
NORTH AYRSHIRE COUNCIL

20th February 2019

Planning Committee

Locality	Garnock Valley
Reference	18/00968/PPM
Application Registered	8th November 2018
Decision Due	8th March 2019
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
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Location	Middleton Depot Lochlibo Road Burnhouse Beith Ayrshire KA15 1LL
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Applicant	William Tracey Limited
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Proposal	Manufacturing of soil from waste including treatment operations
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1. Description

The site is a former quarry with the quarry cut having been restored under planning permission granted in 2002 (ref: 00/00500/PP). That permission allowed the disposal of inert waste and the establishment of an associated waste composting facility. The permission was varied in 2006 (ref: 05/00537/PP) to increase the landfill level and in 2014 (ref: 14/00639/PP) to update the restoration scheme and extend the life time of the operations by 3 years.

The restoration works ceased and planning permission is sought to retain the use of the site for the manufacture of soil from waste including treatment operations. The manufacture of soil comprises the recycling of a variety of non-hazardous and inert waste streams into restoration materials. The type of material is controlled by SEPA through the licensing regime. However, typical materials include construction/demolition rubble which is crushed to extract soil and aggregate. That soil is then mixed with other material such as ash from biomass boilers, compost and/or sludge from industrial processes. The mixed material creates a soil richer in nutrients. It is anticipated that up to 100,000 tonnes of material will be processed through the site per annum.

The machinery involved includes crushing/sorting plant, which sorts the aggregates from the soil contained within the construction/demolition rubble. The soil is formed using mobile digger vehicles. The diggers mix the various ingredients together. The mixed material is then left for a period of time, such as a week, before it is ready as nutrient rich soil.

The site is approx. 6.6 hectares in area. It is aligned north-west/south-east with access from the A736 at the south-eastern end. The workshop and offices are within existing buildings at the south-eastern end with the area where soil manufacturing takes place being some 350m distant at the north-western end. This is accessed by an existing concrete access road.

Planning permission was also granted in 2010 (ref: 09/00873/PP) for the installation of an in-vessel composting plant to process approx. 24,500 tonnes per annum of combined green and food waste. This permission was not implemented and has now lapsed.

The application site is within the Countryside as identified within the Adopted Local Development Plan (LDP). The LDP maps also identify the site as a waste management installation. The proposal requires to be assessed against Policy PI7: Waste Management and the General Policy of the LDP.

The applicant also carried out a Pre-Application Consultation in accordance with the requirements for a planning application classified as 'major.' The applicant publicised the proposal and held a public event. No representations were received. A report of this process has been submitted by the applicant.

Relevant Development Plan Policies

General Policy GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.
- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives.

In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will generally be required to ensure an appropriate boundary between town and country is provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance.

Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development, including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement.

This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

POLICY PI 7: WASTE MANAGEMENT

General

1. Development of waste management installations, including any activity ancillary to any

industrial process, shall only accord with the LDP where:

(a) the proposal accords with the principles of the Zero Waste Plan (ZWP) and makes a positive contribution to the provision of a network of waste management installations; AND

(b) the proposal meets an identified need and reflects the proximity principle; AND

(c) the location offers a good standard of accessibility; AND

(d) the proposal provides a sufficient landscape buffer and screening, where

appropriate; AND

(e) the proposal is located in close proximity to an existing waste management installation and/or within an industrial allocation unless it can be demonstrated that there is an overriding site specific locational need or benefit to locate elsewhere.

Proposals must also be compatible with surrounding development and the underlying allocation where this is not industrial; AND

(f) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to air emissions, noise, odour, dust, litter, vermin, insects, birds, visual impact, traffic, natural or built heritage, leachate, operational hours, proximity to water sources or cumulative impacts.

Waste Processing

2. Development involving the transfer, sorting, handling, processing, recycling or composting of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and where the proposal seeks to minimise the residual waste material arising from the process.

Waste Recovery and/or Disposal

3. Development involving the recovery or disposal of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and:

(a) the proposal will positively contribute to meeting waste management targets set by EU Directives and/or the Scottish Government; AND

(b) the proposal complies with any restrictions on the amount of waste treated by recovery and disposal as may be nationally prescribed; AND

(c) consultation with West of Scotland Archaeology Service has taken place where the proposal involves landfill or landraising; AND

(d) the potential for heat and/or electricity generation has been fully explored and provided where viable (including the potential for local or district heating schemes);

AND

(e) the proposal includes, where appropriate, an agreed after care and restoration plan of at least five years duration, with a restoration bond if necessary, to secure beneficial reinstatement.

Other Development Proposals

4. Applications for other types of development which constitute "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

5. All development proposals will require to take satisfactory cognisance of waste collection requirements at the design stage. Such requirements may include waste storage, kerbside collection and small scale recycling facilities.

2. Consultations and Representations

Statutory neighbour notification was carried out and the application advertised in the local press. One representation was received raising concern related to land ownership, which would be a matter for the relevant interested parties. The applicant was advised of the representation and the land ownership section of the application form was amended.

Consultations

SEPA - No objection. SEPA has found the transfer station, WML/W/0022028, to be well-run, with an excellent CAS score for a number of years. This site has produced materials/soils for the restoration of the adjacent landfill. The Landfill Unit has confirmed that this has also been carried out satisfactorily.

Response: Noted

NAC Environmental Health - No objections. The facility should continue to be operated in accordance with SEPA's requirements.

Response: Noted

NAC Active Travel and Transportation - No objections.

Response: Noted. A condition could be attached to any permission requiring no loose material is carried out onto the A736 and any that is brought on is removed by the operator.

Beith Community Council - No response.

3. Analysis

The Scottish Government's 'Zero Waste Plan,' introduces a long term target of 70% recycling for all waste by 2025. It also states that legislative changes will be made to ensure no resources with a value for reuse or recycling are sent to landfill by 2020. By 2025 the target is that no more than 5% of all waste will be sent to landfill. The plan states that a zero waste Scotland will contribute to sustainable economic growth by seizing the economic and environmental business and job opportunities of a zero waste approach. The Zero Waste Plan clarifies that recycling of bio-waste, e.g. through composting or soil manufacture, will be classed as recycling when the product is used on land for the production of growing media.

Therefore the type and amount of waste which can be sent to landfill will decrease. Facilities to recycle waste which cannot be otherwise reused are required to support the Zero Waste Plan. This facility will allow the recycling of waste into soil. The soil can be used on sites where vegetation growth may not otherwise be possible. Such sites can include mineral extraction sites where that use has ceased. Soils manufactured at the site have been used to restore the adjacent former quarry cut and are being used to restore the former Trearne Quarry, also within North Ayrshire. The site provides 27 jobs. The retention of the site for soil manufacture therefore accords in principle with the Scottish Government plan for reducing waste.

Policy PI7: Waste Management of the LDP states that development of waste management installations shall only accord with the LDP where certain criteria is met. The site is identified

by the LDP as a waste management site and it is considered the relevant parts of the policy are: 1(a) the proposal accords with the principles of the Zero Waste Plan; 1(d) the proposal provides a sufficient landscape buffer and screening; where appropriate; 1(f) the proposal demonstrates satisfactory mitigation measures for any unacceptable impact arising from the development with respect to air emissions, noise, odour, dust, litter, vermin, insects, birds, visual impact, traffic, natural or built heritage, leachate, operational hours, proximity to water courses or cumulative impacts; PI7 2 the recycling or composting of waste shall only accord with the LDP where it accords with the general provisions as PI7 1 (where applicable) and where the proposal seeks to minimise the residual waste arising from the process.

In terms of the General Policy (b) Amenity, (c) landscape character and (d) access are considered to be relevant. Criterion (b) states that development should have regard to the character of the area in which it is located. Regard should be given to the impact on amenity of factors including noise, smell, fumes, environmental pollution and disturbance by traffic. Development should avoid significant adverse impact on biodiversity and upon natural heritage resources. Criterion (c) states that development should seek to protect the landscape character from insensitive development. Criterion (d) states that access on foot, cycle, by public transport and other forms of transport should be integral part of any significant development.

With respect to PI7 1(a) it is considered that the proposal accords with the principles of the Zero Waste Plan as outlined above.

The site is surrounded by Countryside to all sides. The site and particularly the working area is not readily visible in long views from any public vantage point. The soil manufacture process takes place at the western end of the site on an existing concrete slab. The existing workshop and office buildings are at the eastern end. These buildings and the car park are visible from the A736 road but the working area is not. To the north and east of the working area is the restored quarry cut. This restoration has effectively formed a bund around the working area, screening the working area further. To the south of the working area is Old Mill Quarry.

This site has permission for lime extraction until 30th April 2022 (ref: 98/00057/DCMS). The nearest residential properties to the south are some 560m beyond at Middleton Farm. Given the distance and the position of Old Mill Quarry, it is also considered that there is a sufficient landscape buffer to the south. Between the working area and the western boundary of the site are drainage ponds. To the west at a distance of some 220m is Blaelohead Farm. The farm sits some 415m from the working area with the agricultural buildings closest to the site.

The residential properties are aligned to face away from the site and it is again considered that there is a sufficient landscape buffer from the nearest residential property. A condition could be added to any permission requiring the soil manufacturing process to be carried out on the concrete slab only to ensure the working processes are suitably located. A condition could also be attached to any permission requiring any plant used in the process to be removed in the event of the use ceasing. The proposal therefore accords with PI7 1(d) and criterion (c) of the General Policy.

In respect of PI7 1(f) the site is operational and its use for soil manufacture has been ongoing since 2002. Environmental Health and SEPA have no objection to its continuation. SEPA has advised that the facility has been rated excellent under the methodology. The SEPA licensing regime will control the operation of the site to mitigate against environmental impacts. There have been no complaints to Planning about the site, with

Planning Officers having monitored the site as the time period for restoring the quarry cut came to an end.

Active Travel and Transport has no objection in respect of traffic. The site operates a wheel wash for vehicles and a condition could be attached to any permission to ensure no loose material is brought onto the road. Any brought onto the road could be required to be removed. The site is accessed from a main road and on a bus route. However, given the type of use it is not considered that specific foot or cycle access is necessary or appropriate. The proposal is therefore also considered to accord with PI7 1(f) and criteria (b) and (d) of the General Policy.

As outlined above, the proposal is considered to accord with the relevant parts of PI7 1. The proposal is for a recycling use. There is minimal residual waste with waste on site producing both soil and aggregate. The proposal therefore also accords with PI7 2.

In view of the foregoing, the proposals accord with the relevant LDP policies and planning permission can therefore be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That only non-hazardous and inert waste, as defined by SEPA, be brought to the site for the purposes of the permitted waste treatment and soil manufacture operations.

Reason

In terms of the special justification for the continuation of the process on the site and to ensure any change of waste, away from non-hazardous and inert, can be considered by North Ayrshire Council, as Planning Authority.

Condition

2. That the permitted waste treatment and soil manufacture operations shall take place only on the areas identified on 'Existing Site Layout' drawing 120084/PA18/03 as Existing Concrete Slab.

Reason

To ensure the soil manufacturing process takes place in an appropriate part of the site in the interest of ensuring an appropriate landscape buffer and level of screening.

Condition

3. That the operations at the site shall take place only between the following times:-

Mondays to Fridays: 0700hrs - 1900hrs (except Bank Holidays)

Saturdays: 0700hrs - 1300hrs

and at all other times, including all day on Sundays, no operations shall be carried out except routine maintenance tasks, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To protect nearby noise sensitive properties from undue noise disturbance on Sundays, Bank Holidays and late at night.

Condition

4. That the operator shall seek to ensure that no loose material is carried out onto the A736 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.

Reason

To prevent loose material from the site being brought onto the public road and to ensure any brought on is removed.

Condition

5. In the event of the permitted waste treatment and soil manufacture operations ceasing for a consecutive period of at least 6 months, any plant brought onto the site for the purposes of waste treatment and soil manufacture operations will be removed within 3 months of North Ayrshire Council, as Planning Authority, giving notification that the use has ceased.

Reason

To ensure redundant plant is removed in recognition of the location within the countryside and in the interests of the visual amenity of the area.



Karen Yeomans
Executive Director
Economy & Communities

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

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