

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 18 JUNE 2009**

**08/0691/FL: FORMATION OF HARDSTANDING, SUDS POND AND CHANGE  
OF USE FROM VACANT LAND TO TREATMENT OF CONTAMINATED SOILS  
AT DUNNIFLATS, LUGTON  
BY WM TRACEY LTD**

**Supplementary Report by Head of Planning and Economic Development**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for consideration by the Committee a full planning application. This was continued by Committee at the meeting of 30 April 2009 for further investigation into a traffic modelling system given the concerns about the movement of heavy goods vehicles to and from the site, within the East Ayrshire boundary. Furthermore the Committee also wished to receive information as to the composition and powers of the liaison committee proposed through planning condition 15.

### **2. INVESTIGATION INTO THE TRAFFIC MODELLING SYSTEM**

2.1 The applicant has reviewed the 'Scottish Vacant and Derelict Land Survey 2008' and has identified a number of areas where potentially contaminated soil may originate. The majority of derelict and vacant land lies within the central belt. The exact amount of contaminated soil to be removed from these sites is unknown. The potential market for Dunniflats is considered to have a direct correlation between the area of derelict land and future business. The majority of derelict and vacant land lies within the North Lanarkshire, Glasgow City, North Ayrshire and Renfrewshire Council areas. This equates to 4,900 hectares of land which represents 83% of the derelict and vacant land within the main market area for Dunniflats. These areas would be best accessed by the A736 southbound to the site or the A736 northbound to the site for the North Ayrshire area.

2.2 The proposed facility will have the ability to cater for a maximum number of 40 deliveries per day. The applicant has advised that it is William Tracey Group policy to use appropriate routes with no use of B class roads and cross country routing. William Tracey Group will have control over the lorry movements as they have their own tipper fleet and can control movements internally. Third party lorries will only be used on the odd occasion. The report goes on to advise that approximately 71% of traffic will travel southbound on the A736, 22% will travel northbound on the A736 and 7% on the A735.

2.3 The report also touches on the waste sent to landfill and advises that three main sites will be utilised, namely Garlaff in Skares near Cumnock, Tarbolton and Avondale near Falkirk. The Garlaff and Tarbolton sites will require vehicles to use the A735. Given that it is expected that 2 vehicles will visit each landfill site each day, a total of four vehicle movements would be expected on the A735.

2.4 The Council's Roads & Transportation Division has assessed the additional information submitted by the applicant and has submitted the following comments:

2.5 From the central belt area the main routes to the Dunniflats Depot have been examined and the count information relating to these has been tabulated. This information has then been shown as a percentage relating to each route, based on the information supplied within table 1 on the location of derelict and vacant land. This appears satisfactory.

2.6 Based on this percentage, the additional trips associated with the development have been applied to the various routes which have been converted to show the proposed additional vehicles on the route. Again as above this appears satisfactory.

2.7 The report does not mention possible trips from England to the Depot as highlighted in the original report prepared by Grontmij. However should this market develop then the figures proposed for the two other routes from the south would be liable to decrease which would result in fewer additional vehicles on the A735 and the A736 from the south.

2.8 From the trips indicated to the landfill sites there would be 2 no. additional trips per landfill site within the central belt which would equate to four additional trips maximum on the A735 assuming the HGV's head back to the Depot.

2.9 The total maximum additional trips per day (2 way) on the A735 would then equate to 10 per day. This is one additional trip per hour over a 10 hour working day going through the built up areas of Kilmarnock, Kilmaurs, Stewarton and Dunlop. This would give the Roads Division no cause for concern.

2.10 As the roads indicated are all A class they would not be subject to the serving of any Section 96 notice as far as the Roads Division is concerned as these roads have been constructed to handle all classes of vehicle.

2.11 The Roads Division has advised that there is nothing in the addendum to the original Transport Assessment that gives them any cause for concern.

2.12 The Council's Legal, Procurement and Regulatory Services section has advised that the use of a planning condition would not be an appropriate means of controlling the right of passage over public roads, as advised by Circular 4/1998. Furthermore, given the wide spread of vehicle routes the use of a section 75 legal agreement is not encouraged as it would be difficult to monitor and enforce and could also be viewed as unreasonable.

2.13 Dunlop and Lugton Community Council have advised that they are continuing to object to the development and have raised the following points:

2.13.1 Previously Dunlop & Lugton Community Council raised a number of transportation issues and were encouraged that Councillors recognized the need for a more thorough analysis of the traffic impact of the development when the application was considered at the Northern Local Planning Committee on 30 April 2009. Unfortunately, the 'Vehicle Routing Appraisal' now submitted does little to address the concerns previously raised, as it is difficult to understand from the black and white copies of the material provided how the conclusion that '71% of traffic will travel southbound on the A736, 22% will travel northbound on the A736 and 7% on the A735' was arrived at. (refer paragraph under table 3) Surely this assumes that the traffic to the Dunniflats site will be evenly distributed from the various sources of contaminated material, yet at the Planning Committee hearing it was stated that material would probably come from a single site at any one time. Depending on the location of that site, and the quantity of material, it could be the case that 100% of traffic would use a single route.

***The figures used in the 'Vehicle Routing Appraisal' report are based on the Scottish Vacant and Derelict Land Survey 2008 which indicates the main market area for the Dunniflats facility. Based on this the most likely routes to the site were plotted. The breakdown of figures is based on this understanding. It is conceivable, dependant on the site, that one route will be predominantly used at one time however the overall long term breakdown of route usage is considered to be accurate and the most appropriate method of demonstrating the main market areas and hence likely routes to and from the facility. The Roads Division has no objections to the proposal subject to the use of conditions.***

2.13.2 In Table 4: Breakdown of Vehicle Movements it identifies the time frame as 07:00 to 19:00, yet it is the intention to restrict operation of the facility to the hours of 08:00 to 18:00. As a consequence the % figures give a false impression of the impact of the additional traffic. On the basis of 81 HGV movements over a 10 hour working day the Dunniflats location will experience an HGV entering or leaving every 7.5 minutes. These figures are calculated on a simple averaging of the yearly totals and take no account of peaks and troughs in the processing cycle where large quantities of material may be brought onto the site or removed from

the facility within short timescales. The Community Council remain of the opinion that the existing roads infrastructure and communities along the A735 (Dunlop, Stewarton, and Kilmaurs), (and potentially the A736 also) would suffer unacceptable environmental damage as result of this volume, frequency and weight of HGV's.

***Table 4 does indeed show a working day of 0700 to 1900. It is considered that the reduction required by condition will not significantly change the overall working pattern at the site. The report states that the facility will be able to cater for a maximum of 40 deliveries each day which equates to 80 vehicle movements. This number of vehicle movements is considered to be acceptable and does not cause any concern to the Roads Division. Furthermore the Community Councils concerns that the roads infrastructure would receive unacceptable damage is not shared by the Roads Division and given the small percentage of overall trips utilising the A735 it is considered that there will be a negligible impact on the communities of Dunlop, Stewarton and Kilmaurs.***

2.13.3 The Vehicle Routing Appraisal notes on page 3 that 'Wm Tracey will have control over the lorry movements as they have their own tipper fleet and can control movements internally. 3<sup>rd</sup> party lorries will only be used in odd occasion'. On page 5 it states 'The William Tracey Group policy will be to encourage HGV vehicles travelling from any of the vacant and derelict sites to avoid using B class routes to access the Dunniflats Depot.' These statements are contradictory, and offer little confidence to the Community Council that lorry fleets and drivers (whether employed directly by William Tracey or not) can be effectively policed to use designated routes.

***It is considered that these statements are not contradictory and in the conclusion section the applicant states that they will encourage HGV's to avoid using B class roads. The applicants have their own tipper fleet which would predominantly be used for the proposed use and have a good degree of control over this. Those third party groups used in connection with the operation would require to enter into contract with Wm Tracey Group therefore it is considered that the applicants have a reasonable degree of control over the proposed routes.***

2.13.4 This additional information now indicates the need for disposal of residue to landfill, resulting in additional vehicle movements not previously identified. This requirement was not made clear in the original application and reinforces the perception given by the representatives of Wm Tracey Ltd at the Planning Committee hearing that there remain a number of uncertainties about the actual operation of the facility.

***The requirement to dispose of some waste to landfill was never hidden in the previous report. The addendum to the report has specifically addressed this issue as requested by Committee therefore this is why further and more detailed information has been presented by the applicant.***

2.13.5 In submitting these comments Dunlop and Lugton Community Council are of the opinion that the information submitted is inadequate and inconclusive and that the transportation issues remain to be addressed satisfactorily.

***It is considered that the information presented in the report clearly shows the likely markets for the development and therefore the likely routes to and from the site, as requested by Committee. The Council's Roads Division has reviewed the information and has no concerns regarding the content of the report.***

2.14 Stewarton and District Community Council has not responded to their consultation at the time of writing.

***Noted.***

### **3. LIAISON COMMITTEE DETAILS**

3.1 The proposed Liaison Committee is a recommendation based on policy WM6 (iii) of the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications). It is considered that the main purpose of the Committee would be to create a venue for dialogue between residents, elected members for Ward 1 and the developer where any ongoing issues or concerns of the community could be raised directly with the developer. It would be appropriate for the Liaison Committee to agree the frequency of its meetings, however, similar meetings held relative to opencast sites in the district are on many occasions held quarterly.

3.2 It is considered that the Liaison Committee would be primarily composed of representatives of the local community most likely to be affected by the operation of the site, elected members for Ward 1, representatives of the local Community Council and the developer. It is further recommended that a representative of the Council's Planning and Economic Development Division be present at the inaugural meeting of the Committee to help to facilitate the initial direction of the meeting and to contribute towards the continuing working arrangements of the Committee. Thereafter it would be appropriate for the Division to be represented following a specific request from the Liaison Committee.

3.3 It is envisaged that the Committee will have no decision making power. The primary purpose of the Committee is to establish a direct dialogue between

the local community, elected representatives and the developer. This will enable the community to raise any concerns directly with the developer who can then attempt to resolve the issue, if practicable, which should result in reduced conflict and speedier solutions to the benefit of all parties. Should the developer be unable to explain or resolve an issue to the satisfaction of the community, the community would still be able to report their concerns to the appropriate regulatory body such as the Planning Authority, SEPA, Roads Division or Environmental Health should this be appropriate.

#### **4. CONCLUSIONS**

4.1 The additional traffic modelling information is considered to demonstrate that most of the traffic generated from the site will indeed utilise the A736 as the primary access point for the Dunniflats Depot. As advised by the Roads Division above, the information submitted indicates that there will be 10 additional vehicle trips per day on the A735 southbound which is an accumulation of 'ordinary' trips to/from the depot as well as the trips to landfill. This equates to one extra vehicle an hour which is considered to be well within the operational capabilities of the road and of a minimal impact to communities along this route. The Council's Legal, Procurement and Regulatory Services section have advised that control of lorry routing through planning condition or section 75 legal agreement is not practical in terms of monitoring or enforcement and could be viewed as unreasonable. Should extraordinary expense be incurred for road damage as a result of the vehicle movements associated with the Dunniflats Depot use, the Roads Division could pursue the use of a section 96 agreement under the Roads (Scotland) Act 1984 to recoup said costs.

4.2 The Liaison Committee, whilst having no specific power, would provide an opportunity for dialogue between local residents, elected representatives and the developer. Therefore this should reduce potential conflict between these parties and should lead to quick resolution of any issues raised by the community whilst also giving the developer the opportunity to inform the community of potential issues. Should agreement not be reached on a particular issue the community has recourse in the various statutory bodies that monitor the site such as SEPA and the HSE or other relevant bodies such as the Planning Authority and the Environmental Health section.

#### **5. RECOMMENDATION**

**5.1 It is recommended that the Committee note the terms of the supplementary report and that the application be approved subject to the conditions proposed in the report to the Northern Local Planning Committee on 30 April 2009.**

## **CONTRARY DECISION NOTICE**

Should the Committee be of the view that the application should be refused contrary to the recommendation of the Head of Planning and Economic Development, the application will not require to be referred to the Principal Planning Committee because there would be no significant breach of policy.

**Alan Neish**  
**Head of Planning and Economic Development**

09 June 2009  
(DW/RH)

DVM/FV

## **LIST OF BACKGROUND PAPERS**

1. Vehicle Routing appraisal.
2. Consultation responses
3. Planning Application No: 08/0691/FL
4. Circular 4/1998

Any person wishing to inspect the above papers please contact David Wilson on (01563) 576779.

**Implementation Officer: Dave Morris**

## **EAST AYRSHIRE COUNCIL**

**NORTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2009**

**08/0691/FL: FORMATION OF HARDSTANDING, SUDS POND AND CHANGE  
OF USE FROM VACANT LAND TO TREATMENT OF CONTAMINATED SOILS  
AT DUNNIFLATS, LUGTON  
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### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 The proposal is for the creation of a hardstanding area and SUDS drainage pond between the existing bunding at the site boundaries. The hardstanding area will be used as the base for a soil treatment recycling facility for contaminated waste soils from the construction industry. Waste soils will be imported to site, treated and exported for re-use as backfill material or as a base material for manufactured topsoil. The developer envisages utilising four separate technologies at the site to enable the treatment of different types of contaminated soil as there is no 'one size fits all' technology however it is highly unlikely that all four technologies will operate at any given time. The technical capacity of treatment by the technology is 200,000 tonnes per annum with most soils brought to the site in HGV's however the railway siding serving the site could be re-opened should soils from further afield require to be treated. The developer has indicated that the project will create 15 full time jobs most of which will be highly skilled, technical and professional positions.

1.2 Each technique requires the deployment of specialist treatment equipment. The four treatments are solidification/stabilisation, thermal desorption, soil washing and bioremediation.

1.3 Solidification/stabilisation refers to a process that binds the polluted soils or sludge and cements it into a solid block and changes the chemicals so that they become less harmful or less mobile. This is achieved by mixing the soil with a substance, like cement, that causes the soil to harden and therefore prevents chemicals from spreading into the surrounding environment. The mixture dries to form a solid block that then can be removed to landfill.

1.4 Thermal desorption uses heat to change chemicals into gases which are then collected by specialist equipment and can be disposed of safely with the clean soil returned to site. The soil is heated in a rotary dryer to remove

contaminants. Heated air is blown directly into the rotating soil chamber in the opposite direction as soil movement thereby maximising heat exposure. At or before the design temperature of up to 550 degrees Celsius the contaminants are volatilized from the soil and transferred to the dryer gas stream. This stream is sent to a multiclone and oxidizer system where particulate matter is removed and the contaminant laden vapour is combusted. The gas stream flows into a direct cooler for rapid cooling followed by the removal of remaining particulate matter via movement through the bag house mechanism. Treated material is placed into an auger and re-hydrated prior to discharge. The gasses are then discharged through a flue system to the air passing through a sulphur scrubber to remove sulphur from the gas prior to discharge into the air. The emission valves are set and controlled by SEPA.

1.5 Soil washing effectively scrubs the soil to remove and separate the portion of the soil that is most polluted thereby reducing the amount of soil needing further cleanup. Soil washing alone may not be enough to clean polluted soil and it is therefore necessary to often deploy with other technologies. The contaminants tend to 'stick' to the finer silt or clay type soils and these soils can be separated out through this method allowing the heavier, less or non contaminated soils to be returned to site or treated via a different method. The contaminated fines can then be washed again or treated via another method.

1.6 Bioremediation utilises natural processes to clean up the chemicals. Microbes are introduced into the contaminated soil and they will digest the chemicals with the help of oxygen changing them into water and harmless gasses. Organic amendments are used to encourage the population growth and biological metabolism of naturally occurring soil bacteria whilst inorganic amendments are designed to produce inert, innocuous and naturally occurring products through geochemical processes of degradation, chemical weathering and/or recrystallisation. This method of treatment has the appearance of long low piles of soil covered by a fleece like material where the natural processes described are allowed to break down and remove chemicals.

## **2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

## **3. CONCLUSIONS**

3.1 As indicated in Section 5 of the report, the application is considered to be compliant with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 The consultation responses do not indicate that the application should be refused and conditions could address the points that they have raised other than the East Renfrewshire response which may be pursued by them separately from the planning process. The Community Council issues are noted however the concerns that they have raised are not shared with the Roads Division. The environmental concerns are noted and appropriate conditions should be attached to ensure that drainage and visual impact is carefully controlled. When this is combined with the regulatory control by SEPA it is considered that the Community Council issues are largely addressed.

3.3 The proposal is considered to be compliant with the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications) and the planning history of the existing site indicates a well established facility storing and treating various contaminants. In terms of the impact on the amenity of the area it is considered that there will be a limited impact this impact can be minimised through the use of appropriate planning conditions regarding the screening of the site and site working times to ensure that the impact on the area is of a negligible nature.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee as such a decision would not be a significant departure from policy.

**Alan Neish**  
**Head of Planning and Economic Development**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

## EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2009

**08/0691/FL: FORMATION OF HARDSTANDING, SUDS POND AND CHANGE  
OF USE FROM VACANT LAND TO TREATMENT OF CONTAMINATED SOILS  
AT DUNNIFLATS, LUGTON  
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**Report by Head of Planning and Economic Development**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a planning application which is to be considered by the Local Planning Committee under the scheme of delegation, as it is subject to more than ten objections.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site, of some 2.8 ha, is a wedge-like shaped mainly hardstanding area predominantly surrounded by bunding with the base of the wedge located on the existing Dunniflats site. The Dunniflats Depot is owned and operated by William Tracey Ltd. The Depot is a Tier 2 COMAH regulated site, for the importation, storage and distribution of hazardous and dangerous chemicals and substances. It also has a Pollution Prevention Control Permit registered and monitored by SEPA, to operate as a hazardous waste treatment facility, treating waste ashes from power generators with waste acids and alkalis to consolidate both to create a neutral waste suitable for off-site disposal to landfill. The application site appears to have had a former use, possibly as railway yard/sidings or in connection with the MOD supplies depot use which existed at the site until 1991. A railway siding is located at the site although it is not operational. The existing facility is approximately 2.9 ha in area and includes a number of sheds and warehouses, a large hardstanding area, a SUDS pond and site offices. The site is bounded to the west and north by agricultural land and the Kilmarnock to Glasgow railway line, to the east by agricultural land and to the south/south west by the existing Dunniflats facility. Access is taken from the A735 public road to the south west of the site. The application site is over 400 metres from Lugton, 600 metres from the dwelling at the site access and over 250 metres from the nearest dwelling at Dunniflat Farm.

2.2 **Proposed Development:** The proposal is for the creation of a hardstanding area and SUDS drainage pond between the existing bunding at the site boundaries. The hardstanding area will be used as the base for a soil

treatment recycling facility for contaminated waste soils from the construction industry. Waste soils will be imported to site, treated and exported for re-use as backfill material or as a base material for manufactured topsoil. The developer envisages utilising four separate technologies at the site to enable the treatment of different types of contaminated soil as there is no 'one size fits all' technology however it is highly unlikely that all four technologies will operate at any given time. The technical capacity of treatment by the technology is 200,000 tonnes per annum with most soils brought to the site in HGV's however the railway siding serving the site could be re-opened should soils from further afield require to be treated. The developer has indicated that the project will create 15 full time jobs most of which will be highly skilled, technical and professional positions.

2.3 Each technique requires the deployment of specialist treatment equipment. The four treatments are solidification/stabilisation, thermal desorption, soil washing and bioremediation.

2.4 Solidification/stabilisation refers to a process that binds the polluted soils or sludge and cements it into a solid block and changes the chemicals so that they become less harmful or less mobile. This is achieved by mixing the soil with a substance, like cement, that causes the soil to harden and therefore prevents chemicals from spreading into the surrounding environment. The mixture dries to form a solid block that then can be removed to landfill.

2.5 Thermal desorption uses heat to change chemicals into gases which are then collected by specialist equipment and can be disposed of safely with the clean soil returned to site. The soil is heated in a rotary dryer to remove contaminants. Heated air is blown directly into the rotating soil chamber in the opposite direction as soil movement thereby maximising heat exposure. At or before the design temperature of up to 550 degrees Celsius the contaminants are volatilized from the soil and transferred to the dryer gas stream. This stream is sent to a multiclone and oxidizer system where particulate matter is removed and the contaminant laden vapour is combusted. The gas stream flows into a direct cooler for rapid cooling followed by the removal of remaining particulate matter via movement through the bag house mechanism. Treated material is placed into an auger and re-hydrated prior to discharge. The gasses are then discharged through a flue system to the air passing through a sulphur scrubber to remove sulphur from the gas prior to discharge into the air. The emission valves are set and controlled by SEPA.

2.6 Soil washing effectively scrubs the soil to remove and separate the portion of the soil that is most polluted thereby reducing the amount of soil needing further cleanup. Soil washing alone may not be enough to clean polluted soil and it is therefore necessary to often deploy with other technologies. The contaminants tend to 'stick' to the finer silt or clay type soils and these soils can be separated out through this method allowing the heavier, less or non

contaminated soils to be returned to site or treated via a different method. The contaminated fines can then be washed again or treated via another method.

2.7 Bioremediation utilises natural processes to clean up the chemicals. Microbes are introduced into the contaminated soil and they will digest the chemicals with the help of oxygen changing them into water and harmless gasses. Organic amendments are used to encourage the population growth and biological metabolism of naturally occurring soil bacteria whilst inorganic amendments are designed to produce inert, innocuous and naturally occurring products through geochemical processes of degradation, chemical weathering and/or recrystallisation. This method of treatment has the appearance of long low piles of soil covered by a fleece like material where the natural processes described are allowed to break down and remove chemicals.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads Division have assessed the Transport Statement undertaken by Grontmij on behalf of the applicant and have raised no objections to this application subject to a condition requiring the installation of solar powered bend warning signs in both directions at the approach to the site indicating that there is a junction on the road bend. Furthermore they advise that the sightline standard of 4.5 metres by 90 metres to the south of the junction is currently unachievable due to the presence of bushes within ground owned by East Ayrshire Council. The Roads Division consider that a fair amount of traffic will still use the A735 road to the south of the site but advise that the A735 and A736 links will remain within operational capacity and that the information provided in the Transport Statement is, in the main, satisfactory.

***Noted. An appropriately worded condition could be attached to any grant of planning consent to ensure that appropriate solar powered bend warning signs are provided by the developer within the public road verge. The achievement of the 90 metre southbound sightline can be achieved by removing vegetation on East Ayrshire Council land therefore this issue can also be conditioned to ensure that the developer achieves the required safe sightline standard.***

3.2 Dunlop and Lugton Community Council has objected to this development on the following grounds

3.2.1 Environmental Principles – Within the context of the National Waste Plan for Scotland, Dunlop and Lugton Community Council support the fundamental principle that contaminated material should be treated as close to source as possible and that the transportation of contaminated waste on public roads should be restricted as far as possible. This application suggests that the contaminated materials being brought to the proposal site will emanate from

construction sites throughout Scotland (and England refer Transport Statement 4.2.1) and indicates a significant number of daily lorry movements. This practice is unsustainable and is contrary to both East Ayrshire Council and Scottish Government environmental objectives.

***The proximity principle referred to by the Community Council requires that waste be disposed of as near as possible to the point at which it arises. The applicant has indicated in supporting letters that as the proposed operation is of a specialised nature there is insufficient contaminated soil generated within Ayrshire to make the treatment facility viable. In order to make the development viable, it will require to treat waste from throughout Scotland, therefore the proximity principle should apply to Scotland rather than solely Ayrshire and the Ayrshire, Dumfries and Galloway Area Waste Plan acknowledges that there may be opportunities for partnership workings across waste plan boundaries.***

3.2.2 Business case – The supporting information to the application indicates that the proposed development is a soil treatment recycling facility for contaminated waste soils from the construction industry. Section 5 of this document, under the heading ‘market and policy drivers’ indicates that a market exists for this type of facility but provides no statistical evidence to back up this claim. It also makes reference to the National Waste Plan and gives no indication of the role of this facility within an overall Scottish strategy for dealing with this kind of waste, and while it is acknowledged that Scotland must maintain an adequate capacity to handle waste now and in the future, this must be co-ordinated at a national level and should not be driven by economic opportunity.

***The developer has advised that there is only one other Scottish facility that offers similar services as proposed at Dunniflats. This is located at the Kinneil Kerse landfill site near Bo’ness and solely offers bioremediation. The other nearest facility is located at Port Clarence, Teeside. Due to changes in the Governments approach to landfill tax, it is anticipated that the demand for soil treatment will increase significantly in the coming months. The proposed development is therefore intended to meet a substantial gap in the market, both in Ayrshire and beyond. Whilst this waste stream is not specifically mentioned by the Area Waste Plan it is considered that the facilities to be provided will contribute to the national strategy for waste treatment given there are no other facilities of this kind in the West of Scotland.***

3.2.3 Site development issues – From the information currently available, Dunlop and Lugton Community Council have significant concerns regarding a

number of issues relating to the proposed developments within the confines of the site. These relate to: the current condition of the site and potential risks of existing contamination, ground water seepage and risks of contamination of nearby watercourses, detailed arrangements for disposal of surface water and water content of imported materials including the adequacy of proposed SUDS pond, containment of the site including any works to existing bunds, source and adequacy of water supply to service the facility, landscaping and any other measures to mitigate the visual impact of plant, initial construction works and access for delivery arrangements for large items of plant.

***The concerns expressed by the Community Council under this heading have largely been addressed through consultation responses from SEPA, the Councils contaminated land officer and Scottish Water. SEPA have recommended the attachment of planning conditions to ensure that all foul and surface water drainage is provided to their standard to ensure that there is no contamination of ground water or public water and sewerage pipes. The Councils contaminated land officer has indicated that there may be potential for existing ground contamination and recommends the attachment of planning conditions to ensure that this issue is investigated by the developer and resolved if required. The developer has agreed to maintain the bunds after discussion with the Planning Authority to provide a visual screen of the site. The Planning Authority considers that a landscaping scheme to augment these bunds would provide further visual screening of the site and a condition could be attached in this regard. The Roads Division has not objected to the development and the developer has advised that due to the high mobilisation costs of deploying each technology and the likely scenario that waste will originate from a single source (and thereby largely single contaminants) for long periods of time, it is unlikely that large items of plant will be arriving at the site on a regular basis.***

3.2.4 Transportation issues – Dunlop and Lugton Community Council have reviewed the Transport Statement prepared by Grontmij dated May 2008 and believe the analysis to be fundamentally flawed on two counts. Firstly the trip generation calculation (table 4.1) calculates the number of annual HGV trips on the basis of one trip per 20 tonnes of soil processed. It is our understanding that each tonne of soil processed will require to be brought to the processing facility and then removed at some later time so on the basis of 200,000 tonnes processed the number of HGV trips would in fact be 20,000 annually (not 10,000 as stated) involving a total of 40,000 HGV movements annually.

***The Community Council have assessed this information on the basis that vehicles will deposit 20 tonnes of waste material at the site and will then leave empty and at another time will enter the site and leave***

***with 20 tonnes of clean soil. The developer has advised that this will not be the case and intend to run the facility on the basis of no empty vehicle trips and they point out that the facility is not large enough to allow stockpiling of treated soil therefore when a batch of soil is delivered there should be a further batch prepared to be removed from the site. The exception to this scenario would occur at the beginning of the project where there will be no treated soils to be removed from the site***

3.2.5 Secondly, the calculations of vehicle movements per day are calculated on a simple averaging of the yearly totals and take no account of peaks and troughs in the processing cycle where large quantities of material may be brought onto the site or removed from the facility within short timescales. Subsequent analyses in the Transport Statement are invalid due to this fundamental error in base information.

***The Community Councils statement is incorrect in this regard. The Transport Statement indicates at section 4.1.3 that peaks and troughs have been considered and that the figures and considerations are not based solely on a standard average of daily movements.***

3.2.6 We also note from the Transport Statement that the facility will operate a 13 hour working day, and one of the principle access routes will be the A735 south to Kilmarnock. The existing roads infrastructure and communities along the A735 (Dunlop, Stewarton and Kilmaurs) would suffer unacceptable environmental damage as a result of this volume and weight of HGV's.

***The A735 southbound is considered to be a likely route although not a principal access, this being the A736 to/from East Renfrewshire. The Council's Roads Division has identified the A735 as having sufficient capacity to accommodate the extra vehicle movements from this site and have not identified the extra vehicle usage as being detrimental to the road infrastructure. It is considered that the number of vehicle movements from the site using the A735 will be the smaller proportion of the site traffic with most vehicles quickly exiting the East Ayrshire road network after a short trip through Lugton therefore it is considered that there will be a minimal impact on the communities along the A735.***

3.2.7 There are also concerns regarding the ability of the developer to ensure that vehicles using the facility will not create excessive road dirt and that vehicle washing requirements are enforced.

***The developer has advised that they do not anticipate road dirt to be an issue as vehicles will have been cleaned prior to leaving from the***

**contaminated land source and will not require to leave tarmac or concrete surfaces within the Dunniflats site. A wheel wash facility is available within the Dunniflats site should this become an issue. It is considered that an appropriate condition could be attached to any consent to ensure that no dirt is taken onto the public road from the Dunniflats site.**

3.2.8 In addition there are safety concerns relating to the access road into the development as there are family homes fronting this.

**The homes located at the site entrance with the A735 have co-existed with the current Dunniflats facility for a number of years and the developer has advised that there have been no incidents resulting from this relationship. The Roads Division has not raised any particular issue with the access arrangements and it is considered that the works required to obtain sightlines and the solar powered bend warning signs will actually improve the access and egress for these residents. It should be noted that there are currently 40 vehicle movement in and 40 vehicle movements out of the site with no significant problems and whilst the proposal would effectively double this number it is considered that the junction is safe and that the road network remains within capacity, as advised by the Roads Division.**

3.2.9 Industrial processes – It is noted that a range of industrial processes may be used in the proposed facility, however the technology description sheets are dated 2001 and relate to United States Environmental Protection Agency Standards. It is unclear how these technologies will be applied within the proposed facility and the community requires further information on the following: source and volume of water required, water treatment and discharge, fuel for combustion processes, methods for dealing with airborne contaminants, noise and smell emanating from plant operations, size and location of proposed equipment and hours of operation of processes.

**The developer initially submitted technology fact sheets providing a basic description of the processes involved with the four technologies. This has since been supplemented by more detailed information which has been provided for the Community Council's attention and consideration. The developer has advised that no specific supplier of the technologies has been chosen but has provided generic information on each of the technologies including some details of noise levels and smells. Should consent be granted it is recommended that a planning condition be attached to ensure that further information be provided on the chosen technology including specific designs, operating details with regard to noise and smells and locations on site to ensure that sufficient control is**

***maintained over the operation. With regard to the other points raised by the Community Council the developer has advised that the proposed fuel will be diesel and electricity and Scottish Water has raised no objection in relation to water supply. The monitoring of airborne contaminants/volatile organic compounds will take place regularly at the site perimeter and will involve agreement with SEPA and forms part of the regulatory working plans. The developer has further advised that smells will be minimised through the use of geotextile fleece coverings of soil to prevent vapour release and that a dust and odour suppression system will operate on site.***

3.2.10 Existing operations and track record of operator – Throughout the 16 years of William Tracey Ltd's ownership of this site, Dunlop and Lugton Community Council have on numerous occasions been required to bring concerns about their waste management activities to the attention of monitoring and enforcement authorities. The Community Council has been unable to establish satisfactory liaison arrangements in relation to existing operations on the site and sees no evidence that a satisfactory relationship can be established in relation to the proposed new facility. Furthermore, a planning condition could be attached to any consent granted which would establish a community liaison meeting allowing representatives of the Community Council to meet with the developer on a regular basis. These meetings, which could take place up to three times a year, would allow the Community Council to discuss any operational issues with the developer and hopefully work towards a resolution of any such issues through constructive dialogue.

***This is not a material planning consideration in the determination of this application. The developer has advised that they are willing to meet representatives of the Community Council to discuss the proposals in more detail and to consider their concerns.***

3.2.11 Planning policy – It is noted that a number of National Planning Policies and East Ayrshire Local Plan Strategic and General Development Management Policies (as contained in December 2007 Finalised Draft) would apply to this proposed development and would require East Ayrshire Council to refuse permission. In particular, under Strategic Waste Management Policies, we note Strategic Policy WM2 which states: 'The Council will ensure that all new waste management facilities, comprising landfill disposal sites, recycling facilities, composting or waste processing plants at which any form of waste treatment or recovery is undertaken, are dedicated towards meeting the needs of East Ayrshire or Ayrshire as a whole. In this regard the Council will ensure that a minimum of 90% of all waste disposed of or treated in any new waste facilities in east Ayrshire should originate from within Ayrshire'.

***Section 5 below provides the full and detailed policy position for this application and indicates that the proposed use is compliant with the***

***policies of the Ayrshire Joint Structure Plan, the East Ayrshire Local Plan and the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications). With specific regard to Policy WM2 it is considered that the proposed treatment facility is very specialist and targets a specific waste stream where it would not be possible to adopt the rule of ensuring 90% of waste treated should originate from Ayrshire as insufficient waste is generated within the Ayrshire area to support this. It is considered therefore that it would be unrealistic to impose the 90% condition and that some flexibility should be used to reflect the specialist nature of the proposal.***

3.3 Network Rail has no objection to the proposal.

***Noted.***

3.4 Scottish Environment Protection Agency offers no objection to the application. SEPA have advised that the soil treatment facility will require an amendment to the existing PPC permit to take account of the activities now being proposed at the site and that the mobile plant used at the site is appropriately licensed. Furthermore they offer comment on land contamination and advise that the applicant will have to provide significant additional information in respect of foul and surface water drainage strategies for the site. The drainage arrangements will require to be designed and constructed to fully meet SEPA's requirements and to ensure compliance and consentability under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and SEPA requests that a condition be attached to any consent to take cognisance of this issue. SEPA also make comment with regard to construction and demolition works being carried out with due regard to SEPA's guidelines on avoidance of pollution.

***The points raised by SEPA can be covered by planning conditions and suitable advisory notes to any grant of planning consent.***

3.5 Coal Authority have no objections to the proposed development although advise that the site lies within a coal mining area and that should the developer require any further information that they contact the Coal Authority.

***Noted. An appropriate advisory note would be attached to the decision notice should consent be granted.***

3.6 Environmental Health contaminated land officer has no objections to the proposal but advises that there is potential for existing soil contamination at the site from its historical use and therefore recommends the attachment of planning conditions regarding the investigation and assessment of the site prior to development commencing and thereafter providing a report to confirm that any remedial works have been undertaken.

***Appropriate planning conditions could be attached to any consent to ensure that any existing contaminated land is appropriately addressed.***

3.7 Environmental Health Division has no objection to the application although have provided comments on working times, noise levels and waste arising from the works.

***Noted. An appropriate condition could be attached to any consent that restricts the working times of the development.***

3.8 Scottish Water has no objection to the application although advise that this does not guarantee the developer a connection to their infrastructure and the developer may be required to undertake works on the local water network to ensure there is no loss of service to existing customers and may also require to submit a full soil investigation report to ensure that public water and sewer pipes are protected from any possible contamination.

***Noted.***

3.9 West of Scotland Archaeology Service has offered no objections to the proposal.

***Noted.***

3.10 Health and Safety Executive has offered no objections to the proposal.

***Noted.***

3.11 East Renfrewshire Council has requested that the developer enter into a Section 96 Agreement under the Roads (Scotland) Act 1984 in an attempt to preserve the structural integrity of the road's network and also provide funding for road safety measures along the route.

***After taking advice from the Councils Legal Division it is considered that the request from East Renfrewshire Council could be addressed separately from this planning application. Section 96 of the Roads (Scotland) Act 1984 can be utilised by a Local Authority where a particular site or development is causing the Roads Authorities to incur extraordinary expenses in repairing roads damaged by heavy vehicles. In this instance it is not disputed that the increase in HGV movements may cause damage to East Renfrewshire's road network however it is considered that East Renfrewshire have the power under section 96 to resolve this issue independently of this planning application. The Planning and Economic Development Division has***

***contacted East Renfrewshire Council in this regard and to date no satisfactory mutual agreement has been reached on this issue, therefore given the Legal Division's advice it is considered that further progress on this issue would best be achieved by East Renfrewshire Council and the developer at a future date, outwith the planning process.***

3.12 Ayrshire Joint Structure Plan Team have no objections to the development provided the criteria set out in ECON 10 and Strat 1 schedule 1 are fully considered in the determination of the application.

3.13 Stewarton and District Community Council have objected to this development on the following grounds:

3.13.1 Although the site and the intended expansion of same is actually outwith our area of CC responsibility the fact is Stewarton lies on one of the main possible routes to this site and the content of the submission does not give clear information as to just how the proposed main road access will be maintained through East Renfrewshire.

***The Transport Assessment envisaged all traffic being routed along the A736 in the East Renfrewshire direction however it is considered that this is unlikely to be the case and some will use the A735 dependant on the location of the waste. The Roads Division concurs with this view and has identified sufficient capacity on the A735 for these trips therefore it is considered that no specific controls on this matter are required.***

3.13.2 Transportation of contaminated soils/materials from sites throughout Scotland and seemingly England also raises the question of just what is the quickest route to the site at Lugton. The Transport Statement prepared by Grontmij calculates probable vehicle movements and loads to be processed but the averaging out of the annual HGV trips fails to recognise how large quantities of contaminated material with the ensuing increase in volume of HGV movements will impact on the communities they will pass through.

***The A735 southbound is considered to be a likely route although not a principle access, this being the A736 to/from East Renfrewshire. The Council's Roads Division has identified the A735 as having sufficient capacity to accommodate the extra vehicle movements from this site and have not identified the extra vehicle usage as being detrimental to the road infrastructure. It is considered that the number of vehicle movements from the site using the A735 will be the smaller proportion of the site traffic with most vehicles quickly exiting the East Ayrshire road network after a short trip through***

***Lugton therefore it is considered that there will be a minimal impact on the communities along the A735.***

3.13.3 These increased HGV loads on what are relatively minor roads (e.g. A735) and the probable volume of these will be damaging and unacceptable environmentally. The content as well as the number of vehicles transporting it is concerning as is the indicated 13 hour day upon which the application is based.

***The Council's Roads Division has identified the A735 as having sufficient capacity to accommodate the extra vehicle movements from this site and have not identified the extra vehicle usage as being detrimental to the road infrastructure. It is intended to attach a condition to any grant consent restricting the working hours to 8 to 6.***

3.13.4 Geographically Stewarton is on a route which links the M77 with Lugton and is easily foreseeable as a shorter route to Lugton than that indicated for East Renfrewshire. The M77 (Fenwick) to Stewarton road already has increased heavy vehicle traffic since the link came into being and to consider encouraging increased HGV use on this route would be both traffic-wise and environmentally unsafe.

***The Roads Division do acknowledge that the southbound A735 is likely to be utilised as an access to the site although this will not be the principle access. Furthermore the Roads Division considers that sufficient capacity is available to allow the use of this road. The Transport Statement considers that the M74/M77 will offer the fastest route to the market areas for this development and as a result they consider that all traffic will arrive and leave using the A736 northbound. Whilst it is unlikely that all traffic will use the A736 northbound as claimed by the transport Statement, it is considered to be correct that the A736 northbound will provide the quickest connection to market therefore making the southbound A735 and associated roads a less likely route in the majority of occasions.***

3.13.5 In effect the proposal overall is contrary to both East Ayrshire Council and Scottish Government environmental objectives. While the site is outwith our area of remit we do also have strong reservations about the results purported from the operations intended and seek assurances that Messrs Tracey will meet and maintain all SEPA and EAC Environmental Health monitoring requirements.

***SEPA and Environmental Health have raised no objections to the development and it is noted that further licenses and permits will be required from SEPA thereby ensuring that control is maintained over the site. This could be combined with appropriate planning***

***conditions to ensure that adequate control is maintained over the proposed use.***

3.14 Roads Division Flooding Section have advised that the site lies outwith the 200 year flood envelope and as such is not potentially at fluvial flood risk. They advise that the SUDS pond be capable of detaining the 200 year flood event for the site. The outfall discharge to an appropriate local watercourse should be to a maximum rate of 4.5 litres per second per hectare.

***An appropriate condition could be added to any consent requiring details of the finalised design of the SUDS pond incorporating the discharge rate and location of the outfall.***

#### **4. REPRESENTATIONS**

4.1 The proposal has generated two objections, one from the Dunlop and Lugton Community Council and the other from Stewarton Community Council, details of which are addressed at section 3 above. In addition to these objections the application has attracted a petition of 50 signatures fully endorsing the objections of the Dunlop and Lugton Community Council.

#### **5. ASSESSMENT AGAINST DEVELOPMENT PLAN**

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (AJSP) and the Adopted East Ayrshire Local Plan (EALP).

##### Ayrshire Joint Structure Plan

5.2 Policy ECON 10 states that in identifying locations for new waste management facilities the three Councils shall, in the first instance, give preference to new facilities within or immediately adjacent to existing waste management sites. Where this is not possible, Councils should explore the possibility of accommodating new facilities within existing industrial sites or on other, suitably located areas of brownfield or previously contaminated land. All potential new locations will be assessed against proximity to the waste source, the Ayrshire and Dumfries and Galloway Area Waste Plan, physical and environmental constraints including the effect on community well-being, ground and surface water conditions and the capacity of transport systems.

***The proposal involves an extension to an existing waste treatment plant at Dunniflats, Lugton on an area of brownfield land.***

***The location of the proposed waste for this facility is unlikely to solely originate from within the Ayrshire Area given the specialised nature of the waste and the volumes envisaged however the Ayrshire, Dumfries and Galloway Area Waste Plan recognises that there may be opportunities for partnership workings across waste plan boundaries to ensure national obligations to divert waste from landfill.***

***It is considered that the site is well designed for the proposed use as the land is brownfield in nature and adjoins the existing Dunniflats facility. Furthermore the site is bounded by 3m high earth bunding which provides a reasonable degree of screening and the nearest residential property is over 250 metres from the site boundary. SEPA and Scottish Water have requested further information in terms of ground and surface water conditions to ensure that no contamination takes place however it should be noted that neither have an objection in principle to the proposal. The Roads Division has indicated that the proposal is acceptable and would offer no significant adverse effect on the capacity of transport systems.***

#### East Ayrshire Local Plan

Policy IND7 supports extensions to existing industrial premises and extensions to non- industrial buildings for industrial or business purposes subject to the proposal being justified against a set of five criteria, as follows:-

- (i) impact on surrounding environment and adjacent uses;

***The proposal involves an extension to an existing established use. It is considered that impact on the surrounding environment will be minimal. The site is relatively separate from other established uses with no other properties immediately adjacent to the site and the nearest residential property being located more than 250 metres from the proposed site boundary.***

- (ii) transportation and infrastructure implications;

***It is considered that the development will result in additional traffic to the site, and the roads system in and around Lugton. The Roads Division do not consider that the additional traffic will adversely impact on the road network as a large proportion of the vehicles will head out of East Ayrshire towards East Renfrewshire. The Roads Division considers that a fair amount of vehicles will enter from the***

***south on the A735 however they have raised no particular concern at this arrangement .***

- (iii) loss of public amenity open space;

***There will be no loss of public amenity open space.***

- (iv) loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute; and

***There will be no loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute.***

- (v) impact on natural and built heritage resources.

***The proposal will not impact upon any areas designated for their natural or built heritage importance.***

Through IND9, the Council will be supportive of proposals to develop sites with direct access to the existing rail network for rail freight based industrial use, subject to the sites being fully justified in terms of locational need, economic benefit, environmental impact and transportation and infrastructure implications.

***The supporting information provided by the applicant states that although most of the contaminated soils will be transported via the road network, it is envisaged that the railway siding, which is in need to some refurbishment, may be utilised for importing some soils if of sufficient quantity and distance from the site. The use of the railway network for the transportation of goods would, in principal, be supported.***

Policy CS4 states that the Council will ensure the provision of adequate waste disposal and management facilities comprising landfill sites, waste collection, separation and recycling centres, waste transfer stations and civic amenity sites in as close proximity as possible to the points at which waste is generated.

***The proposed soil treatment facility will allow for the recycling of contaminated soil. The proposal is therefore, in principal, in accordance with this policy. Whilst there are no specific locations for the waste provided it is envisaged that the site will predominantly provide for west and central Scotland. Some of this waste may therefore not be located in close proximity to the site but given the unusual nature of the waste it is considered that it would be***

***unfeasible to locate such facilities in close proximity to all waste sources.***

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, letters of representation, supporting statements, the Alteration to the East Ayrshire Local Plan and the impact on the amenity of the area.

### Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)

6.2 As stated in Policy SD5, development proposals outwith settlement boundaries, as indicated on the Local Plan Rural Area Map, will be acceptable to the Council only where the development meets one of five criteria, one of which is pertinent to this application:

(ii) contributes to rural diversification through the development of appropriate industrial, business, tourism, leisure, recreational and other developments with a justified need for a rural location; or

***The proposed development is an extension to an existing business use. Given the nature of the development, it is considered that its location within the rural area, with no other properties in the immediate vicinity is generally acceptable.***

6.3 Policy IND8 states that both within settlements and outwith settlement boundaries, extensions to existing industrial, commercial and business premises, both in terms of physical extensions to buildings and extensions to site areas, will be supported where:

(i) the proposed development is compatible in terms of size, scale and design with the existing building or site to which it relates;

***The proposed extension to the waste recycling facility is considered to be acceptable in terms of size, scale and design.***

(ii) the development has no unacceptable adverse impact on the character and amenity of the surrounding area, either in physical or visual terms;

***The proposal is primarily for the formation of an area of hardstanding which will be able to support alternative forms of soil de-contamination, dependent on what is required at any given time. Given that the use has been established in this area for a significant period of time, it is considered that the extension will have no significant impact on the character and amenity of the surrounding***

**area. The bunding at the site boundary will provide a degree of visual screening and this could be augmented by planting on the boundary and a planning condition in this regard could be attached to any consent. It is also noted that this process is highly regulated by SEPA who have indicated that they are content with the proposals.**

- (iii) the development has no unacceptable transportation or infrastructure implications;

**It is considered that the development will result in additional traffic to the site, and the roads system in and around Lugton. The Roads Division do not consider that the additional traffic will adversely impact on the road network as a large proportion of the vehicles will head out of East Ayrshire towards East Renfrewshire. The Roads Division considers that a fair amount of vehicles will enter from the south on the A735 however they have raised no particular concern at this arrangement .**

- (iv) there is no loss of safeguarded public amenity or recreational open space;

**The proposal will not result in the loss of any safeguarded public amenity or recreational open space.**

- (v) there is no unacceptable loss of prime quality and good quality, locally important falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute

**There will be no loss of prime quality and good quality locally important agricultural land falling within categories 1, 2, 3.1 and 3.2 of the Macauley Land Use Research Institute.**

- (vi) the development has no adverse impact on natural and built heritage resources.

**There are no built or natural heritage designations within the site or in the surrounding area.**

6.4 Through IND10, the Council will be supportive of proposals to develop sites with direct access to the existing rail network for rail freight based industrial and commercial use, subject to the sites being fully justified in terms of locational need, economic benefit, environmental impact and transportation and infrastructure implications. The redevelopment of the rail heads at existing coal disposal points will be particularly encouraged for such purposes.

***The close proximity of the site to the railway network raises the potential to use rail for the transportation of materials. In principle, this would be supported.***

6.5 As stated in WM1, the Council will ensure the provision of adequate waste disposal and management facilities comprising landfill sites, waste collection, separation and recycling centres, waste transfer stations and civic amenity sites in as close proximity as possible to the points at which waste is generated.

***Information submitted by the applicant states that the waste to be treated / recycled will come from all over Scotland. It is stated that the type of treatment to be carried out is very specialised so it would not be feasible to have such plant serving only the local area, as there would not be enough waste generated to make the development viable.***

6.6 Policy WM2 states that the Council will ensure that all new waste management facilities, comprising landfill disposal sites, recycling facilities, composting or waste processing plants at which any form of waste treatment or recovery is undertaken, are dedicated towards meeting the needs of East Ayrshire or Ayrshire as a whole. In this regard, the Council will ensure that a minimum of 90% of all waste disposed of or treated in any new waste facilities located in East Ayrshire should originate from within Ayrshire. This will be achieved through the imposition of appropriate conditions attached to any individual planning consents that may be granted or through appropriate section 75 Agreement.

Note: The origins of waste will be determined by reference to where the waste was produced. Waste imported to a transfer station or other facility in East Ayrshire but which is produced outside Ayrshire will be considered to have its origins from outwith Ayrshire.

***Although the proposal is for an extension to an existing waste treatment plant rather than an entirely new development, it is considered that as a new recycling facility (i.e. contaminated soil treatment) is being introduced, the proposal requires to be assessed against this policy.***

***As stated in response to WM1 above, the applicant has made the case that as the proposed treatment facility is very specialist it would not be possible to adopt the rule of ensuring 90% of waste treated should originate from Ayrshire. At present there is only one other similar permanent facility in Scotland that can carry out the proposed operations. As insufficient contaminated soil is generated in any one authority area to support such a treatment facility, it is***

**stated that such a facility can only be viable by taking in soil from a wider geographic area.**

**It is considered that, due to the case made by the applicant, it would be unrealistic to impose the 90% condition and that some flexibility should be used to reflect the specialist nature of the proposal.**

6.7 As stated in Policy WM4, the Council will direct all new developments for waste management facilities to those sites identified in the local plan as being suitable for the type of development proposed. Where a waste transfer, separation or handling station is already operative or has received authorization from the Council, the Council will presume against any other development proposals for other uses in the vicinity of the site which could compromise waste handling operations or inhibit the efficient operation of the development itself.

**The application site is not identified for any purpose within the Local Plan. However, as the use has already been established for the site it is generally considered an appropriate location. It is not envisaged that the current proposal would have any impact on the current operations being carried out on site.**

6.8 Policy WM5 states that, in cases where waste management facilities are proposed on sites which have not been allocated for that purpose in the local plan, the Council will assess all such applications against the following criteria:-

- (i) the need for the development in terms of the Area Waste Plan

**The Area Waste Plan for Ayrshire, Dumfries and Galloway sets out the approach to the management and treatment of waste. It is noted that the current application is for a very specialised form of waste treatment (i.e treatment of contaminated soils), that is not dealt with in specific detail within the Waste Plan. However, the principle of the development, whereby it is intended to reduce the amount of contaminated soils going to landfill, is in accordance with the aims of the Waste Plan.**

- (ii) the Best Practicable Environmental Option;

**The Area Waste Plan sets out the Best Practical Environmental Option for dealing with waste. The BPEO comprises a number of broad elements, including minimising the amount of waste that goes to landfill and the need to increase amounts of re-use and recycling. It is considered that the current application is broadly in accordance with the BPEO as its intention is to increase the amount of soil being treated/recycled and reduce the amount of soil going straight to landfill.**

- (iii) the proximity principle;

***The proximity principle requires that waste be disposed of as near as possible to the point at which it arises. As stated in relation to WM1 and WM2 above, the applicant has indicated that as the proposed operation is of a specialised nature there is insufficient contaminated soil generated within Ayrshire to make the treatment facility viable. In order to make the development viable, it will require to treat waste from throughout Scotland, therefore the proximity principle should apply to Scotland rather than Ayrshire.***

***In this particular circumstance it is considered that the proximity principle should not be rigidly applied and that in order for the development to work some flexibility is appropriate.***

- (iv) the availability of an existing void of sufficient capacity to accommodate the anticipated volume of any residual landfill material to be disposed of, and the availability of adequate land for the establishment of any other required waste management facilities or processes;

***The proposed development involves the extension of an existing waste treatment plant in order that it can increase its capacity to treat and recycle contaminated soils. Due to changes in the Governments approach to landfill tax, it is anticipated that the demand for soil treatment will increase significantly in the coming months. The proposed development is therefore intended to meet a substantial gap in the market, both in Ayrshire and beyond.***

- (v) the types of waste to be deposited or treated;

***The proposal to treat contaminated soils is a specialist operation and one that is not currently widely utilised in Scotland.***

- (vi) the expected life of the landfill site and any associated waste management options;

***As no materials will be landfilled on the site, it is considered that the waste treatment operations will remain on site on a permanent basis.***

- (vii) the capability of the existing road network to accommodate the volumes of traffic generated by the development;

***It is considered that the development will result in additional traffic to the site, and the roads system in and around Lugton. The Roads Division do not consider that the additional traffic will adversely***

***impact on the road network as a large proportion of the vehicles will head out of East Ayrshire towards East Renfrewshire. The Roads Division considers that a fair amount of vehicles will enter from the south on the A735 however they have raised no particular concern at this arrangement.***

- (viii) the accessibility of the site to all areas to be served by the development;

***The site is considered to be a relatively accessible location with access to both the road and rail networks.***

- (ix) the impact of the development on the amenity of nearby residents and the residents of properties located along the transport routes to the site;

***The development consists of the extension to an existing waste treatment plant, which has been in existence for around 16 years. The use of the site for commercial / waste treatment purposes has therefore already been established. There are no residential dwellings in the immediate vicinity of the proposed site, which is considered to be, in general terms, suitable for this type of development. The Roads Division do not consider that the additional traffic will adversely impact on the road network as a large proportion of the vehicles will head out of East Ayrshire towards East Renfrewshire. The Roads Division considers that a fair amount of vehicles will enter from the south on the A735 however they have raised no particular concern at this arrangement. East Renfrewshire have identified an impact on their road network but have not identified an impact to the residents of properties located along the transport route therefore it is considered that there would be a minimal impact to residents adjacent to the transport routes.***

- (x) the impact of the development on the natural and built heritage (including historic gardens and designed landscapes), visual amenity and the landscape character of the area;

***There are no natural or built heritage sites within the vicinity of the site. Given that the proposal forms an extension to an existing waste treatment site, the presence of the bunds along the site boundaries and a conditioned requirement for planting of the bunding, it is considered that the development would not have a substantial additional impact on the visual amenity or landscape character of the area.***

- (xi) operational details, restoration proposals and after use of the development site;

***Given that the proposal does not involve the disposal of any materials and that the proposed operations are intended to remain on site in perpetuity, it is not considered necessary for details of the restoration and after use of the site to be provided.***

(xii) measures to prevent and control contamination of surrounding land and the degradation of environmental amenity by

- Wind blown material and dust;
- Production of landfill gas;
- Pollution of groundwater and watercourses by on-site operations;
- Vermin and bird nuisance; and
- Noise and smell nuisance;

***The developer has indicated that vehicles will be covered when arriving and departing from the site thereby reducing the opportunity for wind blown material and dust. This is further controlled by the processes to remove the contamination being largely contained within the machinery. Any stockpiled soil would be covered to prevent it being wind blown and should soils dry out they will be dampened down to further prevent opportunity for wind blown soil. As no landfill is intended there will be no landfill gas. Pollution prevention of groundwater and watercourses is closely monitored by SEPA and a planning condition should be attached to any consent to ensure that further details of this are provided for the approval of the Planning Authority. It is expected that there will be no vermin or bird nuisance from this facility given the materials being treated. Noise and smells from the use will be minimised by the treatments taking place within 'contained' facilities and soil will be covered should it require to be stockpiled. Furthermore it is noted that the site is over 250 metres from the nearest residential property therefore it is unlikely that noise would be a significant nuisance to neighbouring residents. It is recommended that a planning condition be attached to any planning consent to control the working times of the site in the interest of maintaining, to a reasonable degree, the residential amenity of the residents of Lugton.***

(xiii) the risk of flooding and the potential loss of functional flood plain; and

***The site has not been identified as at risk from flooding and is not on the functional flood plain.***

(xiv) site access and traffic movements.

***The Roads Division have advised that sightline standards of 4.5 metres by 90 metres should be provided at the site access and that***

***solar powered bend warning signs are provided on the approach to the site, both of which can be conditioned to any consent. Other than these requirements the Roads Division has raised no concerns over the access or traffic movements to and from the site.***

6.9 Policy WM6 states that the Council will require all applicants for waste management facilities:

- (i) to submit detailed planning applications. Outline applications will not be acceptable.

***The current proposal comprises a detailed planning application.***

- (ii) to lodge appropriate Restoration and Aftercare Guarantees, where required, to a value agreed by the Planning Authority

***As no materials are to be disposed of on the site, it is considered that appropriate Restoration and Aftercare Guarantees are not required.***

- (iii) To establish Liaison Committees with local representatives to act as a forum through which relevant operational and associated issues can be discussed and addressed:

***It is considered that such a liaison meeting would be useful in this instance and would allow constructive dialogue to take place between the Community Council and the developer to discuss any issues arising from the use. A planning condition could be attached to any consent granted which would establish a community liaison meeting allowing representatives of the Community Council to meet with the developer on a regular basis at least three times a year either at the site or at another suitable local venue.***

- (iv) to meet the requirements of the Ayrshire, Dumfries and Galloway Area Waste Plan

***It is considered that the proposal is, in general terms, in accordance with the key principles of the Area Waste Plan.***

- (v) to upgrade, maintain and repair at their own expense, road damage shown to have been caused by vehicles servicing their development.

***The Council's Roads Division have not requested the upgrading, or repair of any future road damage and have not advised that road damage will be a particular issue. It should be noted that should***

**road damage occur as a result of this use in the future, the Roads Division could pursue compensation from the developer through Section 96 of the Roads (Scotland) Act 1984.**

- (vi) to service any existing or proposed landfill or waste management site, if considered feasible, by rail.

**The supporting information provided by the applicant states that although most of the contaminated soils will be transported via the road network, it is envisaged that the railway siding, which is in need to some refurbishment, may be utilised for importing some soils should this prove feasible in terms of distance and quantity of soils coming to the site.**

6.10 Through Policy WM7, the Council will seek to ensure that a proliferation of separate waste management facilities within close proximity to any one particular community or within any one particular area does not occur. In this regard the Council will, wherever considered possible and feasible, encourage the combination of different, associated elements of the waste management process in a single site. The Council will ensure, however, that any co-location of facilities on a single site does not result in an unacceptable cumulative impact on, or unduly adversely affect, the amenity of the area or the amenity of local communities.

**The application comprises of an extension to an existing waste treatment site, which is currently used for the treatment of hazardous chemicals. The extension of the site to include a specialist facility for dealing with contaminated soils will therefore result in the co-location of waste treatment facilities on a single site. It is considered that this co-location will not have any significant cumulative impact on the amenity of the area or local community.**

6.11 Policy WM8 states that the Council is of the opinion that, subject to the provisions of all appropriate local plan policies being met, a range of sites may have potential for the development of waste management facilities. The Council will, in the first instance, direct potential developers of larger facilities 7 different locations, 2 of which are pertinent to this application:

- (vi) sites previously occupied by other types of waste management facilities

**Although the site is still occupied by other types of waste management facilities, it is considered that the principal of the development is in accordance with this criterion.**

- (vii) existing railheads, and other suitable sites located close to railways or junctions in the major road network.

***The proposed site has access to the railway network and could utilise this should the volume and distance of travel of the material allow this to be feasible.***

### Consultation Responses

6.12 The consultee comments are relevant to the consideration of this application. The Roads Division have considered that the provision of appropriate sightline standards and the provision of solar powered bend warning signs would be sufficient to create a safe access/egress to and from the site as well as a safe approach to the junction vicinity for other road users of the A735. SEPA has advised that they have no objections to the proposal and that the developer will require to obtain permits and licenses for the proposed activity and plant involved. Furthermore they require detailed information on the surface and foul drainage strategies for the site which should be controlled through the attachment of a suitable planning condition to ensure that all water from the site is free of contamination. East Renfrewshire Council have requested that a section 96 agreement under the Roads (Scotland) Act 1984 be utilised to ensure that damage to their road network is repaired and that the developer provides finance to upgrade the road network. After careful consideration of this issue and consultation with the Council's Legal Division, it is considered that this issue requires resolution between the developer and East Renfrewshire Council, as can any authority, may pursue redress for extraordinary expenses incurred by them in maintaining roads damaged by heavy vehicles utilising Section 96 of the Roads (Scotland) Act 1984. The comments of the other consultees have raised no objection or serious issue other than Dunlop and Lugton and Stewarton and District Community Councils who have both objected to the development.

### Letters of Representation

6.13 The points of objection from the Community Councils and hence the signatories of the petition relate primarily to roads concerns, environmental effects and policy considerations as well as other points regarding the operator of the site and drainage/water concerns. The response of the Councils Roads Division has indicated that they do not consider the additional vehicle movements to be significantly detrimental to the area. This response also considers and acknowledges that a proportion of the vehicle movements to and from the site will not use the A736 road in the Barrhead direction but may actually use East Ayrshire roads, contrary to what is claimed in the Transport Statement but have not raised any significant concerns in this regard. In terms of environmental effects it is considered that the proposal will bring a net benefit. Given the specialist use proposed it is not possible to restrict the waste stream to Ayrshire

alone and the Ayrshire, Dumfries and Galloway Area Waste Plan acknowledges that there may be opportunities for partnership workings across waste plan boundaries. Whilst most soils will arrive at the site in HGV's, the close proximity of the rail line provides opportunity for large quantities of material to be delivered should the distances and volumes allow this to be achieved and this therefore presents a potential environmental improvement. The policy concerns of the objectors have been shown to be largely misplaced as the East Ayrshire Local Plan, the Alteration to the East Ayrshire Local Plan and the Area Waste Plan are all relatively supportive of the use in terms of its location, waste stream and operation. The consultation responses from SEPA and Scottish Water have not raised any objection to the development however they have requested the use of planning conditions to ensure that all drainage is adequately provided to the necessary standards to avoid any pollution of watercourses and water and drainage supply. It is therefore considered that the use of appropriate planning conditions would allow adequate control over this issue.

#### Impact on the Amenity of the Area

6.14 It is considered that the proposal will have a limited impact on the amenity of the surrounding area. There will be an increased number of vehicle movements both at the site and on the immediate road network around the site as well as some increase in road traffic in towns to the south of the site along the A735. Given that the existing site is already trafficked by HGV's it is considered that the proposed increase will not be a significant effect on the area in terms of the capacity of the road as confirmed by the Roads Division, nor on the surrounding local residents given the relatively short section of public and private road required to access the site in Lugton. The location of the site itself provides a reasonable degree of separation from the nearest residential property thereby helping to minimise any adverse impacts in terms of noise from the site. This could be re-enforced by an appropriate planning condition limiting the working times at the site to maintain, to a reasonable degree, the residential amenity of surrounding residents. The visual impact of the development can be minimised by the retention of the existing bunds at the site boundaries and could be re-enforced by appropriate planting to further screen the site from view and an appropriate condition could be attached in this regard.

#### Supporting Statement

6.15 The application is accompanied by two supporting letters which provide further information on various matters including responses to the concerns of the Dunlop and Lugton Community Council and further clarification on the proposed use.

#### Planning History

6.16 The planning history below relates to the existing Dunniflats site as well as the current application site

- (i) Planning permission KL/W/FL/91/023A was granted on 15 April 1991 for the change of use of the site from a Ministry of Defence depot to storage of fertilisers, chemicals and solvents and industrial solvent recovery plant.
- (ii) Hazardous Substances application KL/HS/93/03 was granted consent on the 18 November 1993 for the storage of Ammonium Nitrate at the site.
- (iii) Planning permission KL/W/FL/91/023B was granted consent on 02 October 1995 for the replacement of Conditions 2 and 3 of KL/W/FL/91/023A.
- (iv) Planning permission KL/W/FL/91/023C was granted on 28 March 1996 for the alteration of Condition 2 of planning consent KL/W/FL/91/023A
- (v) Application 97/0594/FL for the proposed use of land for erection of plant and temporary buildings/office was approved with conditions on 16 October 1997.
- (vi) Application 98/0654/FL for replacement of condition 2 KL/W/FL/91/023A (as amended) to permit storage and treatment of contaminated metal and recoverable material and widen access was approved with conditions on 27 August 1999.
- (vii) Application 02/0217/FL for the proposed erection plant and buildings and the formation of landscaped bund was approved with condition on 12 June 2002.
- (viii) Application 04/1205/FL for the proposed siting of temporary building, repositioning of temporary building and erection of equipment housing for jet wash was approved with condition on 30 March 2005.
- (ix) Application 05/0368/HS for hazardous substances consent was approved with conditions on 17 October 2006.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in determining this application.

## **8. CONCLUSIONS**

8.1 As indicated in Section 5 of the report, the application is considered to be compliant with the development plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 The consultation responses do not indicate that the application should be refused and conditions could address the points that they have raised other than the East Renfrewshire response which may be pursued by them separately from the planning process. The Community Council issues are noted however the concerns that they have raised are not shared with the Roads Division. The environmental concerns are noted and appropriate conditions should be attached to ensure that drainage and visual impact is carefully controlled. When this is combined with the regulatory control exercised by SEPA it is considered that the Community Council issues are largely addressed.

8.3 The proposal is considered to be compliant with the Alterations to the East Ayrshire Local Plan (Finalised Version with Modifications) and the planning history of the existing site indicates a well established facility storing and treating various contaminants. In terms of the impact on the amenity of the area it is considered that there will be a limited impact although this impact can be minimised through the use of appropriate planning conditions regarding the screening of the site and site working times to ensure that the impact on the area is of a negligible nature.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.**

### **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Economic Development the application will not require to be referred to the Principal Planning Committee as such a decision would not be a significant departure from policy.

**Alan Neish**

## **Head of Planning and Economic Development**

DW/KW

FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form, Plans, supporting statement and Transport assessment.
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Letters of Representation.
5. Adopted East Ayrshire Local Plan (2003).
6. Ayrshire Joint Structure Plan (2007)
7. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications)
8. Planning application site history

Anyone wishing to inspect the above papers please contact David Wilson, Senior Planning Officer (Acting), on 01563 576779.

Implementation Officer: Dave Morris

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 08/0691/FL

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Site of Proposal:	Dunniflats, Lugton
Nature of Proposal:	Formation of Hardstanding, SUDs Pond and Change of Use from Vacant Land to Treatment of Contaminated Soils
Name & Address of Applicant:	WM Tracey Ltd Dunniflats LUGTON KILMARNOCK KA3 4AA

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DPO's Reference: DW/KW

**The above full application should be approved subject to the following conditions:**

1. Sightline standards of x=4.5 metres by y=90 metres shall be provided at the junction with the public road prior to the commencement of development and shall thereafter be maintained in perpetuity.

REASON: To ensure that adequate visibility standards are provided at the site egress in the interests of road safety.

2. A solar powered bend warning sign shall be provided on each approach to the site within the road verges of the A735 public road and details of the signs including their design and positions shall be provided for the written approval of the Planning Authority prior to the commencement of development. Such signs as are approved under this Condition shall thereafter be installed as approved within a timescale to be agreed in writing with the Planning Authority.

REASON: To provide adequate warning of the site access/egress to other road users in the interests of road safety.

3. Prior to the commencement of development, details of a Sustainable Urban Drainage System, to treat and minimise surface water run-off, and its maintenance following installation, shall be developed to the requirements of the Scottish Environment Protection Agency (SEPA) and shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The pond shall have the ability to detain a 1:200 year flood event.

REASON: To ensure that adequate drainage is provided for the site.

4. The Sustainable Urban Drainage System approved under Condition 3 shall thereafter be formed and maintained on site in accordance with the approved details prior to the use commencing.

REASON: To ensure that adequate drainage is provided for the site.

5. Prior to the commencement of development, details of a system to treat foul drainage and its maintenance following installation, shall be developed to the requirements of the Scottish Environment Protection Agency (SEPA) and submitted to and approved in writing by the Planning Authority in consultation with SEPA.

The system shall thereafter be formed and maintained on site in accordance with the approved details prior to the use commencing.

REASON: To ensure that adequate drainage is provided for the site.

6. Prior to the commencement of development, a site investigation and assessment is to be undertaken for the presence of contaminated land for the written approval of the Planning Authority.

The investigation and assessment shall be conducted in line with BS 10175: 2001 code of practice for '*The investigation of potentially contaminated sites*' and Contaminated Land Report 11 – '*Model Procedures for the Management of Land Contamination*', (CLR 11). The report shall contain details of proposals to deal with contamination to include:

- (i) The nature, extent and type(s) of contamination on the site;
- (ii) A site specific risk assessment of all relevant pollutant linkages.
- (iii) Remedial measures to treat/remove contamination to ensure the site is fit for the use proposed.
- (iv) Measures to deal with unsuspected contamination discovered during construction works;

REASON: To ensure potential risks arising from previous site uses have been fully assessed.

7. Under the terms of Condition 6 above and prior to any further site development, the developer shall submit a report for the written approval of the Planning Authority confirming that any remedial works have been carried out in accordance with the remediation plan.

REASON: To provide verification that remediation of has been carried out in accordance with the remediation plan and to the Authority's satisfaction.

8. Prior to the commencement of development further details of the bunding including a photographic survey demonstrating the condition and heights of the bunding on all sides and any details of restoration or upgrading required to the bunding shall be submitted to and approved in writing by the Planning Authority and shall thereafter be implemented as approved prior to the use commencing.

REASON: To ensure that any gaps or degradation are in-filled to improve the effectiveness of the visual screen.

9. Notwithstanding the plans hereby approved, the bunding surrounding the site shall be maintained in perpetuity or until the use ceases.

REASON: To ensure that the bunding is maintained as a visual screen of the development.

10. A landscaping scheme for the site boundaries shall be submitted to and approved by the Planning Authority prior to the commencement of development. The approved scheme shall thereafter be undertaken on site prior to the use commencing or at the first available planting season after the use commencing.

REASON: To provide additional visual screening of the site and proposed use in the interests of maintaining the visual amenity of the surrounding area.

11. The developer of the site shall ensure that adequate and continuing measures are taken to ensure that roads and footpaths adjoining the site are not subject to mud and other materials carried from the site by construction and any other vehicles. Details of the measures shall be submitted for the written approval of the Planning Authority prior to the commencement of development and shall be undertaken thereafter as approved.

REASON: To prevent the over-carry of mud and debris onto the public road in the interest of road safety.

12. Any proposed changes to the equipment approved under Condition 11 above shall be notified to the Planning Authority at least 28 days prior to the change for the written approval of the Planning Authority and shall include information on the detailed design of the equipment, the operational

specifications of the equipment in terms of noise and smell generation and the proposed location on site of the equipment.

REASON: To allow the Planning Authority to retain control over any alterations to the equipment to ensure that the equipment has a minimal impact on the surrounding area in terms of visual impact and noise and smell impacts.

13. Notwithstanding the plans and details hereby approved and prior to the commencement of development, the developer shall submit further information on the finalised technology to be deployed at the site for the written approval of the Planning Authority. This information shall include the detailed design of the equipment, the operational specifications of the equipment in terms of noise and odour generation and the proposed location on site of the equipment.

REASON: To allow the Planning Authority to retain control over the detailed operation of the equipment to ensure that the use has a minimal impact on the surrounding area in terms of visual impact and noise and smell impacts.

14. The use hereby approved shall take place only between the hours of 08:00am to 6:00pm Monday to Friday and at no time on Saturday and Sundays.

REASON: To prevent undue noise and disturbance to the surrounding area outwith normal times in the interests of the amenity of the surrounding area.

15. Prior to the commencement of operations at the development site, the applicant shall establish a Community Liaison Committee to inform and discuss matters arising during the operation of the approved use. The composition of this Committee shall include the site operator, representatives of the local Community Council and any other local residents directly affected by the development site and shall meet at least three times in a calendar year. The means by which this Committee shall be formed and its role thereafter shall be agreed with the Planning Authority in writing prior to the commencement of development and shall be implemented as approved thereafter.

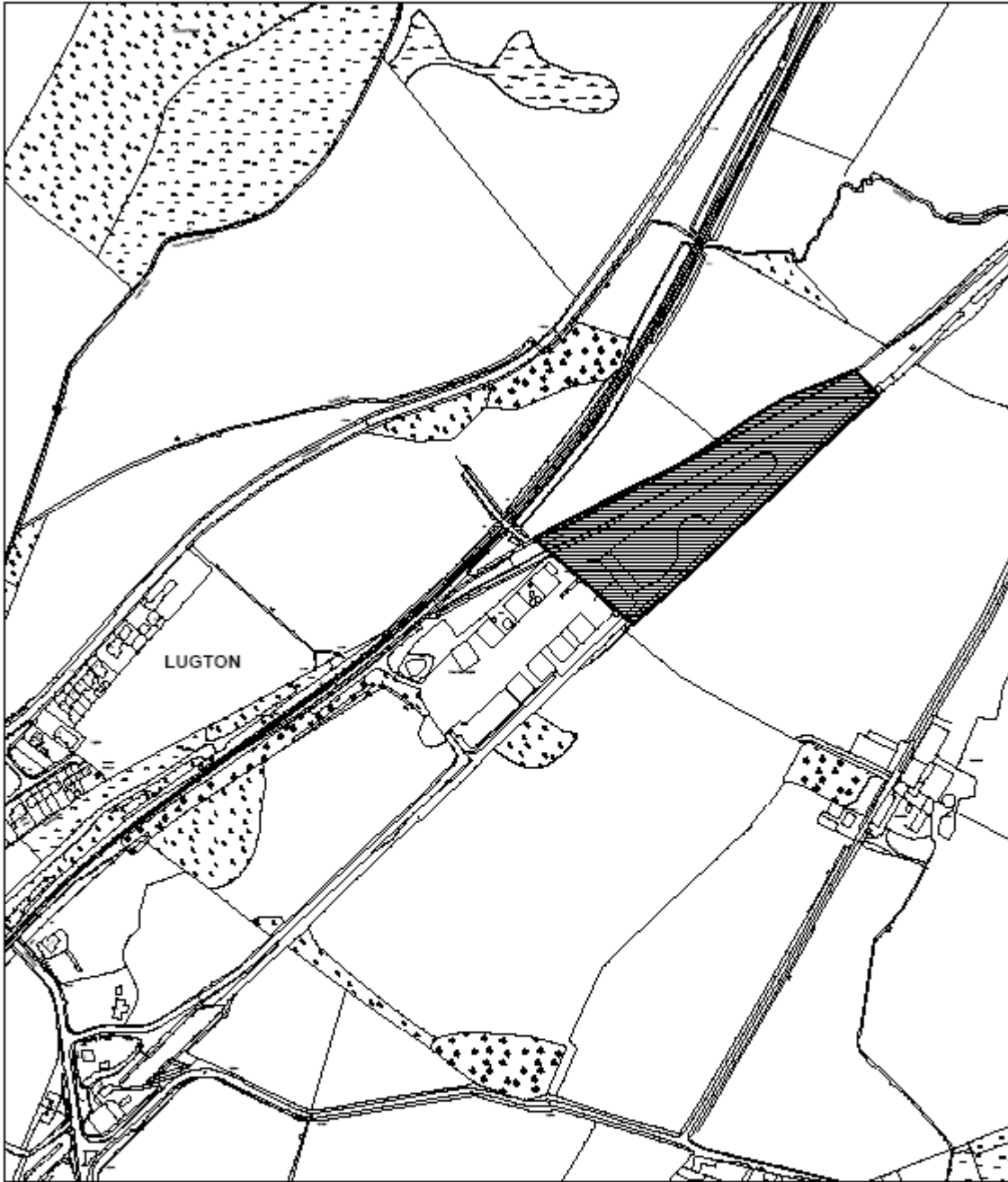
REASON: To establish a forum between the community and the developer through which relevant operational and associated issues can be discussed in the interests of maintaining the residential amenity of the surrounding area.



### Notes

Note 1: The developer is advised to contact SEPA's Ayr Team on 01292 294000 at the earliest convenience in order to discuss consenting issues for this development in terms of PPC permits and mobile plant licenses.

Note 2: The developer is advised to consider SEPA's guidelines on the avoidance of pollution during construction/demolition and reference should be made to SEPA's Pollution Prevention Guidance Notes and the CIRIA publication C651 "Environmental Good Practice Pocket Book".

Note 3: In that the site lies within a coal mining area, the developer is advised to contact the Coal Authority should they require additional information in this regard.



<p>Title/Location    <b>Dunniflats</b></p> <p>                          <b>Lugton</b></p> <p>                          <b>Application No. 08/0691/FL</b></p>	<p>East Ayrshire Council</p> <p>Planning &amp; Economic Development Division.</p> <p>6 Croft Street Kilmarnock KA1 1JB</p> <p>Tel: (01563) 576790    Fax: (01563) 576774</p> <p>E-Mail : <a href="mailto:Planning@east-ayrshire.gov.uk">Planning@east-ayrshire.gov.uk</a></p> <p>Com Date: 30/4/2009    Checked By</p>
<p>Key</p> <p>    <b>Application Site</b></p>	<p style="text-align: right;"></p>

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