

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Chief Officer – Regulatory and Regeneration

Planning Committee: 10 November 2021

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**Subject: Annual Review of Quarries and Landfill Sites**

### **1. Purpose**

- 1.1 To update the Committee on the annual monitoring of the two quarries and two landfill sites in the West Dunbartonshire Council area along with the status of the relevant restoration bonds which apply to three of the sites.

### **2. Recommendations**

- 2.1 That the Committee notes the progress of the quarry and landfill sites, the status of the relevant restoration bonds and that a further update will be provided to a future Planning Committee during 2022.

### **3. Background**

- 3.1 Formal monitoring arrangements of the Council's two quarries and two landfill sites were agreed in 2014. An annual report is presented to the Planning Committee detailing the progress of the operations, restoration arrangements and highlighting any issues at the two quarries and two landfill sites within this Council's Planning Authority area. The Planning Compliance Officer continues to monitor the progress of the landfill and quarry sites assisted by Planning Officers.

### **4. Main Issues**

#### Annual Monitoring of Sites

- 4.1 This year site visits took place to the two quarry sites and the two landfill sites associated with respective applications for the sites. A detailed site visit took place by the Planning Compliance Officer at Auchencarroch Landfill site. The Planning Compliance Officer has retained contact with each of the sites. All four sites continue to progress in accordance generally within the terms of their respective planning permission.

### Auchencarroch

- 4.2** The landfill site has seen significant investment over the last 12 months with upgrades to the processing line costs which have improved efficiency of the operations at the site. This has included the road into the site which has been resurfaced which has accelerated the turnaround times for vehicles. Permission was granted for the extraction of the clay including progressive restoration ( DC19/033) in July 2019. The clay extraction would be used for the landfill cell engineering process on the adjacent landfill site and has been implemented on site.
- 4.3** Currently work is ongoing on waste disposal operations in Cell E4 by way of infilling. Previously the landfill operator had undertaken initial restoration of completed Cell E3 by way of capping. The final restoration of cell E3 has not been completed however continuous assessment of the cell is ongoing and planting/re-seeding in line with the restoration agreement will be progressed during 2021/2022.
- 4.4** A new operational cell, E5 has been constructed, the initial “fluff layer” placement has commenced. The fluff layer is utilised as the sub structure for a vehicle pathway into the cell allowing for vehicles to tip directly into the cell. Full waste tipping is expected later in 2021. During the later period of 2021 the capping of cell E4 will commence in accordance with the planning conditions and in accordance with restoration scheme.
- 4.5** Settlement of cell E2 has stopped and it is expected waste placement within cell E5 will “come up and over” the settled flank of E2 thus providing the required land form profile that is needed for “capping”. Discussions have taken place between the operator and planning officers regarding changes to the restoration proposals and this will be achieved through the current application to extend the time of the approved landfilling operation which is currently under consideration.
- 4.6** The recycling centre waste streams have remained static albeit there was an interruption to green waste and organic services due to Covid restrictions as Councils ceased the uplift of green waste. However, the amount of waste being deposited as landfill remains significantly below the approved maximum allowance. The Scottish Government have several ambitious targets for reducing waste and increasing recycling. By 2025 the aim is to reduce total waste arising in Scotland by 15 % against 2011 levels, reduce food waste by 33 % against the 2013 levels recycle 70 % of remaining waste, send no more than 5 % of remaining waste to landfill. The foregoing targets will have an impact on Auchencarroch however the operator has indicated that changes have been made to reflect the reduction of landfill in the cells. The extant planning permission permits the disposal of waste until 31 December 2022 with restoration to be completed by 31 December 2024. This has resulted in the application (DC 20/253) to extend the time of the approved landfilling operation and restoration by an additional 15 years.

This application is under consideration and will come to a future meeting of the Planning Committee.

- 4.7** Over the past 12 month period, seven odour related complaints have been made directly to SEPA in respect of the Landfill or recycling centre. None of the complaints received were substantiated by SEPA and the current SEPA Compliance Assessment Score for the operator is “Excellent” status. There have been no direct complaints made to the Planning or Environmental Health Services in respect of this site.
- 4.8** A bond at the original level of £120, 000 remains in place and has been renewed until 31st December 2022- the end of the current planning permission. The existing bond requirements will require to be reviewed in terms of the current application to extend the time of the approved landfilling operation and restorations. Initial discussions have taken place with the operator and the bond is likely to require to be increased substantially to meet the requirements of restoration. In addition to the Council’s bond the site is regulated by SEPA and it demonstrates financial provision by means of a parent company guarantee which states the aggregate liability or financial provision limit. The current financial provision for Auchencarroch remains at the same level as previously set of over 1 million pounds. There is an ongoing dispute about Scottish Landfill Tax between Barr Environmental Limited and Revenue Scotland. The Scottish First-tier Tax Tribunal recently found in favour of Revenue Scotland. The Council has been advised that Barr are appealing the decision. The sums involved are huge. If Revenue Scotland are ultimately successful, it appears that there will be a severe impact on the viability of Barr.
- 4.9** Dumbuckhill Quarry  
There are seven benches in total at the Quarry. All excavation works have been completed on the 147m and 135m benches and the faces have been left at a safe angle of repose as required by the agreed details. Work has commenced at the northern end and quarrying continues on the 123m bench. The works to bench 123 will continue for around 6-8 months. Since the Covid-19 restrictions were eased aggregate output has returned to pre-existing levels. To date the quarry has extracted approximately 30% of its agreed extraction, leaving approximately 3.8 million tons of reserves.
- 4.10** In June of 2021 the Review of Minerals Permission (DC19/163) and application (DC19/162) to extend the life of quarrying operations, it was agreed to approve both applications subject to the satisfactory conclusion of a legal agreement in terms of the restoration bond. Presently an independent review is being carried out of the Restoration bond and once concluded the decisions on both applications can be issued. As the bond and legal agreement have yet to be finalised the

quarry continues to operate as per the existing planning conditions. The existing restoration bond of £200,000 agreed in 2014 remains in place (until 4<sup>th</sup> April 2024).

- 4.11** There have been a total of 23 complaints made regarding blasting at the quarry since the last report. Environmental Health Service indicated that all blast measurements are well below the nationally agreed levels of 6mm/s. There are no outstanding improvement notices by Health and Safety Executive, SEPA or any other regulatory bodies for this site.

#### Rigangower Landfill

- 4.12** The recycling plant has remained fully operational over the last 12 months with a steady production around 15% less than an average year pre- COVID. The stockpiles of materials are maintained below the 9 metres in height as per the planning condition. The recycling and reprocessing of incoming and previously landfilled materials continues.

- 4.13** The bund surrounding the operational area remains in good condition with continuing growth on the trees providing good screening. All areas in the site, including areas within the landfill that are currently not being excavated, have been grassed over ensuring a more natural appearance of the landfill area. The site is being worked in accordance with the phasing plan. Phase one of the site is still being excavated however the volume of material removed was reduced due to Covid restrictions as well as labour and supply shortages, accordingly no restoration can take place until this area is complete. The extended capacity to the site has not been utilised and the operator has indicated that it is unlikely to be used whilst the excavation of previously landfilled material continues.

- 4.14** An application to install and operate additional recycling plant associated with the approved waste recycling facility (DC21/132 ) is presently under consideration. The additional facility is being sought to satisfy the demand for product together with a more sustainable generation of products from the site.

- 4.15** No complaints were received in respect of the site. The bond for the site was renewed in November 2019 and was set at the same level of £70,000 for a further 5 year period. The site's financial provision regulated by SEPA was demonstrated as being sufficient cover.

#### Sheephill Quarry

- 4.16** The quarry continues to operate under the 1949 permission. The Review of Minerals Permission (WP98/076) was agreed by Council in March 2021 whilst the planning application for an extension to the north west of the extraction area (DC02/447) was refused by Council in March 2021. The refused application is now the subject of an appeal to the Planning and Environmental Appeals Division and a decision is awaited. The Review of Minerals Permission (ROMP) has been issued and the applicant has until 1<sup>st</sup> January 2022 to appeal the ROMP. The

conditions of the ROMP are only finally determined once an appeal has been determined or the right of appeal has expired.

- 4.17** The quarry has remained fully operational over the last 12 months with a steady production around 15 % less than pre Covid. The reduction is due to a number of factors, labour and supplier shortages along with managing Covid related issues on and off site. The site is currently being worked on both the east side at 135m level and west sides at 100m level. Initial works have commenced on the approved haul road following archaeological explorations. The operator indicates work on the road will be slow due to availability of plant and labour. It is anticipated that the road will be completed by the end of summer 2022.
- 4.18** Nine complaints were made regarding five blasting incidents, the recorded measurements indicate that all were below the permitted 6mm/as set out in PAN/50. One complaint was made regarding works being undertaken out with the consented area however following inspection this was not the case.
- 4.19** There is no bond for the wider quarry site. An application for Scheduled Monument Permission for the removal of Sheephill fort recently has been made to Historic Environment Scotland for a decision. The Council is currently preparing to make comments to this application.

## **5. People Implications**

- 5.1** Staff time will be required to take forward any issues which arise from the monitoring exercises across all sites. It is anticipated that this additional workload can be accommodated through existing staff resources.
- 5.2** Continued monitoring of the two quarries and landfill sites will be undertaken by the Planning Compliance Officer assisted by Planning Officers, on an annual basis. Site visits will also be undertaken if any issues/complaints arise.

## **6. Financial and Procurement Implications**

- 6.1** Financial implications could arise in the future in the event of the failure of one of the site operators without a restoration bond, or if a bond was not sufficient to cover the required restoration of the site.

## **7. Risk Analysis**

- 7.1** There are financial and reputational risks to the Council if the sites are not formally monitored or the bonds are not adequate to cover the full cost of implementing the agreed restoration proposals. There is a higher risk to the Council if no bonds are in place and the operator fails.

## **8. Equalities Impact Assessment (EIA)**

**8.1** It is not considered that the report or recommendations raise any equality issues.

## **9. Environmental Sustainability**

**9.1** All the quarry and landfill sites have been subject to Environmental Statements through the processing of the respective planning applications.

## **10. Consultation**

**10.1** No consultation was necessary for the preparation of this report.

## **11. Strategic Assessment**

**11.1** The annual monitoring of the quarry and landfill sites aligns with the strategic priorities of the Council.

**Peter Hessett**

**Chief Officer – Regulatory and Regeneration**

**Date: 10 November 2021**

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**Appendices:** None

**Background Papers:** Planning Committee Report, 28<sup>th</sup> August 2019 Annual Review of Quarries and Landfill Sites  
Planning Committee Report, 30 April 2014 - Review of Quarries and Landfill sites (monitoring arrangements)

**Wards Affected:** Ward 1 (Auchencarroch Landfill Site)  
Ward 3 (Dumbuck Quarry, Sheephill Quarry and Rigangower Landfill Site)

