

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 22 October 2014

DC14/160: Proposed extension of landfill site, recycling of previously landfilled materials and imported materials to create secondary aggregates at Rigangower Landfill Site by William Thompson & Son (Dumbarton) Limited.

1. REASON FOR REPORT

- 1.1** This application is classified as a major application and 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** full planning permission and delegate authority to the Planning & Building Standards Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of a legal agreement to ensure that a suitable restoration bond is in place to cover the cost of restoring the site.

3. DEVELOPMENT DETAILS

- 3.1** Rigangower Landfill Site occupies a rural location at the foot of the Kilpatrick Hills, approximately 2km to the east of Dumbarton, 800m north east of Milton and 1.7km north of Bowling. The site extends to 18.7 hectares and is bounded on three sides by agricultural land whilst to the east is forestry land. Sheephill Quarry is located 200m to the south of the site and in the area between the landfill site and the quarry is Greenland Farm. Both Greenland Farm and Sheephill Quarry are owned by the applicant. Access to the site is taken from the A82 and it is shared with the adjacent Sheephill Quarry, along with an internal haul route. The closest private residential properties to the site are located to the west, at a distance of more than 650m. The proposed extension area for the landfill site is located towards the northern site boundary and extends to 2 hectares of grassland which is not in agricultural use at present and is defined by fencing running along the northern boundary of the site. There is a core path which runs to the west of the site which will not be affected by the proposal. At present, Rigangower Landfill site does not accept domestic waste and only accepts commercial waste which is solid and inert such as soil, stone, or rubble.
- 3.2** Full planning permission is sought for an extension to the landfill site and the recycling of material previously deposited as landfill and the recycling of imported materials. Secondary aggregates would be recovered from the imported waste material and from material previously deposited in the landfill

site. The secondary aggregates would primarily consist of sand or stone of varying sizes which could then be sold for use in construction or other types of development. The extension of the landfill site is primarily required to allow the site to continue to operate as a landfill facility whilst at the same time, previously deposited material would be excavated from the existing landfill site and recycled in order to recover the secondary aggregates. It is anticipated that up to 200,000 tonnes of materials could be processed/recycled annually on site and this would include both imported material and material which has previously been deposited as landfill. Presently, approximately 85,000 tonnes of commercial waste material is deposited annually. The present level of vehicle movements to and from the site and quantities of material brought to the site would not increase. The 200,000 tonnes of materials which would be processed on site would consist of approximately 85,000 tonnes of imported material and up to 115,000 tonnes of excavated materials from the landfill site.

- 3.3** It is estimated that the proposal would extend the life of the landfill site by 30 years and this is supported by the plans and accompanying information submitted in relation to this application. The 30 year time period for completion of development is due in part to the extension to the landfill site and to the large quantity of waste material within the site which can be recovered and recycled. It is estimated that up to 70% of the material which has previously been deposited on site as landfill could be recycled once it has been excavated. At the same time as the extension area is to be used for landfill, the existing landfill area would be excavated and recycled materials recovered. The combination of the extension to the landfill site, the excavation and infilling of the existing landfill and the lower quantity of waste that will be deposited as landfill due to recycling, explains why the proposal will take a period of 30 years to be completed. The increased recycling on site will significantly reduce the amount of waste directed to landfill on an annual basis by up to 70%. Due to the reduction in the amount of waste material that will be available for landfill, the lifespan of the landfill site will be extended and in this instance, the lifespan is estimated to be 30 years.
- 3.4** In order to recycle both the existing material on site and newly imported waste, two level areas would be formed on the western edge of the site. One area would be used for the stockpiling of material whilst the other area would be occupied by equipment used to recycle the material. The equipment will consist of a control cabin, water tank and screening machinery which will break down the waste and separate it into differently sized aggregates which can then be re-used by the construction industry. The machinery would be 48m in length, with projecting arms that would deposit the recycled waste into separate piles. To the south of the plant area, four settlement ponds would be formed. The existing access track on the western edge of the site would be unaffected by these proposals. It is proposed to form screening bunds at the western edge of the plant and stockpile area and screen planting will be undertaken to the west of the site in order to minimise the visual impact of the development. The existing landfill site would be excavated and filled on a phased basis to minimise disruption and permit progressive restoration to be

undertaken. The development would be undertaken in eight phases, with the last phase incorporating the final restoration of the site.

- 3.5** Included as part of the submission was a Planning and Environmental Review which covered topics including landscape and visual amenity, hydrology, hydrogeology, ecology, noise, access, air quality and archaeology.

4. CONSULTATIONS

- 4.1** Transport Scotland and Glasgow Airport have no objection to the proposal.

- 4.2** West Dunbartonshire Council Roads Service has no comment to make on the application.

- 4.3** Historic Scotland stated that the views to and from Sheep Hill Fort have been considerably compromised by the existing quarry and landfill site. Consequently, they have no objection to the proposal since it is unlikely to have a significant additional adverse impact on the setting of the monument.

- 4.4** West Dunbartonshire Council Environmental Health has no objection to the proposal and recommend limiting the hours of operation of the landfill site to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no working on Sundays or public holidays.

- 4.5** The Scottish Environmental Protection Agency has no objection to the proposal and advises that they will have to update and/or vary their existing permit under The Pollution Prevention and Control (Scotland) Regulations 2012.

- 4.6** West of Scotland Archaeology Service has no objection to the proposal subject to a condition which requires a programme of archaeological works to be undertaken in accordance with a written scheme of investigation.

- 4.7** Scottish Natural Heritage has no objection to this application since it is unlikely to impact on a protected site over which they have a statutory responsibility.

5. REPRESENTATIONS

- 5.1** No representations have been received.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

Glasgow and Clyde Valley Strategic Development Plan 2012 (SDP)

- 6.1** The SDP reiterates the Zero Waste Plan's vision for a zero waste society by focusing on a waste hierarchy with a targeted 70% recycling and a maximum 5% of waste going to landfill for all of Scotland's waste by 2025. Strategic Support Measure 13 of the SDP states that in order to achieve these targets, the provision of the appropriate infrastructure will be supported. It is therefore considered that this proposal is in accordance with the SDP.

West Dunbartonshire Local Plan 2010

- 6.2** The site is located within the Regional Scenic Area where Policy RSA1 states that there is a presumption against proposals that would have an adverse impact on landscape quality and character, visual amenity, or nature conservation value. Policy PS4 relates solely to waste management and outlines the criteria against which new or extended waste management facilities, including landfill sites will be assessed. Proposals will be encouraged where they accord with and help implement the objectives of the National Waste Strategy, National Waste Plan and Area Waste Plan, are justified against the locational need, are located within or adjacent to existing waste management facilities and comply with other local plan policies. The Council will also support local opportunities for recycling and the provision in all new development of facilities for the minimisation, separation and collection of different waste streams. It is considered that the proposed development complies with the above policies since the proposed extension is located within an existing waste facility which has permission to recycle material that would otherwise go to landfill.
- 6.3** In addition, Policy GD1 require all new development to be of a high quality of design and respect the character and amenity of the area in which it is located. Policy SUS1 requires development to conserve and enhance the environmental resources and ensure any environmental impact is minimised. It states that the Council will seek to encourage provision for waste minimisation and recycling. Policy BE5 states that the Council will resist development that would have an adverse impact on, or affect the setting of a scheduled ancient monument. There is also a core path adjacent to the site and Policy R5 protects the core path network. These issues are discussed below and it is considered that the proposal complies with these policies.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (WDLDP), Proposed Plan

- 7.1** The site is located in the countryside where Policy DS2 aims to restrict development outwith the urban area to a range of uses, including infrastructure with a specific locational need and must be suitably located, designed and landscaped so as to minimise the impact on its setting.
- 7.2** Policy SD2 specifically identifies Rigangower as suitable for the management of waste subject to:
- There being no adverse impact on the operation of other businesses or residential amenity;
 - Any adverse impacts on the green network or built heritage being suitably mitigated against;
 - No adverse impact on Glasgow Airport;
 - Ensuring that the facility would contribute to a greater proportion of waste arising in West Dunbartonshire being treated further up the waste hierarchy; and

- If it involves significant levels of waste from outwith West Dunbartonshire, there is the potential for waste to be transferred to the location by means other than road.

These issues are discussed below and it is considered that the proposal complies with these policies.

- 7.3** Policies DS1, DS4, DS6, GE5, GN3, GN4, GN6, GN8 and BH2 are also applicable and relate to development standards, air quality, Glasgow Airport, protected species and conservation sites, landscape character, core paths, scheduled monuments and archaeology. These issues are discussed below and it is considered that the proposal complies with these policies.

Scottish Planning Policy (SPP)

- 7.4** It is recognised that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. The SPP states that the planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

- 7.5** The SPP further states that planning authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

- 7.6** The SPP also requires decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities. It states that landfill consents should be subject to an appropriate financial bond unless the operator can demonstrate that their

programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient. These issues are discussed below and it is considered that the proposal complies with the guidance of Scottish Planning Policy.

Principle of Use

- 7.7** The landfill site originally operated as a quarry, however planning permission (Ref. DB1986) was approved in 1992 for the infilling of the former quarry for a 3 year period. A further application (Ref. DB1986/1) for an extension of the landfill facility extended the superficial area of the site and increased capacity, allowing operations to be undertaken on site until March 2006. The current planning permission (Ref. DC04/458) extends the life of the landfill site until March 2016 and requires the site to be restored to agricultural land. There is no bond in place at present relating to site restoration and instead, the restoration of the site is controlled through the use of conditions. In addition to the above applications, planning permission (DC13/248) was approved in 2014 for the formation of a recycling facility on site which would screen waste to separate material that could be recycled before being deposited as landfill. The equipment that has already been approved for use on site consists of a mobile screening machine which is approximately 17m in length. The purpose of the machine is to screen and grade waste which would otherwise be landfilled at Rigangower. The re-graded material could then be used by the construction industry. The current proposal seeks to extend the area available for landfill and extend the life of the landfill site by 30 years. This would involve the implementation of a more extensive recycling strategy for the site which would contribute towards landfill diversion targets.

Site Operation

- 7.8** The current landfill site does not currently have any restrictions concerning the amount of material that can be deposited on site. However, the planning permission covering the site includes details of the finished levels across the site which therefore controls the amount of material that can be imported. As of July 2014, it was estimated that the remaining landfill capacity was 93,000 tonnes. At present there are no restrictions on either the quantity of material that can be imported annually or the number of vehicle trips to or from the site. However, the site is currently accepting about 85,000 tonnes per annum of waste and it is expected that it will continue to accept this quantity of material on an annual basis. The landfill site would continue to only accept commercial waste. Whilst the recycling being undertaken on site would result in the creation of secondary aggregates which would then be taken off site, the secondary aggregates would reduce the quantity of material being exported from the adjacent Sheephill Quarry. Consequently the proposal is unlikely to generate any additional vehicle movements onto the A82.
- 7.9** The operating hours of the existing landfill site are not restricted by any conditions on previous permissions although it operates from 8am to 6pm Monday to Friday and from 8am to 1pm on Saturdays. Environmental Health have confirmed that they are satisfied with these operating hours and it is recommended that the operating hours should now be controlled by condition. Vehicles entering and leaving the site would also take place within these

operating hours with the exception of emergency or essential maintenance works.

Visual Impact of Development

- 7.10** The extension to the landfill area will be located to the north of the site and will cover an area of 2 hectares. It will only increase the landfill area by approximately 10%. In order to allow a full assessment of the visual impact of the development, photo montages and site sections have been submitted with the application. The photomontages demonstrate that whilst the excavations and plant will be visible from distance, they will not be a prominent feature in the landscape and therefore they will not have a significant visual impact or detract from the surrounding landscape. Once restored, the site will not be readily identifiable from distance and will be consistent with the surrounding landscape. The extension area currently consists of grassland which is unused, although it has been disturbed through the provision of access routes. This area has been selected as it is sited at a lower level than the central part of the landfill site and is not as visually prominent. The excavation and infilling of the existing landfill area will have similar impacts as the existing landfill activities on site. To the west of the site, a stockpiling area will be formed and an area for plant which will be used for the recycling of material on site. Although this equipment will include a relatively large item of machinery, permission has previously been granted for smaller recycling equipment on site and the current proposal is not considered to have a significantly greater impact than what has previously been approved in terms of noise or visual impact. Bunding and screen planting are proposed along the western boundary which will help to reduce the visual impact of the recycling facilities by restricting direct views of the plant and machinery. Overall, it is considered that there will not be any significant detrimental impacts on the landscape and the more significant impacts from the recycling facilities can be minimised through appropriate screen planting and bunding

Impact on Residential Properties

- 7.11** A noise impact assessment has been submitted in support of the application and since the proposal will not generate additional vehicle movements, the noise assessment primarily covers operational noise levels. No additional noise mitigation measures will be required as the site will operate within day time hours and this will be controlled by condition. The closest property to the site is Greenland Farm which is owned by the applicant, whilst the nearest residential property in private ownership (Treedom) is over 650m to the west. It is not considered that the proposal will have a detrimental impact on residential amenity in terms of noise. The visual impact of the operations on residential property has been reduced by screen bunding and by tree planting

Site Restoration

- 7.12** At present, the landfill site has planning permission to operate until 2016 and then the land is required to be restored to agricultural use. The method of ensuring that the site is suitably restored is by way of planning conditions and restoration would commence once operations cease in March 2016. In terms of the current proposal, once the recycling facility is operational, the existing landfill would be excavated and filled on a phased basis to minimise disruption

and permit progressive restoration to be undertaken. The development would be undertaken in eight phases, with the last phase incorporating the final restoration of the site. After the infilling and recycling operations have been completed, it is expected that it will take up to one year to fully complete the final restoration of the site. The restoration proposals will help to address stability and safety in the areas that have been subject to excavation and landfill although the main purpose of the restoration is to return the land to a suitable condition for potential agricultural use which is considered an appropriate future use for this area. The site restoration will aim to restore each operational area at the earliest opportunity once no further disruption is intended for that area and will ensure that a progressive restoration strategy is implemented. Once the site restoration has been completed, it will be monitored for up to five years, with remedial works being undertaken as necessary.

- 7.13** The restoration scheme would aim to respect the character of the area and surrounding topography by creating a natural undulating area of land which would be appropriate at this location. The central area of the site would be the highest point, with the land gently sloping away to the site boundary in all directions. The screen planting along the western boundary would be retained and the site restored to grassland.
- 7.14** The applicant has agreed to provide a bond to safeguard future restoration of the site. Presently, the existing site is to be restored through condition and this has been taking place. The agreement by the applicant to provide a bond is seen as a significant improvement to the present situation as the bond will safeguard the sites future restoration.

Access

- 7.15** The existing access to and from the site is via the A82 and both the Council's Roads Service and Transport Scotland consider that this will be acceptable. At present there are no restrictions on the number of vehicles delivering to the landfill site on a daily basis and no restrictions are considered necessary to control or limit the number of vehicles delivering or accessing the site from the A82. The development would not result in any additional waste being brought to the site on an annual basis and would not alter the volume, nature or distribution of traffic that has already been established at this site over time and which is considered to be acceptable.
- 7.16** There is a core path which runs along the western boundary of the application and it would not be affected by the proposed development.

Archaeology

- 7.17** Part of the site has been identified as the location of a World War II anti aircraft gun battery and there is potential for some remnants to remain in place if the ground has not been disturbed through previous quarrying activities. In addition it has been indicated that the site may retain some prehistoric material. In light of the potential for historic material to be found on site, West of Scotland Archaeology Service has advised that a condition

should be applied which will require the implementation of a programme of archaeological works.

Technical Issues

- 7.18** SEPA advised that the site requires to operate under a SEPA licence and the current proposal will require the operator to vary their existing licence. It is considered that the proposal will not give rise to any unacceptable environmental impacts. In terms of air quality, operations with the potential to cause significant dust release will be managed operationally and a condition will request that a dust method statement is submitted for approval. Due to the nature of the inert material deposited at the site, it is not anticipated that there will be any odour issues.
- 7.19** The application is not located within a designated site which includes Special Protection Areas, Sites of Special Scientific Interest and Special Areas of Conservation. These designations only apply to areas of outstanding quality to protect their flora, fauna, geological or physiographical features or to protect certain species and habitat types. In terms of nature conservation and there will not be a significant habitat loss and no significant impacts on the ecology of the site. In fact, restoration of the site may have long term ecological benefits.

Pre-Application Consultation

- 7.20** As the application constitutes a major development, pre-application consultation was required to be carried out prior to submission of the application. A public event took place at Milton Community Hall. A statutory notice was published in the local press advertising the public event and submission of the proposal of application notice. The turnout at the public event was relatively low. There were no significant issues raised as part of the consultation process although it did result in a review of the initial proposals by the applicant in respect to improved screening for the site.

8. CONCLUSION

- 8.1** The proposal would provide additional and improved waste treatment facilities within an existing landfill site. The proposal complies with the guidance provided by Scottish Planning Policy and local planning policies which seek to encourage recycling and to reduce the amount of waste which is deposited in landfill. The location of the extension and associated recycling facilities are considered appropriate and would not have a detrimental impact on the visual amenity of the surrounding area. The agreement of a restoration bond will safeguard the future restoration of the site. This is an improvement on the current situation where there is no restoration bond. There would be no significant adverse impacts upon local residents, and issues raised by technical consultees can be addressed by suitable conditions. Overall, the landfill extension and recycling facilities will offer a more sustainable long term solution to the treatment of waste.

9. CONDITIONS

- 1. This permission shall enure until 22 October 2044.**
- 2. Only solid, inert, non-toxic, non-ferrous materials shall be deposited on site and excludes any liquids, sludge, oil, domestic refuse or plasterboard.**
- 3. The applicant/operator shall provide and maintain on the site suitable means for the washing of vehicle wheels to prevent mud and deleterious materials being deposited on the public road.**
- 4. Access to and egress from the site for all vehicles shall be taken from the Dunglass roundabout with no vehicular access or egress to be taken from Miltonhill.**
- 5. Prior to the commencement of works, full details of the design, location and height of the screen bunds to be formed on site shall be submitted for the further written approval of the Planning Authority and shall be implemented prior to the installation of any plant on site.**
- 6. Prior to the commencement of works, full details of the location, species and size of the tree planting that is to be undertaken along the western boundary of the site shall be submitted for the further written approval of the Planning Authority and shall be planted prior to the formation of the settlement ponds, stockpile area or the installation of any plant on site.**
- 7. Prior to the commencement of works, full details of the height and location of any stockpiles of materials to be stored on site shall be submitted for the further written approval of the Planning Authority and shall thereafter be stored in accordance with these details.**
- 8. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West Of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.**
- 9. Prior to the commencement of development, a scheme for the control and mitigation of dust shall be submitted for the written approval of the Planning Authority. The scheme shall identify**

likely sources of dust arising from the development and identify measures to prevent or limit the occurrence and impact of such dust and thereafter shall be implemented as approved.

10. The operating hours of the landfill site including the despatch of aggregates shall be between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Public Holidays, Only emergency works, water pumping, servicing or maintenance of plant are permitted to take place outside the permitted hours of operation.
11. Within twelve months from the date of this planning permission, and thereafter at twelve monthly intervals, the applicant shall submit plans at an appropriate scale indicating the progress of operations. The plan will indicate the current position of the extraction area, the extent of landfilling (including level details) and any landscaping or restoration works that have been implemented.
12. Notwithstanding the submitted details, the final restoration details for the site shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the approved operations on site. These details shall include a restoration masterplan which demonstrates how the site will be restored on a phased basis unless otherwise agreed in writing with the Planning Authority.

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Date: 9 October 2014

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Appendix: None

Background Papers:

1. Application documents and plans.
2. West Dunbartonshire Local Plan 2010.
3. West Dunbartonshire LDP - Proposed Plan.
4. Consultation responses.

5. Scottish Planning Policy.
6. Glasgow and Clyde Valley Strategic Development Plan 2012.

Wards affected: Ward 3 (Dumbarton)