

Planning Committee
7 December 2016

Irvine, 7 December 2016 - At a meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Bar, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

Also Present

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of meetings of the Committee held on 16 November 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

16/00793/PP: Site To North Of Knowes Farm, Beith

Smith Skip Limited have applied to vary Condition 2 of planning permission dated 20 August 2001 (ref: 99/00036/PP) to enable waste disposal operations to continue until 20th August 2026 at the site to the north of Knowes Farm, Beith. Condition 2 initially limited the operations to within 10 years of commencement of the permission. The operations commenced August 2006 and therefore Condition 2 required operations to cease by 20 August 2016. The original conditions were attached as Appendix 1 to the report. Ninety-one objections and two representations were received. The objections/representations and the applicant's response, where appropriate, were summarised in the report.

Elected Members visited the site on 1 December 2016.

The Committee was advised of a correction to the report on Page 17 (Sections 3.7 and 3.8) which should read 20th August 2026.

Mr Ross (objector) and resident of Beith, addressed the Committee in support of his objections. There have been 13 previous applications but it is not clear at which point the contour levels of the site were agreed. He acknowledged that the site has been established, but referred to Section 3.5 of the report which stated that it is not considered that a location within a settlement for such a use would be desirable. In terms of the capacity of the site, the levels should have been achieved within 10 years and there has been plenty of time to achieve this. The materials brought to the site are almost exclusively from outwith North Ayrshire and other sites are available within a 25 miles radius. The proposed Code of Practice for vehicle movements is welcomed, however there are no details of how this would be policed. There is little evidence of efforts to examine other options in order to reduce the impact on the operation of the site on local residents. He considered that the Officer's report should be referred back for a more balanced proposal.

Janet Barr (objector) and resident of Kings Road, Beith, said her main concerns were health and safety and advised of the dust and mess generated by the lorries accessing the site via Kings Road, with dust penetrating into the homes along the route. Despite the lorries being covered, stones and boulders are cast from the vehicles onto the road and properties. The drivers need to respect the speed limits, particularly in poor weather conditions. The vehicles are noisy and are too big to use Kings Road and consideration should be given to the residential nature of road, including the close proximity of lorries to parked cars and the movement of pedestrians.

Councillor Jean Highgate (objector), resident and local Councillor of Beith, advised that a letter from W H Malcolm dismissed concerns regarding noise, dust and vibrations. Whilst changes in legislation have resulted in the site not meeting the infill deadline, the infill levels are being given more consideration than the local residents. The length of the proposed permit should be reduced.

Mr Doak, AED Planning and Development, on behalf of the applicants, Smith Skip Ltd, then addressed the Committee in response to the issues raised. W H Malcolm was appointed as the main contractor for the site in 2013 and have invested in the site and made operational changes for environmental improvement. The waste market has been affected by changing legislation which has resulted in fluctuations in the quantity and density of waste. The site therefore requires 9 further years of infilling and one additional year for restoration. SEPA has acknowledged that previous infill rates cannot be guaranteed for future years. No objections have been received from statutory consultees and the operator has not received any complaints from local residents prior to the submission of the application. The proposal also accords with the Local Development Plan. The applicant has proposed that a Code of Practice for Haulage be introduced, which would outline the practices expected from hauliers and could include the exclusion of drivers from the site who persistently breach the Code. The establishment of a Liaison Committee has also been proposed. The Liaison Committee would provide a forum for local concerns to be raised and for the sharing of information.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- a number of complaints to SEPA in 2012 and 2014 relating to odour caused by operational issues;
- vehicles using Kings Road to access the new school site in Largs;
- the covering of vehicles to prevent debris falling onto public roads;
- infrastructure investment, a restriction on waste types and changes to management control that took place in 2013 to reduce the odour impact from the site;
- the use of articulated lorries and tippers by five haulier companies to access the site, via Kings Road, at an average of one per hour over a 10 hour day;
- 4 axle vehicles which use the A760 route to the site;
- the introduction of a road sweeper to clean the road as required and the provision of wheel washing facilities on site;
- the policing of the Code of Practice by the main contractor, W H Malcolm;
- the Code of Practice that could examine areas such as a restriction on vehicle using Kings Road during the times when children will be walking to school and the maximum number of articulated lorries using Kings Road per day;
- an examination of SEPA conditions in relation to the measurement of emissions on route to the site;
- that the site could not be restored within the 3 year timescale proposed by the objectors to the application;
- the burn-off of methane within the site;
- Sunday deliveries to the site which are required to allow flexibility;
- Liaison Committees which are useful in communicating with local residents to resolve local concerns;
- safety concerns for pedestrians using Kings Road, including school children walking to the new campus; and
- proposed conditions that could be put in place to restrict the types of waste deposited on the site, in particular to exclude residential domestic waste and to require the establishment of a Liaison Committee.

The Committee agreed to grant the application, subject to (a) the terms of Condition 22 being reported back to Committee for determination, and (b) the following conditions:-

1. That the landfill operations at the application site shall at all times be carried out in accordance with the working method statement, drawings and supporting information hereby approved, and there shall be no change in the operation or working method without the written approval of North Ayrshire Council, as Planning Authority.
2. That by the 20th August 2026 the operations hereby approved shall cease and the site shall be restored to the satisfaction of North Ayrshire Council, as Planning Authority.

3. That in the event of operations ceasing on the site prior to the date specified in Condition 2, within six months of the cessation of operations all buildings ancillary to the landfill operations shall be removed and the entire site restored to the satisfaction of North Ayrshire Council, as Planning Authority. Operations will be held to have ceased in the event of no in-fill operations being carried out for 6 months. For the avoidance of doubt, any voids not completed shall be covered over with top soil and grass seeded.
4. Deliveries to the site shall be made only within the hours of 07.00 to 18.00 Monday to Friday and 07.00 and 14.00 Saturday. The operation of the site shall take place only within the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 Sundays, except in the case of emergencies to be agreed as soon as practicable with North Ayrshire Council, as Planning Authority.
5. That within 3 months of the date of the decision, detailed site drawings of the phasing operations for in-fill in the remaining cell areas shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter operations shall be carried out in accordance with the approved details.
6. That within 3 months of the date of the decision the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, details of a financial bond secured with SEPA to ensure the restoration of the site to agricultural use in the event that the applicant is unable to implement the restoration works approved under Condition 3 above.
7. That within 3 months of the date of the decision, confirmation of the location and size of the topsoil stockpile shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
8. That all topsoil and soil forming material to be removed shall be stored within the land shown on the approved drawings as being in the applicant's ownership and shall not be taken off site without the written consent of North Ayrshire Council, as Planning Authority.
9. That the topsoil and soil forming material stockpiles shall be kept free of weeds and shall be seeded to the satisfaction of North Ayrshire Council, as Planning Authority.
10. That within 3 months of the date of the decision, details of measures to prevent and control the emission of dust from the site shall be submitted to, and approved in writing by, North Ayrshire Council, as Planning Authority.
11. That in the event of dust produced by the tipping operations hereby approved or by vehicles passing to and from the site constituting nuisance, measures will be taken by the operator to control the dust emissions to the satisfaction of North Ayrshire Council, as Planning Authority.

12. That all leachate shall be constrained within the site and treated in accordance with the requirements of the Scottish Environmental Protection Agency to the satisfaction of North Ayrshire Council as Planning Authority.
13. That within 3 months of the date of the decision, an assessment of the volume and toxicity of the leachate generated by the current operations at the existing landfill, including an assessment of the risk this may present to natural systems, including a worst case scenario should the containment system fail, shall be submitted to North Ayrshire Council, as Planning Authority for their written approval, which report shall demonstrate that the water treatment proposals are adequate to eliminate any pollution risk.
14. That the operator shall take all necessary measures to control vermin at the site of the operations hereby approved to the satisfaction of North Ayrshire Council, as Planning Authority.
15. That there shall be no burning of material on the site at any time.
16. That within 3 months of a date of the decision, an updated landscape impact assessment supported by a costed programme of mitigation and screening shall be submitted to North Ayrshire Council, as Planning Authority, for their written approval.
17. That any further planting comprised in the approved details submitted under Condition 16 above shall be carried out in the first planting season following the commencement of the development and any trees which, within the lifetime of the operations, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
18. That the operator shall seek to ensure that no loose material is carried out onto the C25 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
19. That within 3 months of the date of the decision, confirmation of the separation of the surrounding surface drainage from that draining the operational area, which includes a method of interception and diversion of the existing surface water drainage, shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
20. That within 3 months of the date of the decision, an updated scheme for the restoration of the site which fully details the backfilling and topsoil replacement operations, the construction of drains, ponds, footways and details of all plant species including their planting density, shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority. This restoration scheme shall be accompanied by a detailed aftercare management plan which shall set out a five year programme of works to ensure the successful implementation of the restoration scheme.

21. That the restoration scheme and aftercare programme submitted under Condition 20 shall be implemented to the satisfaction of North Ayrshire Council, as Planning Authority, in accordance with the approved documents.
22. That within 3 months of the date of the decision, a draft Code of Practice for vehicle movements will be submitted for approval of North Ayrshire Council, as Planning Authority. The draft Code of Practice will include issues listed on page 4 of the letter dated 14th November 2016, submitted by the AED Planning and Development on behalf of the applicant as part of this application. The development will thereafter be carried out in accordance with any Code of Practice agreed by the Council.
23. The types of waste permitted to be deposited on site will be restricted to those permitted by SEPA in the Pollution Prevention Control permit for the site, or any future regulatory permit by the authorised environmental protection body, excluding residual domestic waste. Any changes to the types of waste permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.

4. Call In Request: Isle of Arran: Brodick: Site to the south of Shore Road: Erection of a Detached Dwellinghouse

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Bruce, Gurney and Barr that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"Sufficient public interest has been generated at this stage over the re-design of the build".

Councillor Bruce was in attendance and addressed the Committee in support of the call in request. Councillor Bruce referred to representations he had received from Arran residents. Given the level of public interest and in light of recent raised awareness of planning decisions, the application would merit consideration and determination at a public meeting of the Planning Committee, rather than by officers under delegated powers.

Councillor Barr, seconded by Councillor McNicol, moved, in terms of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 and in accordance with the approved call in procedure, that the Committee agree, that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

As an amendment, Councillor Ferguson, seconded by Councillor Steel, moved that the Committee agree not to call in the application and that instead it be determined by officers under delegated powers.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried

Accordingly, the Committee agreed not to call in the application and that instead it be determined by officers under delegated powers.

The meeting ended at 4.05 p.m.