisions of the National Waste Strategy, the Glasgow and Clyde Area Waste Plan and SPP10. It is considered that the proposal will have no adverse impact on amenity in terms of traffic generation, dust, noise or impact on visual amenity and that conditions can satisfactorily control operations on-site.

Iain Urquhart
Executive Director (Enterprise Resources)

13 May 2009

Previous References

- ◆ HM/96/H452
- ◆ HM/00/0128

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - S.E.P.A. (West Region) 29/01/2009
 - Roads and Transportation Services (Hamilton Area) 06/01/2009
 - Environmental Services

- Representations
None

Contact for Further Information

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

Karen Brown, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton
Ext. 5945 (Tel :01698 455945)
E-mail: Enterprise.hq@southlanarkshire.gov.uk

CONDITIONS

- 1 That the applicant shall at all times deal with the areas forming the subject of this consent in accordance with the provisions of this application, management plan and plans submitted except as otherwise provided for by this consent, and shall omit no part of the operations provided for therein except with the prior consent of the Council as Planning Authority.
- 2 All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures and buildings shall be removed and the site restored in accordance with the conditions of this permission not later than 10 years from the date of this permission, unless otherwise approved in writing by the Council as Planning Authority.
- 3 That if, by reason of any circumstances not foreseen by the applicant, it becomes necessary or expedient during the continuance of the operations hereby approved to amend or abandon to a material extent any of the provisions contained in the various documents comprising the management plan, the applicant shall submit for the consideration of the Planning Authority an amended application and management plan, but shall adhere to and comply with the present consent until such time as the amended application and management plan have been approved.
- 4 Within 3 months of the date of this consent, details of a phased scheme of landfilling and restoration shall be submitted to the Council as Planning Authority for approval. Following approval, operations shall be implemented in accordance with the approved scheme.
- 5 In the event of a cessation of operations for a period exceeding 12 months at any time before operations are completed, a reinstatement and restoration scheme shall be submitted forthwith to the Council as Planning Authority for approval. The scheme shall provide revised details of final levels, restoration, capping landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be carried out in accordance within a timescale to be approved.
- 6 Provision shall be made at all times to ensure that the site and adjoining agricultural land is adequately drained and alternative arrangements are made for any interruption of adjacent drainage systems.
- 7 An annual survey of levels shall be carried out, commencing from the date of this consent. A copy of the survey shall be submitted to the Council as Planning Authority within 14 days of it being undertaken.
- 8 Unless otherwise approved in writing by the Council as Planning Authority, the landform in each completed phase and surface restoration levels shall accord with the post settlement landform and contours shown on submitted Drawing No. 76.0468/PE/04 dated October 2008.
- 9 That before 7.00am and after 7.00pm on Mondays to Saturdays, no tipping or recycling operations shall take place within the site and that no operations shall take place within the site on Sundays except for the receipt of green/gully waste

between the hours of 11.00am and 4.00pm.

- 10 Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 11 The operator shall ensure that sufficient water is maintained onsite to address the site's requirement for dust suppression.
- 12 That prior to any laden road vehicle entering or leaving the site, the load shall be suitably sheeted to ensure there is no escape of materials.
- 13 That the only materials to be accepted on site shall be inert waste, road construction waste, green waste and gully waste.
- 14 That the public road adjacent to the site shall be kept clear of mud or other deposited material at all times. If the carrying of material onto the public highway becomes evident, then appropriate wheel cleaning facilities shall be installed within a timescale to be agreed in writing with the council as Planning Authority.
- 15 Within one year of the date of this permission, or within such longer period as may be approved in writing by the Council as Planning Authority, a grassland agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted to the Council as Planning Authority for approval. The aftercare scheme shall be implemented as approved, or as may subsequently be approved, in writing, by the Council as Planning Authority.

The submitted scheme shall specify the steps to be taken and state the five year period during which they are to be taken and shall make provision for:-

- (i) soil analysis;
- (ii) planting;
- (iii) cultivating;
- (iv) fertilising;
- (v) watering;
- (vi) drainage;
- (vii) weed control measures;
- (viii) grazing management;
- (ix) keeping of records; and
- (x) annual meetings with representatives of the Council as Planning Authority, landowners and interested parties to review performance.

The period of agricultural/meadowland aftercare for the site or any part of it shall commence on the date of written certification by the Council as Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

- 16 That during operations on-site, the level of noise emanating from the site shall not exceed 55dB LAeq over any one hour period, as measured at the outside wall of the nearest residential property to the application site.
- 17 Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' 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.
- 18 Reversing alarms used on plant and vehicles on the site shall be either non-audible, ambient related, or low tone devices.
- 19 That within one year from the date of consent (and on that date each year thereafter, the operator shall submit to the Council as Planning Authority, an annual progress plan detailing:
 - a) the extent of operations undertaken that year;
 - b) Areas of infilling;
 - c) Recent site survey;
 - d) Current and anticipated infilling figures;
 - e) Remaining volume of infill;
 - f) Compliance with statutory permissions;
 - g) Site logs and actions taken.

REASONS

- 1 In order to retain effective planning control
- 2 To ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.
- 3 In order that the terms of consent may be reconsidered should a change of intention become necessary
- 4 To enable the Council as Planning Authority to control operations and to monitor the site to ensure compliance with the planning permission.
- 5 To ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.
- 6 To demonstrate that a satisfactory means of waste and surface water drainage can be achieved.
- 7 To ensure the satisfactory restoration of the site.
- 8 To ensure the satisfactory restoration of the site.
- 9 To minimise noise disturbance to adjacent occupants.
- 10 To minimise the risk of nuisance from dust to nearby occupants.
- 11 To minimise any nuisance and to protect the amenities of neighbouring properties.
- 12 In the interest of road safety
- 13 In the interests of amenity and in order to retain effective planning control.
- 14 To clarify those details approved and in the interests of pedestrians and vehicular traffic safety.
- 15 To provide for the return of the site to the required standard for the specific after use during the five year aftercare period.

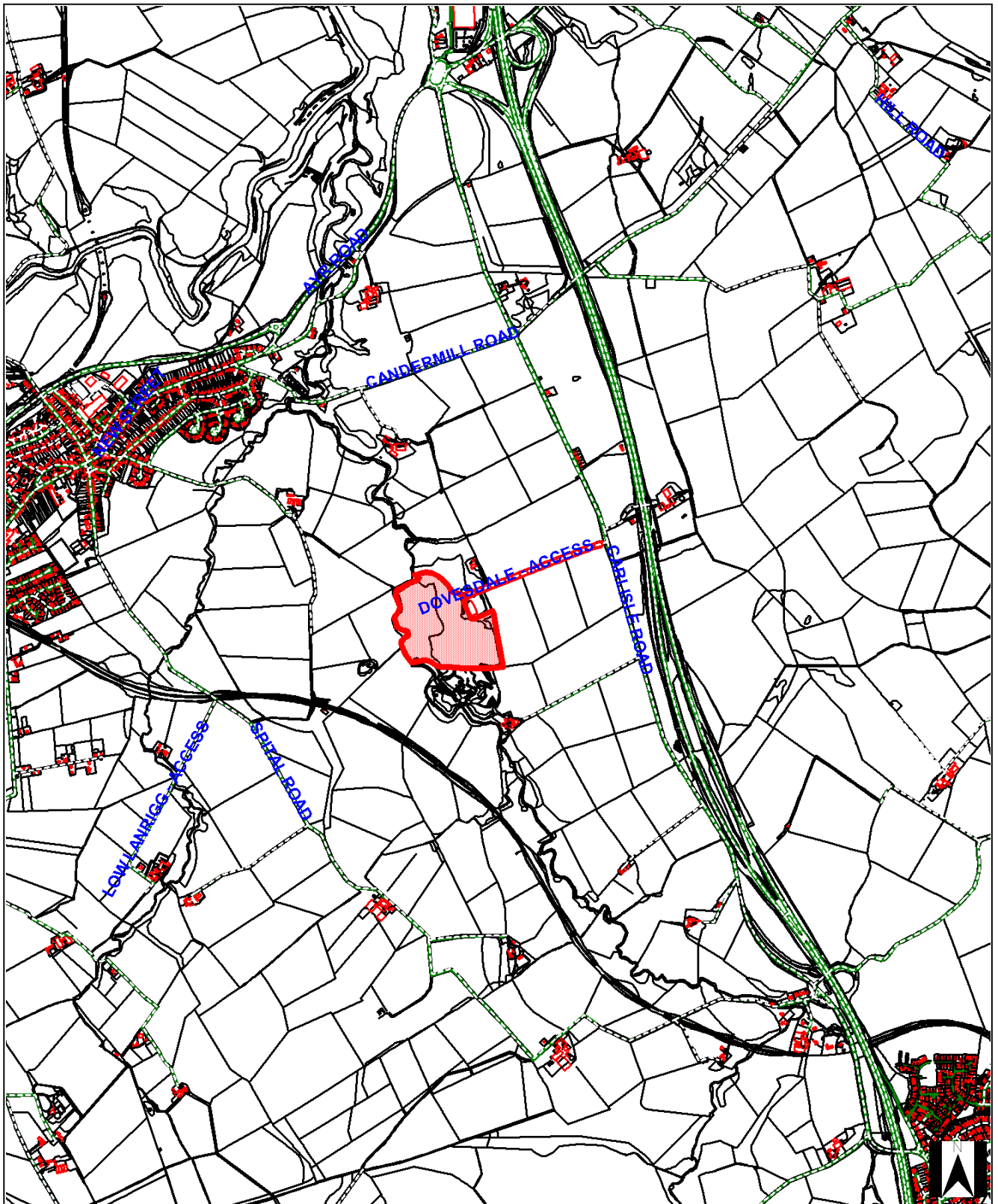
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17 To minimise any nuisance and to protect the amenities of neighbouring properties.

18 To minimise any nuisance and to protect the amenities of neighbouring properties.

19 To retain effective planning control of the site.

For information only



For information only