

WEST DUNBARTONSHIRE COUNCIL

Report by Planning, Building Standards and Environmental Health Manager

Planning Committee: 16th November 2022

DC20/253: Amendment to Condition 1 of planning permission DC07/233/FUL to extend the time of the approved landfilling operation and restoration by 15 years at Auchencarroch Landfill Site, Auchencarroch Road, Jamestown, Alexandria by Barr Environmental Ltd

1. REASON FOR REPORT

1.1 The application seeks to amend the terms of a condition of a planning application originally determined by the Planning Committee. The application also relates to a landfill operation which has an annual waste capacity of over 25,000 tonnes and therefore the original application would, if submitted afresh, would comprise a major development as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Under the terms of the approved Scheme of Delegation, it therefore requires to be determined by the Planning Committee.

2. RECOMMENDATION

2.1 That the Committee indicate that it is **Minded to Grant** planning permission for the operation of the site until 30th June 2024 and completion of the final restoration by 30th June 2026 and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 and the satisfactory review of the extant legal agreement and conclusion of a new or updated legal agreement or other suitable mechanism to secure an increased restoration bond value.

3. DEVELOPMENT DETAILS

3.1 Auchencarroch Landfill Site is located to the south-east of Jamestown and lies between the open hills of Auchencarroch and Pappert Hill. It sits in a natural plateau and although the site itself is hidden by the rising landform in front, the access road is visible from Auchencarroch Road. The site has few neighbouring sensitive receptors, the closest residential property being Mid Auchencarroch Farmhouse, the owner of which is an interested party cited on the existing legal agreement. Other agricultural holdings, primarily used for livestock grazing, surround the site in all directions.

3.2 The existing landfill site has been operational since 1995 and planning permission was granted in 2004 (DC02/324) to increase the life span of the area by extending the area of the landfill facility. Application DC07/233/FUL allowed for the further

extension of the site to the south-east. This area is a natural valley between Auchencarroch and Pappert Hills and comprises a mix of semi-improved upland pasture, heathland, and blanket bog. The proposal allowed for land raising to continue the overall height of the existing restored landform in an easterly direction. The finished landform of the existing and proposed landfill granted form a low hill covered with heathland vegetation. This is a lower height than Auchencarroch Hill (210m) and Pappert Hill (257m) and maintains surface drainage profile by having gentle slopes on the east and west approaches. In terms of site area, the area extended the landfill workings to 27.4ha within a total area of 43.2ha. Adjacent to the site, also operated by Barr, is a materials recycling facility (MRF) which was granted permission in 2013. The MRF separates out recyclable material from waste, before the waste material goes to landfill.

- 3.3** Since the granting of planning permission in 2008, the volume of material and rate of landfill has reduced, and it is anticipated this will continue to reduce with further reductions in the waste that can be sent to landfill. Accordingly, existing capacity remains on the site with the applicant indicating that eight cells for landfilling remain unutilised. A programme for landfilling to utilise these cells is set out by the applicant with the final cell due for completion by November 2037.
- 3.4** Planning permission is sought to amend condition 1 of planning application DC07/233/FUL which was granted permission on the 3rd of September 2008 for the extension to landfill site including on-site recycling facility.

Condition 1 states that:

“The development hereby permitted shall enure for the benefit of the applicant only with the approved landfill operations to be completed by 31 December 2022 and the final restoration of the site by 2024 unless otherwise agreed by the Planning Authority”.

- 3.5** Permission is sought to extend the time of the approved landfilling operation and restoration by a further fifteen years. There is no physical extension to the landfill proposed. The reason for the proposed time extension is due to the rate of landfilling (amount of material coming on site) over the years since 2009, being significantly less than originally anticipated due to a number of factors. This includes reduction of waste being sent to landfill because more is now recycled, increasing landfill tax and the opening of the Auchencarroch Materials Recycling Facility which has increased on-site recycling rates. In addition to this there is an upcoming landfill ban for household waste coming into force in 2025. For the avoidance of doubt, the total landfill volume will not change, just the time period over which the operation will take place.
- 3.6** It is proposed to operate the landfill under the same restrictions placed on them via previous planning consents. The landfill would be for the disposal of non-hazardous waste and the site would operate between 7.30am and 5.00pm Monday to Saturday with any additional working hours by written agreement with the Planning Authority. The number of deliveries of landfill material to the site would be restricted to a maximum of 116 in any one working day (232 HGV movements per day) in accordance with the existing permission.

- 3.7** The landfill operations during the proposed extended operational period would be a continuation of those currently undertaken at Auchencarroch. The types of wastes landfilled include residual household waste for West Dunbartonshire, Inverclyde and Argyll and Bute local authorities. The site also accepts wastes from local carriers. Residual wastes are those wastes left after the kerbside collection and recovery of materials that can be recycled.
- 3.8** The restoration after landfill would continue to be progressive during the life of the site, initially to grassland to stabilise the soil restored on the capped surface of the landfill but ultimately to dry heath vegetation and grassland for pasture. New planting proposals around the perimeter of the site have been identified with the majority taking place after restoration. On conclusion of the restoration, the surface water treatment lagoon and reedbeds would be restored to wetland habitats.
- 3.9** The original application was a development that required the submission of an Environmental Impact Assessment (EIA). For the purposes of the Section 42 application and updated EIA forms part of the application submission together with a range of supporting documentation including a Planning Statement, Transport Assessment, Preliminary Ecological Appraisal, Habitat Management Plan, Flood Risk Assessment and Management Plans for Dust and Odour.
- 3.10** Following the submission of the application it was requested by the applicant that processing of the application was sisted for business and operational reasons. This resulted in the application being on hold for over a year. The applicant has now requested that the application is progressed to a determination as originally submitted.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service and Environmental Health, SEPA, NatureScot, Loch Lomond and the Trossachs National Park and West of Scotland Archaeological Society have no objection to the proposal.
- 4.2** West Dunbartonshire Council Biodiversity Officer has no objections in principle however a number of points require to be considered in determining the appropriateness of a time extension to the operation of the site including the validity of the Ecological Appraisal, the ongoing Habitat Management proposals and the requirement for a Landscape and Biodiversity Management Plan.
- 4.3** Scottish Water have not responded at the time of writing this report.

5. REPRESENTATIONS

- 5.1** Objections from three individuals were received in connection with the application. The detail of each submitted representation is available in the electronic planning file for the application and available for public viewing. The concerns raised can, however, be summarised as follows:

Purpose of Site

- There is no requirement for the site given recycling requirements.

Light Pollution

- There are issues from excessive illumination.
- None of the photos submitted are taken at night and this does not show the large amount of lighting that is on all night.
- The lighting in a rural location is very intrusive.
- Lighting should be directed downwards so it only illuminates below and not all round.

Odour

- There have been odour problems for the past 25 years so severe at times you become nauseous.
- The odour problems are directly affecting a local business over recent years.

Noise

- Loud noises are coming from the newly extended site.

Vehicle movement

- There has not been adequate assessment of traffic levels along Auchencarroch Road.
- Buses, waste vehicles, commercial vehicles and vehicles from the sawmill use this road.
- Vehicle speed is not regulated.
- Measures should be put in place to control speed.

Environmental Impact

- An assessment of the carbon footprint and environmental impact of the haulage commercial vehicles and plant that are used in the delivery of this site should be undertaken.
- There should be an environmental assessment of the vehicle and plant operations including vehicle travel time, plant operations on site and the associated commercial vehicles needed to operate the site.

5.2 The points and concerns raised will be considered in Section 7 below.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Clydeplan Strategic Development Plan 2017

6.1 The 2017 Clydeplan Strategic Development Plan (Clydeplan) sets out a strategic vision to be implemented through a spatial development strategy and advises on planning for zero waste inclusive of the role landfill plays in dealing with waste. Policy 11 advises on development proposals for waste management facilities. Clydeplan recognises that even with high recycling targets, there will be wastes from which no further value can be recovered and which will require to be put to landfill. Accordingly, a requirement for a ten-year rolling capacity for landfill has been set by the Scottish Government. However, it is recognised that this will reduce over time in order to achieve the long-term zero waste plan (ZWP) target of a maximum of 5% to landfill by 2025. The ten year rolling landfill capacity requirement for the Clydeplan area is 10.1 million tonnes. Currently there is adequate capacity within existing and approved sites within the city region to

satisfy this requirement. The ten-year rolling landfill capacity requirements is to be updated annually by SEPA and this will be kept under review by Clydeplan

- 6.2 The proposal does not seek to extend the capacity of the site, but rather extend the operation time period to utilise existing capacity due to a lower rate of landfilling than anticipated. This presents no conflict with Clydeplan and accordingly is subject to an assessment against the Local Development Plan.

West Dunbartonshire Adopted Local Plan 2010

- 6.3 Policy PS1 seeks to protect established public utility, social and community facilities as identified on the Proposals Map. The existing landfill site at Auchencarroch is identified on the Proposals Map under this policy and forms a public utility, the operation of which the Council seeks to protect. Policy PS4 advises on proposals for new or extended waste management infrastructure and facilities including landfill sites and sets out the criteria for the assessment of such proposals. This includes according with relevant waste strategies and plans, being within or adjacent to an existing facility and complying with other Local Plan policies. The proposal relates to an existing landfill site and does not seek to extend the land take of the site, nor its capacity. It does seek to extend the time period for the operation of the site to utilise existing consented, but unused capacity.
- 6.4 Policy E1 seeks to ensure the conservation of biodiversity and Policy E3A seeks to ensure that development proposals do not have an adverse effect on the integrity or character of Local Nature Conservation Sites. Policy E9 requires that development proposals will have regard to the landscape character and distinctiveness of the Plan area and of adjoining areas. Proposals which are detrimental to the landscape will not generally be supported. Policy BE5 seeks to ensure that cultural heritage resources such as archaeological sites are not adversely affected. Policies F1 and F2 aim to ensure that new development is not at risk from, and does not increase the risk of flooding, and has suitable SuDS drainage infrastructure.
- 6.5 Policy GD1 seeks to ensure that all new development respects the character and amenity of the area and sets out a range of criteria for the assessment of all development proposals.
- 6.6 The overall principle of the proposal to extend the time period for the operation of the site is considered to comply with the policies of the adopted Local Plan. However, it is assessed fully in Section 7 below, it is considered that a short term extension to the time period is appropriate.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

- 7.1 The application is made under section 42 of the Planning Act 1997 which is an application for planning permission for the development of the land but without compliance with a condition or conditions on the original permission. In this case, the applicant seeks not to comply with the terms of condition 1 of planning permission DC07/233/FUL which requires landfill operations to cease by 31st December 2022 and restoration operations to be completed by 2024. The effect of a Section 42 application, if successful, is to grant planning permission again for the whole development but with the amended conditions replacing those that were

issued previously. The original application, as approved, has commenced and therefore if granted it must be ensured that any conditions attached to the new permission are relevant to the continued operation of the site. Planning Authorities, if minded, may attach new or updated conditions if permission is granted.

National Policy

- 7.2** National Planning Framework (NPF) 3 requires all Scotland's resources, including waste, to be managed sustainably. NPF3 states that a decentralised network of processing facilities will be needed for a circular economy where waste is recognised as a resource opportunity and Planning Authorities are therefore expected to work with the market to identify viable waste solutions with sustainability central to all waste management.
- 7.3** Scottish Planning Policy (SPP) introduces a presumption in favour of sustainable development. SPP also sets out that Scotland has a zero waste policy which includes minimising landfill use to 5% of all waste output by 2025. SPP also promotes the delivery of waste infrastructure at appropriate locations and waste management should be prioritised through the Scottish Government's waste hierarchy. The hierarchy identified in Paragraph 176 is waste prevention, reuse, recycling, energy recovery and waste disposal. Paragraph 182 goes on to advise that the planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health.
- 7.4** The proposal does not seek to extend the capacity of the site but rather to extend the operation time period to utilise existing capacity due to a lower rate of landfilling than anticipated. The site currently has existing infrastructure in place that is suitable for its continued use, is sited in an appropriate location and will continue to provide a waste disposal facility which does not conflict with the aims of National Policy.

Zero Waste Plan Scotland (2010)

- 7.5** Scotland's Zero Waste Plan sets out a vision that seeks to ensure that resource use is minimised, valuable resources are not disposed of in landfills, and most waste is sorted into separate streams for reprocessing, leaving only limited amounts of waste to go to residual waste treatment. Adjacent to the landfill site is a material recycling facility granted planning permission in 2013 and this separates recyclables from waste before it goes to landfill. Accordingly, it is considered that the operation on site does not conflict with Zero Waste Scotland policy as it currently provides the opportunity to sort waste, to reuse it and recycle and to reduce the amount that is deposited in landfill.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.6** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18 December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of this application are affected by that Direction. Therefore, Local Development Plan 2 is the Council's most up to date policy position and is

afforded significant weight in the assessment and determination of planning applications.

- 7.7** The site is identified as an existing waste management facility and by Policy ZW1 and associated Table 10. Policy ZW1 requires that all such development meets with the aims of the Zero Waste Plan and follow the development principles of the Waste Hierarchy. The criteria for the assessment of new waste management facilities is set out in the Policy, however it remains that this is not a new facility, but rather a time extension to the operation of the existing facility to utilise consented but unused capacity. Policy MIN2 requires appropriate financial guarantees in respect of restoration. Whilst the policy relates to minerals extraction rather than landfill sites, the general principles of the Policy are considered relevant.
- 7.8** Policy ENV1 addresses nature conservation and requires developments to conserve biodiversity and habitat networks both within and adjacent to sites of special designation together with non-designated habitats and protected species. Policy ENV2 requires development to be sited and designed so as to relate to the existing landscape character and ensure the integrity of landscape character is maintained. Policy BE1, ENV4 ENV5 and ENV6 are similar to the cultural heritage, water environment and flooding policies of the adopted Local Plan. Policy CP1 requires all new development to contribute towards creating successful places.
- 7.9** The overall principle of the proposal to extend the time period for the operation of the site is considered to comply with the policies of proposed Local Development Plan 2.

Principle of Development

- 7.10** The site is currently an existing landfill site operating in accordance with planning permission DC07/233/FUL. In terms of the current operation, the site allows the controlled disposal by landfill of a variety of waste including from both household and commercial sources. The site is identified within the adopted Local Plan and proposed Local Development Plan 2 as a waste management site. In assessing this application which has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), it is noted that Section 42 of the Act states the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted. This application therefore does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent. In assessing this it remains that there is, however, a requirement to consider certain aspects of the development. In this case, the applicant seeks not to comply with the terms of condition 1 of planning permission DC07/233/FUL which requires landfill operations to cease by 31st December 2022 and restoration operations to be completed by 2024.
- 7.11** The submitted application seeks a 15 year extension to both the operation and site restoration previously approved and the appropriateness of both an extension to the operation and the suggested timescale require assessment. Following a full and detailed assessment as set out below, it is concluded that a short term extension would balance the requirement to comprehensively update the position relating to ecology and habitat management together with allowing the review and

update of the restoration proposals to be brought forward as part of a further full application which would include the extension to the time for the operation of the site for a longer period. It is concluded that an additional period of 18 months from 1st January 2023 is appropriate in this respect.

Landscape and Visual Impact

- 7.12** Landscape character is the distinct and recognisable pattern of elements that occurs in a landscape leading to the way that it is perceived. Landscape sensitivity is concerned with the inherent character of the landscape and the likelihood that this character would be changed by the introduction of development. Landscape capacity refers to the degree to which a particular landscape type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type. A detailed Landscape and Visual Impact Assessment (LVIA) has been undertaken and is considered as part of the submitted EIA. The receptors of visual effects include the public at large, comprising residents, workers, visitors and those travelling through the landscape. This may include users of public footpaths and core paths. Representative viewpoints form the basis for the site-based assessment of the potential effects of the proposed development on views and visual amenity. These viewpoints were agreed with the Council at the EIA Scoping stage
- 7.13** The effect of the proposal on the landscape of the area was fully considered during the assessment of the previous planning application. It was accepted that progressive landfill and restoration means that there will always be a cell which is visible and will not blend in to the green backdrop of the landscape and adjacent restored areas. The cumulative impacts on character were acknowledged to be slightly adverse for the operation phase (i.e. during landfill operations), but would become neutral following restoration.
- 7.14** The LVIA submitted as part of the EIA for the current proposal for the extension of time for the previously approved operation and restoration concludes that the proposed time extension will not result in a change to the landscape character of the locality beyond that which has already occurred as a result of the ongoing landfilling and restoration operations. It is highlighted that as most of the restoration to the western area is complete visibility of the ongoing operations, it will be reduced as they will be screened from key vantage points by the restored landform. It is further concluded that there would be no additional impacts on the Kilpatrick Hills beyond the landfill operation previously consented for the site with the area well contained visually. It is acknowledged that the existing landfill operation has created a new skyline feature but with the ongoing progressive restoration, the site blends with the surroundings. Overall it is concluded that the proposed extension of time to the existing operations would not give rise to any additional significant impacts on landscape character or visual amenity.
- 7.15** The Loch Lomond and Trossachs National Park Planning Authority raised no concerns regarding landscape and visual impact from the Park area. Overall, it is considered the continued operation of the site presents no conflict with Policy E9 of the adopted Local Plan and Policy ENV2 of proposed Local Development Plan 2.

Ecology and Biodiversity

- 7.16** Ecological issues are considered by the applicant as part of the submitted EIA and are informed by a Preliminary Ecological Appraisal. Like matters relating to landscape and visual impact, matters pertaining to ecology and biodiversity were also fully considered in the assessment of the previous application. To mitigate impact, a Habitat Management Plan which outlines the mitigation measures and how they will be implemented by the applicant was agreed. It is a flexible document controlled through planning conditions and as part of the legal agreement which relates to the site. A variety of mitigation measures were agreed and are implemented via this plan. The EIA considers that the proposal relates to the continuation of existing landfill operations, the majority of ecological receptors are likely to be absent from the site and will not be adversely impacted. Nesting birds may be impacted but mitigation is proposed to ensure damage or disturbance to active nests is avoided. Overall, it is concluded that there are no significant adverse impacts to ecological receptors resulting from the continuation of landfill operations as proposed by the time extension.
- 7.17** The Council's Biodiversity Officer has highlighted that the Preliminary Ecological Appraisal is considered to be out of date given the time that has elapsed since it was prepared. The Extended Phase 1 Habitat Survey was undertaken in September 2018 for example. The Council's Biodiversity Officer advises that there are a number of protected habitats and designations in and around the site that the ecologist has stated are adversely impacted upon, in particular in relation to the watercourses. Notably, it is recommended that a Landscape and Biodiversity Management Plan is created. The Biodiversity Officer further advises that the previous Habitat Management Plan dates from 2008 and ideally, this should be updated to take account of the current circumstance and to capture the ongoing habitat loss and/or degradation and offer mitigation. This would be a means of consolidating all the mitigation into one document. In considering the time extension alone, the Biodiversity Officer is of the view that the current degradation of adjacent habitat will now continue for a much longer period than was expected.
- 7.18** Given the issues identified by the Council's Biodiversity Officer in respect of the validity of the Ecological Appraisal which was carried out some four years ago now, the need for an updated Habitat Management Plan and full consideration of the current circumstances in relation to the site, concerns arise from a possible further 15 years of landfill operations on the site. Notably, the current Habitat Management Plan would be circa 30 years old at the conclusion of the extended period. Whilst a short term extension could be considered acceptable with reference to Policy E1 and E3A of the adopted Local Plan and Policy ENV1 of proposed Local Development Plan 2 to allow ongoing operations on the site, the 15 year time extension as proposed raises concerns. Such a short term time extension of 18 months to allow the continued operation of the site whilst giving the opportunity for the applicant to undertake a review of matters relating to ecology, biodiversity and habitat management proposals and bring forward a revised proposal for consideration via a further full planning application which considers a longer term time extension for the site is considered to offer an appropriate balance.

Impact on Water Resources and Flood Risk

- 7.19** The submitted EIA provides an assessment of the potential impact on the water environment resulting from the time extension to the operations. In terms of the

existing planning permission, to prevent groundwater pollution the site incorporates a lining system, surface water management and leachate management systems. An internal network of surface water drains and pumps collected surface water runoff within the operational area and convey it to settlement lagoons and leachate treatment facilities including reedbeds. The EIA identified that the increased time to undertake landfilling activities will result in landfill cells being open for an increased time and accordingly the period within which leachate is generated, treated and discharged will increase. Increased timescales will also result in increased volume of leachate. Additional contamination risks to watercourses may also result. It is noted that an Environmental Management Plan relating to leachate, surface water and groundwater for the current operations will be updated to include the time extension to the operational period. The EIA concludes that with appropriate mitigation in place to prevent such occurrences, effects would be minor with no significant impacts on the water environment. It is also concluded there will be no significant residual effects.

7.20 Surface water runoff within the operational landfill area is managed in accordance with a permit under the Pollution Prevention and Control (Scotland) Regulations 2012 which is controlled by SEPA and offers no objections. There is no conflict with Policy ENV5 of proposed Local Development Plan 2.

7.21 Whilst scoped out of the EIA as a specific topic, the Council's Scoping Response advised that a Flood Risk Assessment (FRA) be provided as an appendix to the EIA. The submitted FRA identifies that the site is located at a higher elevation than the closest watercourse and is at very low risk of fluvial flooding. The risk of surface water and ground water flooding is low and the risk of flooding from sewers and artificial sources is considered to be very low. The FRA acknowledges the existing drainage regime for the site remain and with this, the risk of flooding to surrounding areas will not increase. Therefore from a flooding and drainage perspective, no issues arise from the time extension to the existing operation. SEPA also offers no objection on flood risk grounds. There is thus no conflict with Policies F1 and F2 of the adopted Local Plan and Policy ENV6 of proposed Local Development Plan 2.

Air Quality

7.22 The potential implications on air quality, dust and odour impacts resulting from the time extension for the operation of the landfill site have been assessed as part of the EIA. As set out in the EIA, the landfill site is located approximately 2km from the urban area and whilst there a number of rural properties found within the wider landscape, these are a minimum of 800 metres from the landfill site itself. One residential property is located adjacent to the site entrance, although it is around 1km from the landfill itself.

7.23 Considering dust, it is recognised that such operations produce dust and this was fully considered as part of the original planning application. Dusty activities are mitigated in accordance with a dust management plan which is enforced by the applicant at all times during day to day operations and this is controlled via the environmental permit. A review of SEPA inspection reports in relation to this permit has been undertaken and this indicates that there are some recorded instances of track out and dirt issues on access routes. This review has informed a proposed

amendment to the existing dust management plan which when included will seek to ensure that the access route is kept clean during the extended period of operation. Overall, it is considered that opportunities for dust generated on site to impact on neighbouring sensitive receptors such as residential properties is low and with continued dust management the effects are not significant. As there will be no change in operations, there will thus be no change in fine particulate matter emissions from the operation and following assessment it is concluded there is no risk of air quality objectives being exceeded.

- 7.24** Turning to odour, the perception and intensity of odour varies from person to person. Landfill operations can give rise to odours through waste deposition and gas generation. The intensity of odours is dependent on the level of generation and rate of dispersion and odours can be most noticeable during periods of warm weather and light winds. The majority of odour sensitive locations are located away from the prevailing wind. Accordingly the risk of odour affecting nearby residential properties for prolonged periods is considered to be low. The issue of odour is, however, raised in the objections received. The EIA sets out that following review, SEPA inspection reports indicate that some odours have been present during inspections. However, these were only detected in locations nearest to the odorous sources and not beyond the landfill boundary. Odour emissions have therefore remained compliant with the permit. The applicant advises that a review of the existing odour management plan has been undertaken and the existing odour management plan is considered to continue to offer suitable mitigation. Overall, the impacts resulting from the time extension of operations is not considered to be significant.

Litter

- 7.25** Litter control issues are currently managed via an existing planning condition and in accordance with a management plan which is incorporated as an enforceable condition in the permit under the Pollution Prevention and Control (Scotland) Regulations 2012 issued by SEPA. The site is on a gently sloping hillside which would be exposed to winds from the south and south-west. It is concluded that with the continued mitigation as set out in the Management Plan and will ensure that there are no significant impacts associated with litter.

Noise

- 7.26** Noise was scoped out of the EIA. Any noise implications were considered in full during the assessment of the previous planning application inclusive of surveys carried out as part of the EIA submitted at the time to determine the levels of operational noise with respect to residential properties. No concerns arose and it was concluded that regular noise monitoring was not required due to the distance of the proposed development from the nearest residential properties. Environmental Health raise no concerns regarding the ongoing operation of the site. Whilst the concerns raised in the objections are noted, given the application does not seek to change the approved operation, this position is considered to remain valid and no concerns regarding noise to unacceptably disturb neighbouring property arises.

External Lighting

- 7.27** Concerns are raised in the objections received regarding the impact from external lighting at the site including excessive illumination, the hours of illumination, the illumination being intrusive within the rural area and the projection of the lighting units. External lighting was considered as part of the previous planning application with condition 10 requiring full details of the external lighting regime to be submitted. This was provided by the applicant and the terms of the condition discharged. It is accepted that the nature of the site will result in the provision of lighting that does not replicate the sporadic lighting from rural properties within the wider landscape and that for operational and security reasons lighting is required on site. Notwithstanding the previous discharge of the condition relating to external lighting, given the time that has elapsed since this, it is considered appropriate to attach a condition to any new planning permission to extend the time for the operation of the site to ensure that the impact of external lighting within the rural landscape is minimised.

Climate change

- 7.28** The likely significant effects of the time extension for the operation of the site in terms of climate change together with risk mitigation in the context of the site, surrounding area and wider environment is considered in the EIA, recognising that climate change is a global issue. Whilst the EIA concludes that the operation of the landfill site does produce CO₂ emissions, the impact of the proposal remains the same as the current landfill operation and the overall effect of the time extension to the operation of the existing site is neutral.

Traffic, transport and access

- 7.29** Whilst scoped out of the EIA, it remains that traffic, transport and access requires to be considered and the applicant has submitted a Transport Statement in support of the proposal. The access to the site via Auchencarroch Road is long established. Auchencarroch road is single carriageway and from the access to the landfill westwards for around 1350 metres it is around 4 metres wide with passing places. Auchencarroch Road accesses to the A813. Auchencarroch Road also forms part of the Core Path Network and National Cycle Network. In granting the extension to the landfill site in 2008, it was envisaged that there would be a maximum of 232 HGV movements per day (i.e. 116 arrivals and 116 departures), and this was a condition of the planning permission. Increased rates of recycling has reduced the level of waste going to landfill and this has reduced vehicle movements to a maximum of circa 95 HGV movements per day. With 16 staff employed on site, there is the potential for a further daily 32 staff vehicle movements. It is expected that the number of vehicle movements to and from the landfill during the additional years of operation is no higher than current, hence users of the transport network would not experience any difference from the current operation.

- 7.30** Concerns are raised in the objections regarding traffic levels on Auchencarroch Road together with vehicle speeds. The assessment of the application is informed by a consultation response from the Council's Roads Service whilst noted that the site has operated satisfactorily from a roads perspective and accordingly there is no objection to the continued operation. It is accepted that the extended operation of the site will, however, to impact on local road users including walkers and cyclists for a longer period of time. Whilst there would be a concern if the number

of vehicle movement were to increase, this is not proposed here. It is therefore accepted that notwithstanding a longer period of operation, there will be no unacceptable impact on local road users beyond the established position. Matters relating to speed limits and speed control measures on Auchencarroch Road are not ones to be addressed via the planning process.

Recreation

- 7.31** The operation of the site does not impact on any areas specifically set out for recreational purposes. Although there are a number of footpaths and a cycle route within the wider area there are no such paths located adjacent to the landfill. The proposal to extend the operational period will not have any adverse impact on existing access and recreational use of the local area.

Built and Cultural Heritage

- 7.32** Built and cultural heritage was scoped out of the EIA. There are no designated heritage assets located either within or adjacent to the site. Turning to archaeology, two features of archaeological interest were identified within the site on the site and are recorded as being dams associated with the textile/printing industry in the Leven Valley. At the time West of Scotland Archaeology Service (WOSAS) recommended a condition requiring the implementation of a programme of archaeological works to ensure their recording and recovery. WOSAS were also consulted in respect of the current application and they advise the time extension itself would not raise any particular archaeological issue although the requirement of the existing planning permission for a programme of archaeological works was highlighted. It is noted that archaeological investigations were submitted following the granting of the previous planning permission. Overall no additional built or cultural heritage issues arise from the time extension proposal and there are no conflicts with Policy BE5 of the adopted Local Plan and Policy BE1 of proposed Local Development Plan 2.

Restoration

- 7.33** A restoration scheme was agreed as part of the existing planning permission. This is based on an approach of progressive capping of the completed landfill cells. The final restoration includes planting of woodland and linear strips of hedgerow, typical heathland grass species will be seeded, peat will be stripped and translocated to the restored profiles forming an acid heathland habitat. The reedbeds and surface water lagoons will be managed to form wetland areas with diverse planting of species and a small area will become agricultural grassland forming a permanent pasture for sheep grazing.
- 7.34** It is noted in the EIA that a review of the previously approved restoration plan has been undertaken with just one minor update relating to a number of small waterbodies across the site as a means of enhancing habitat creation / biodiversity. Notwithstanding the applicant's position within the application submission, extending the operation and restoration of the site for a further 15 years raises the concern that by the time the final restoration is being completed, this will be based on a restoration scheme first considered 30 years previously. It is considered that any time extension to the operation and restoration of the site for a further 15 years be accompanied by a comprehensive review of both the continued appropriateness of the current restoration proposals together with the potential deliverability given the likely implications for the operation of the business with the

reduction of waste going to landfill resulting from continued increases in recycling together with restrictions on the use of landfill being introduced from 2025. The applicant have themselves advised that in further considering the operation of the site in the time since the submission of this application which is inclusive of a period where the application was on hold at the applicants request, the wider commercial context for landfill sites in Scotland has changed dramatically over the last few years. With the introduction of the forthcoming landfill ban the revenues of all landfill sites will fall significantly, in line with the reduction of waste being landfilled. At the time the current restoration plan was prepared the income of the site was significantly higher, and a review of the restoration scheme to ensure long term deliverability on site is now required in this context.

- 7.35** As set out above, this application has been submitted under Section 42 of the Act. In the context of the submitted application, all that can be considered is the appropriateness of a time extension relating to the landfilling operation and restoration as approved by planning permission DC07/233/FUL. It is beyond the scope of the assessment of this application to consider amendments to the approved landfilling operation or indeed the approved restoration. Whilst the applicant seeks a 15 year time extension for the site it is not, however, beyond the scope of this application to conclude that an alternative time extension period, either shorter or longer, will be appropriate. In this case, it is acknowledged that the current planning permission for the operation of the site expires at the end of this year and that the site not only provides employment but provides an important waste disposal operation. However, this must be balanced with all relevant considerations and giving the above matters relating to the appropriateness and deliverability of the restoration scheme a 15 year time extension for the approved operation and restoration is not considered appropriate. Notwithstanding this, a short term extension of 18 months to allow the continued operation of the site would give the opportunity for the applicant to undertake a review of the restoration proposals and bring forward a revised proposal for consideration via a further planning application. Following detailed discussions, the applicant has confirmed that they accept such an approach, and they would bring forward a further full application on this basis.

Restoration Bond

- 7.36** A restoration bond is required to be set in place to ensure that there will be sufficient funds to cover the detailed level of restoration required. The Council holds a bond of a value of £120,000 during active landfilling operations with reduced amounts held for a 30 year period following the cessation of the landfilling operations and this was secured at the time of previously granting planning permission. However it is acknowledged that this bond requires to be increased. The applicant is agreeable to providing an increased bond to a value of circa £1 million and this can be secured by way of an updated legal agreement prior to the issue of any planning permission. Such an approach follows the aims of Policy MIN2 of proposed Local Development Plan 2.

The Landfill (Scotland) Regulations 2003

- 7.37** Regulation 5 of the Landfill (Scotland) Regulations 2003 requires that the Planning Authority consider certain matters when deciding on the suitability of a landfill site. These include matters such as the distances from the boundary of the site to residential and recreational areas, the waterways, water bodies and other

agricultural or urban sites and the protection of the natural or cultural heritage in the area. It is considered that all the requirements under these regulations have already been met both through the assessment of the original planning application and through the submission of the EIA in support of this planning application. The proposal is not considered to raise any adverse issues.

EIA Conclusions

- 7.38** The EIA considers various iterations taking into account new landfill rates and the upcoming restrictions of landfill waste. A proposed 15 year extension to time is considered in the EIA as the preferred option although this does not preclude the planning application assessment concluding an alternative time period for the extension is appropriate. Given the proposal relates to an existing site, it is concluded that alternative sites for landfill do not require to be considered.
- 7.39** The EIA concludes that any impacts from the time extension of the landfill operation will continue to be offset by way of the comprehensive mitigation measures on the site as identified in specific sections of the EIA, supporting documentation and by the approach of progressive restoration and revegetation. Management plans are, and will continue to be in place including as a requirement of the PPC permit. The EIA has concluded that with the continued mitigation the proposal to extend the operation of the site will not lead to any unacceptable impact.

Public Engagement

- 7.40** As the planning application was submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), there are no public engagement requirements that the applicant must follow prior to the submission of the planning application. Notwithstanding this, the applicant advises that prior to the submission of the application an information leaflet was distributed to neighbouring properties and this included details relating to the operations at Auchencarroch and the forthcoming application. This included the contact details of the applicant and their agent should there be any questions.

8. CONCLUSION

- 8.1** This proposal involves an extension to the time for the operation of an existing landfill site which is facilitated by the lower than expected landfill rates due to increased recycling and a reduction in waste being sent to landfill. This application considers only the extension to the time for the operation of the site with no changes proposed to the operations themselves or the restoration scheme. It remains that the landfill operations are progressive and as each cell is filled restoration works begin. The completed site would result in a low hill with heathland habitat and some sporadic woodland, reflecting the landforms adjacent but at a lesser height than Auchencarroch Hill and Pappert Hill. The finished levels would continue those of the existing restored cells. No additional land will be developed by the proposal beyond the currently consented position.
- 8.2** The site comprises an important existing waste management facility which is fundamental to the city regions ongoing waste management requirements and the continued operation of the existing site to utilise consented capacity over a longer period of time and does not conflict with the vision of Clydeplan. Both the adopted

West Dunbartonshire Local Plan and proposed West Dunbartonshire Local Development Plan 2 identify the site as a waste management facility with Policy PS1 of the adopted Local Plan identifying the site as an established public utility which the policy seeks to protect. Policy ZW1 identifying the site as suitable for the management of waste. The site currently has existing infrastructure in place that is suitable for its continued use, is sited in an appropriate location and will continue to provide a waste disposal facility and it is not considered there is any conflict with the aims of National Policy.

- 8.3** In assessing the submitted EIA, all supporting documentation and taking account of all material planning considerations, it is concluded that an extension of the time for the operation of the landfill site is considered acceptable with reference to landscape and visual impact, water resources and flood risk, air quality, litter, climate change, traffic, transport and access, and recreation. Concerns arise, however, in respect of matters relating to ecology and the restoration proposals
- 8.4** The Ecological Appraisal was carried out some four years ago and it is noted that there was also a period where the submitted application was on hold at the request of the applicant. The need for an updated Habitat Management Plan and full consideration of the current circumstances in relation to the site are accepted and require to be addressed. Concerns therefore arise from a possible further 15 years of landfill operations on the site and the current habitat management plan would be circa 30 years old at the conclusion of the extended period. A short term extension would balance the requirement to comprehensively update the position relating to ecology and habitat management whilst balancing the continued operation of the facilities the site provides. The continued appropriateness and deliverability of the restoration scheme also raised concerns and it is not considered a 15 year time extension is appropriate. Notwithstanding this, a short term extension to allow the continued operation of the site would allow the continuation of operations on site in the short term whilst allowing the opportunity for the review and update of the restoration proposals to be brought forward as part of a further full application which would include the extension to the time for the operation of the site for a longer period. It is concluded that an additional period of 18 months from 1st January 2023 is appropriate in this respect.
- 8.5** It remains that the environmental impacts will continue to be safeguarded via the terms of the existing legal agreement with a review inclusive of an increased restoration bond value being concluded prior to the issuing of planning permission.
- 8.6** Finally, the Council has a contractual arrangement with the applicant for the disposal of waste. However as the development is not contrary to the development plan, it does not require to be notified to the Scottish Ministers under the Town & Country Planning (Notification of Applications) Direction 2009.

9. CONDITIONS

1. The development hereby permitted shall ensure for the benefit of the applicant only with the approved landfill operations to be completed by 30th June 2024 and the final restoration of the site by 30th June 2026 unless otherwise agreed in writing by the Planning Authority.

2. At all times during the lifetime of this permission, the landfill operations on site, the operational conduct of the site and the restoration of the site shall be undertaken as indicated in the Environmental Impact Assessment dated November 2020 together with all supporting documentation, plans and details that forms part of this application. For the avoidance of doubt, the landfill operations shall be undertaken and completed progressively as approved.
3. Except in the case of emergency the hours of working of the site shall be restricted to between the hours of 7.30am to 5.00pm Monday to Saturday only and not on a Sunday or on a recognised Public Holiday in West Dunbartonshire without the prior written approval of the Planning Authority with the exception of essential site maintenance and the maintenance of plant and machinery. Access to and exit from the site shall be by way of Auchencarroch Road.
4. The number of deliveries of landfill material to the site shall not exceed 116 in any one working day.
5. The site operator shall be responsible for the maintenance of a vehicle register log book of all deliveries to the site which shall be available for inspection by the Planning Authority upon request at any time.
6. The applicant shall be responsible for the collection and disposal of any windblown material emanating from the area of infill or deposited from vehicles on or around Auchencarroch Hill and Auchencarroch Road.
7. No burning of materials in connection with the infilling operations shall take place on or adjoining the site.
8. That within 8 weeks of the date of this permission, the applicant shall undertake a review of external lighting of the site and shall submit full details setting out how the impact of external lighting on the site shall be minimised in the landscape. For the avoidance of doubt this shall include full details of all existing and lighting at the site, details of the hours of illumination, location, height, angles, power rating, projection and any hoods or baffles to direct light. Any amendments of recommendations in relation to external lighting shall be fully implemented within 8 weeks of the date the details are agreed in writing by the Planning Authority.
9. The annual monitoring on the progress of the mitigation areas shall be carried out as required by the Habitat Management Plan and by the applicant or by any person engaged by them. An annual report will be made available to the Technical Working Group at least 3 weeks prior to the formal review meeting of that Group and the annual monitoring report shall be approved by the Planning Authority.
10. The approved Habitat Management Plan dated July 2008 shall continue to be fully implemented in connection with the operation of the site.
11. All advance works, including habitat translocation to receptor areas for landfill restoration shall take place outside the bird nesting season (March to July inclusive) unless a checking survey confirms the absence of nests. The checking survey shall be carried out at a time and approved in advance by the Planning Authority.

12. All diversions of watercourses shall follow the details approved in respect of condition 18 of planning permission DC07/233/FUL.
13. The access track which runs partly through the active landfill and links up with the track leading to Paper Muir and the western edge of the commercial forestry plantation shall not be used for the export of timber without the prior written approval of the Planning Authority.
14. On completion of the landfill operations, except in so far as may be required for leachate and gas monitoring, the site shall be cleared of all buildings, plant and machinery with details of the phasing of this to be submitted for the approval of the Planning Authority prior to the cessation of landfill operations on site.
15. Appropriate measures to prevent mud, dirt, dust, slurry or stones being carried onto the highway shall be taken and such steps shall include the provision and the use of hard standing areas and a wheel wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site.
16. The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing.
17. All road vehicle transporting waste to site shall be suitably covered/happed to ensure there is no escape of materials. Where appropriate, vehicles leaving the site shall also be happed to minimise traffic noise associated with empty vehicles.
18. Soils to be imported to the site shall share similar profile characteristics as the soil structure currently on site. Topsoil and sub-soil shall only be stripped when the soils are sufficiently dry so that when moved, no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the topsoil is fully stripped and stored in the designated areas within the site.
19. Topsoil shall be stripped to full available depth from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve topsoil and sub-soil not less than 0.9 metre at restoration.
20. Topsoil and sub-soil shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 5 metres in height. Topsoil dumps and sub soil dumps shall be evenly graded and tops shaped to prevent water ponding. Sub-soil dumps shall not exceed 8 metres in height.
21. In the first available seeding season following their formation, all mounds of topsoil, sub-soil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority.

22. All water treatment areas and settlement lagoons shall be enclosed by a one metre high stock-proof fence and shall be implemented prior to any significant soil stripping.
 23. Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil storage, plant maintenance and vehicle wash areas within the site.
 24. Dust monitoring shall be routinely carried out by the applicant and undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on a monthly basis during the operational life of the site.
 25. Noise monitoring programme shall be undertaken during the operational life of the site using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis.
 26. The total waste landfilled on site shall not exceed 225,000 tonnes (net) per year.
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Pamela Clifford
Planning, Building Standards and Environmental Health Manager
Date: 16th November 2022

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Appendix: Location Plan

Background Papers:

1. Application documents and plans
2. Clydeplan Strategic Development Plan 2017
3. West Dunbartonshire Local Plan 2010
4. West Dunbartonshire LDP - Proposed Plan 2
5. National Planning Framework 3
6. Scottish Planning Policy 2014
7. Scotland's Zero Waste Plan 2010
8. The Landfill (Scotland) Regulations 2003
9. Consultation responses
10. Representations
11. Planning permission DC07/233/FUL