

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 APRIL 2010

09/0555/PP: ERECTION OF A MECHANICAL AND BIOLOGICAL WASTE TREATMENT FACILITY AT GARLAFF LANDFILL RECYCLING CENTRE, SKARES ROAD, NEAR CUMNOCK

APPLICATION BY BARR ENVIRONMENTAL LIMITED

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Planning permission is sought for the erection of a mechanical and biological waste treatment facility within the existing consented Garlaff Landfill and Recycling Centre. This comprises the erection of a significant building of portal frame construction which would house the proposed mechanical and biological waste treatment plant and machinery. The proposed building would have a footprint of 170 metres by 85 metres, with twin ridge roof with 11 metres to eaves and 13 metres to ridge level. This represents a building approximately one and a half times the size of an average football pitch or just slightly smaller than the former Kingsmead Factory in Caponacre Industrial Estate. The external wall finish would be a combination of concrete walling and a profiled metal cladding. The colour of external materials is to be green/brown for walls and grey for the roof to blend with the site surroundings.

1.2 In addition to the main building, an external tank/silo compound will be formed adjacent to the building measuring approximately 42 metres by 29 metres. This area will contain six tanks, each 10 metres in diameter with 3 metres spacing between and a tank height of 16 metres. The external tanks would be located behind the main building to minimise impacts on off-site visual receptors. In this regard the applicant has indicated that there would also be an opportunity to lower the height of these, through deeper excavation of the tank foundations.

1.3 The details of the proposed internal layout of plant and machinery of the proposed MBT facility have not been provided at this stage as these details will be the subject of an application variation to the existing operating permit to be determined by the Scottish Environment Protection Agency under the Pollution Prevention and Control Regulations 2000. Nonetheless the applicant has provided information on the proposed processes that would be undertaken within the facility.

1.4 The proposed MBT facility at Garlaff would have the capacity to accept and process up to 100,000 tonnes per annum of mixed residual waste. This

includes a biological processing capacity of some 60,000 tonnes per annum. Feedstock materials for the MBT process (i.e. mixed residual municipal waste) would be directed away from the existing landfill area and to the new facility. Thus the MBT plant is not expected to introduce either new or additional materials on to the existing site.

1.5 Feedstock materials for the biological processing element of the plant would be generated by the front-end mechanical processing (approximately 45,000 tonnes per annum), with around 15,000 tonnes per annum as a separate line processing the local authority's kerbside source-segregated collection service of organics (green and kitchen waste). Waste deliveries to the proposed MBT facility would take place within the hours currently permitted for the landfill (7:30am to 5pm Monday to Saturday). Loading and unloading of the process plant and operation of the plant mechanical equipment would also take place within these hours.

1.6 The MBT process train would comprise the following elements all of which would be housed within the building and tank compound:

- (i) **Waste Reception Area:** Waste would be brought to the facility in the same quantities and in the same manner as currently occurs at the existing landfill. The incoming waste would be directed to an internal reception area within the proposed new building, where the material would be off-loaded. The reception area would be constructed to a height suitable for the safe unloading of the incoming bulk vehicles, and would include odour mitigation through a negative pressure system drawing air into the building.
- (ii) **Mechanical Sorting and Screening:** Waste in the reception area would be subjected to manual sorting followed by mechanical screening and separation designed to recover recyclable and inert materials as well as to remove materials which due to their size, weight or nature are unsuitable for the biological treatment process. The remaining material passing through to biological treatment would be predominantly organic in content. The recyclates and inert materials separated at this stage would be stored on site, in external storage bays, located adjacent to the building, pending transportation off site to end markets, or end use on site. Off site transportation of up to 20,000 tonnes per annum of recyclates is forecast, resulting in around five additional vehicle movements per day to and from the site.
- (iii) **Primary Biological Treatment:** The biological treatment element of the process would consist of in-vessel aerobic and anaerobic (dry fermentation) processes allowing organic material to be biologically treated within an enclosed and controlled environment. A degree of blending and shredding may be required in order to prepare the material for the process. The biological process vessels would be located within the building and the external tank compound, located adjacent. The biological process would be subject to controlled management of water, air and heat within each vessel. The total

biological process time would not exceed six weeks and during this period will be subject to controlled management of water, air and heat within each vessel. All loading and unloading of the biological process vessels would be done within the building with emissions captured and vented to atmosphere via filters to minimise odour and bioaerosol releases. The anaerobic process would generate a high-methane biogas from the degradation of the organic fraction of the feedstocks. This would be used to generate renewable energy using combined heat and power (CHP) gas engines. Landfill gas is already extracted and used as a fuel for on-site CHP engines and the MBT biogas management system would make use of the existing biogas infrastructure at the site. Whilst additional biogas would be generated by the MBT process in the short-medium term, requiring the installation of additional gas engines in the existing CHP compound at the site, it is important to note that this biogas would be generated directly from waste diverted from landfill and so the overall total biogas generation of the site would not increase.

- (iii) **Pasteurisation / Maturation Area:** The output from the primary biological process would undergo a secondary process of biological maturation. This maturation process would also be undertaken within the proposed building and would result in the aerobic stabilisation of the material and the removal of remaining pathogens, through a pasteurisation process. The stabilised, odour-free, organic-rich compost or compost-like output would then be subject to final screening prior to storage within the external storage compound area, pending transportation off site or end-use on site. The output from the processing of the source-segregated organic waste of around 12,000 tonnes per annum would be a high quality compost suitable for marketing and delivery to a range of end users. Off site transportation of this material would generate an additional 3-4 vehicle movements per day.
- (iv) **Odour Control and Effluent Treatment:** The MBT facility will incorporate an odour control and process effluent management system that would be used to treat and control emissions, to comply with the levels specified in the site operating consents. Where possible, process air would be re-circulated through the aerobic elements of the biological process; the recirculation of air makes it possible to control parameters that are important to the process, such as temperature, humidity and oxygen concentration. Air discharged from the process would, as a minimum, pass through a biofilter at controlled flow rates to neutralise the odour before releasing the cleaned air to the atmosphere. The air venting will be managed to comply with the noise limits in place at the existing operations. All clean surface water (rainwater) would be directed to the existing clean surface water management system for the landfill site prior to discharge in compliance with the conditions of the existing site discharge consent. Any contaminated surface water or leachate from the process would be re-circulated back through the biological process as far as possible, in

order to minimise the site demand for process water and the offsite discharge. Any process water or liquid leaving the process train would pass through the existing leachate treatment plant on the landfill site.

1.7 Although elements of the MBT process are continuous and would be operated and monitored on a 24 hour and 7 day basis, these are largely restricted to maintaining the biological process which would not generate significant levels of activity or vehicle movements outside the proposed building during periods when the site is closed to incoming waste. All processing operations at the MBT plant would be undertaken within the proposed building and associated external tank compound which forms an integral part of the biological process.

1.8 The key noise generating elements of the proposed development would be the mechanical elements of the process train (e.g. conveyors, shredders, trommels), the extraction and venting of internal air from the building from the process and HGV movements at the site. Process noise would be mitigated to meet existing limitations for the site. The building will be designed in such a way that the noise attenuation provided by the walls and roof would be sufficient to meet the existing permitted noise limits for the existing landfill site. The layout of the site has been designed in such a way that the MBT plant is located away from noise-sensitive receptors and external activities are screened from the nearby noise-sensitive receptors by either the intervening landform or by proposed buildings within the development.

1.9 Access to the proposed MBT facility will be from the existing Garlaff access from the B7046 Skares Road, 1 km east of Skares village.

1.10 The application is accompanied by an Environmental Statement (ES) While a number of potential environmental issues were scoped out of Environmental Impact Assessment of the proposed development at the scoping stage, the ES focuses on issues of landscape and visual amenity, air quality and noise. The information provided suggests that, subject to the implementation of a range of mitigation measures as described in the ES, the development can take place without significant adverse, long term impacts on the environment and, more particularly, on local communities.

2. RECOMMENDATION

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

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland)

Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are significant material considerations relevant to this application, particularly in relation to the Alteration to the East Ayrshire Local Plan and also Scottish Planning Policy which are supportive of the proposed development.

3.2 With regard to the representations received objecting to the proposed development, it is considered that the objections raised are not of sufficient weight to justify refusal of the application on the basis that they are either not valid, are not relevant to this application, or can be addressed through the imposition of appropriate conditions in any consent granted for the development.

3.3 The proposed MBT facility is situated wholly within the consented area of the Garlaff Landfill site and the proposed operations are considered to be complimentary to, and compatible with, the existing operations on site.

3.4 It is considered that the proposals offer the opportunity to introduce a further layer of waste treatment and recycling thereby reducing the total amount of waste going to land fill. This is consistent with government waste targets and the Dumfries and Galloway – Ayrshire Area Waste Plan.

3.5 While there would essentially be no increase in the overall amount of waste entering the Garlaff site, it is accepted that the operation of the proposed MBT facility will result in the removal of recyclates from waste and the processing and treatment of organic waste will produce compost or compost like material. These recyclates will require to be dispatched off site to end markets as will the composts, except where they will be used on site. This will lead consequently to some additional traffic movements. However the level of additional movements is not significant and all vehicles transporting waste will require to adhere to the existing approved routes for the Garlaff site.

3.6 In environmental terms, the proposed development represents a potential improvement to the current situation at Garlaff with a significant reduction in the amount of untreated organic, municipal waste that is presently going directly to landfill. The proposed MBT has the potential benefit of being located within the existing consented Garlaff landfill site and would be subject to the conditions and obligations imposed in the existing planning consent and associated Section 75 Agreement. It is considered that the MBT facility can be operated in such a way that it would not present any significantly greater environmental impacts on any community than that experienced in the operation of the Garlaff landfill site and this is essentially borne out by the consultation process and the findings in the Environmental Statement.

3.7 It is accepted that the proposed MBT facility building is significantly large but existing tree belts and proposed additional landscape screening within the site should assist in mitigating landscape and visual impacts associated with the scale of the proposed building.

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 be required to be referred to Full Council for determination as such a decision would not be a significant departure from Council 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.

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1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposed development is a major application in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 as the gross floorspace of the proposed building exceeds 10,000 square metres and occupies a site in excess of 2 hectares.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies off the south side of the B7046 Skares Road approximately 1 kilometre south east of the village of Skares and 4 kilometres south west of Cumnock. The site lies within the existing consented and operational Garlaff Landfill Site and extends to approximately 2.8 hectares. Located on the eastern side of the Garlaff site, the application site lies on a plateau between the existing land filled area and the new extension area, formerly part of the Skares Road opencast site. Planning permission for the Garlaff landfill extension was approved on 18 September 2002 (Ref. No 00/0685/FL).

2.2 **Proposed Development:** Planning permission is sought for the erection of a mechanical and biological waste treatment facility within the existing consented Garlaff Landfill and Recycling Centre. This comprises the erection of a significant building of portal frame construction which would house the proposed mechanical and biological waste treatment plant and machinery. The proposed building would have a footprint of 170 metres by 85 metres, with twin ridge roof with 11 metres to eaves and 13 metres to ridge level. This represents a building approximately one and a half times the size of an average football pitch or just slightly smaller than the former Kingsmead Factory in Caponacre Industrial Estate. The external wall finish would be a combination of concrete walling and a profiled metal cladding. The colour of external materials is to be green/brown for walls and grey for the roof to blend with the site surroundings.

2.3 In addition to the main building, an external tank/silo compound will be formed adjacent to the building measuring approximately 42 metres by 29 metres. This area will contain six tanks, each 10 metres in diameter with 3metres spacing between and a tank height of 16 metres. The external tanks would be located behind the main building to minimise impacts on off-site visual receptors. In this regard the applicant has indicated that there would also be an opportunity to lower the height of these, through deeper excavation of the tank foundations.

2.4 The details of the proposed internal layout of plant and machinery of the proposed MBT facility have not been provided at this stage as these details will be the subject of an application variation to the existing operating permit to be determined by the Scottish Environment Protection Agency under the Pollution Prevention and Control Regulations 2000. Nonetheless the applicant has provided information on the proposed processes that would be undertaken within the facility.

2.5 The proposed MBT facility at Garlaff would have the capacity to accept and process up to 100,000 tonnes per annum of mixed residual waste. This includes a biological processing capacity of some 60,000 tonnes per annum. Feedstock materials for the MBT process (i.e. mixed residual municipal waste) would be directed away from the existing landfill area and to the new facility. Thus the MBT plant is not expected to introduce either new or additional materials on to the existing site.

2.6 Feedstock materials for the biological processing element of the plant would be generated by the front-end mechanical processing (approximately 45,000 tonnes per annum), with around 15,000 tonnes per annum as a separate line processing the local authority's kerbside source-segregated collection service of organics (green and kitchen waste). Waste deliveries to the proposed MBT facility would take place within the hours currently permitted for the landfill (7:30am to 5pm Monday to Saturday). Loading and unloading of the process plant and operation of the plant mechanical equipment would also take place within these hours.

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materials as well as to remove materials which due to their size, weight or nature are unsuitable for the biological treatment process. The remaining material passing through to biological treatment would be predominantly organic in content. The recyclates and inert materials separated at this stage would be stored on site, in external storage bays, located adjacent to the building, pending transportation off site to end markets, or end use on site. Off site transportation of up to 20,000 tonnes per annum of recyclates is forecast, resulting in around five additional vehicle movements per day to and from the site.

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of this material would generate an additional 3-4 vehicle movements per day.

- (iv) **Odour Control and Effluent Treatment:** The MBT facility will incorporate an odour control and process effluent management system that would be used to treat and control emissions, to comply with the levels specified in the site operating consents. Where possible, process air would be re-circulated through the aerobic elements of the biological process; the recirculation of air makes it possible to control parameters that are important to the process, such as temperature, humidity and oxygen concentration. Air discharged from the process would, as a minimum, pass through a biofilter at controlled flow rates to neutralise the odour before releasing the cleaned air to the atmosphere. The air venting will be managed to comply with the noise limits in place at the existing operations. All clean surface water (rainwater) would be directed to the existing clean surface water management system for the landfill site prior to discharge in compliance with the conditions of the existing site discharge consent. Any contaminated surface water or leachate from the process would be re-circulated back through the biological process as far as possible, in order to minimise the site demand for process water and the offsite discharge. Any process water or liquid leaving the process train would pass through the existing leachate treatment plant on the landfill site.

2.8 Although elements of the MBT process are continuous and would be operated and monitored on a 24 hour and 7 day basis, these are largely restricted to maintaining the biological process which would not generate significant levels of activity or vehicle movements outside the proposed building during periods when the site is closed to incoming waste. All processing operations at the MBT plant would be undertaken within the proposed building and associated external tank compound which forms an integral part of the biological process.

2.9 The key noise generating elements of the proposed development would be the mechanical elements of the process train (e.g. conveyors, shredders, trommels), the extraction and venting of internal air from the building from the process and HGV movements at the site. Process noise would be mitigated to meet existing limitations for the site. The building will be designed in such a way that the noise attenuation provided by the walls and roof would be sufficient to meet the existing permitted noise limits for the existing landfill site. The layout of the site has been designed in such a way that the MBT plant is located away from noise-sensitive receptors and external activities are screened from the nearby noise-sensitive receptors by either the intervening landform or by proposed buildings within the development.

2.10 Access to the proposed MBT facility will be from the existing Garlaff access from the B7046 Skares Road, 1 km east of Skares village.

2.11 The application is accompanied by an Environmental Statement (ES) While a number of potential environmental issues were scoped out of Environmental Impact Assessment of the proposed development at the scoping stage, the ES focuses on issues of landscape and visual amenity, air quality and noise. The information provided suggests that, subject to the implementation of a range of mitigation measures as described in the ES, the development can take place without significant adverse, long term impacts on the environment and, more particularly, on local communities.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Glasgow Prestwick Airport initially objected to the development on the basis that it required to review a Bird Hazard Risk Assessment and Bird Control Plan relative to the proposed development. Further information was subsequently provided to GPA and as a consequence, it has now formally indicated that it has no objections to the proposed development on statutory safeguarding grounds.

3.2 NATS (En Route) and Defence Estates Safeguarding have no objections to the proposed development.

3.3 The Ayrshire Rivers Trust has indicated that if the proposed plant is operated well there would appear to be little risk to watercourses in the area. ART would agree that the site itself has little ecological value and would appear to be an appropriate site for such a development. ART has recorded a number of pollution events arising from the Garlaff site in general with dirty water run-off, indeed deliberate pumping of dirty void water into the nearby burns. These incidents appear to have been from water stored in the void rather than from the landfill site but it does highlight the fact that management of any site has to be to a high standard. The proposal provides details of the proposed surface and contaminated water treatment regime and providing that it adhered to there should be no impact on the nearby Rose Burn, which is likely to be the receiving water for treated waste.

Noted.

ART have carried out a number of electro-fishing surveys of burns in the area between Cumnock and Ochiltree, including the Rose Burn. Most of these burns support poor fish populations, mainly due to diffuse pollution pressures but also to point source pollution from the many industrial activities in the upper reaches of these burns. We work with the operators of some of these sites to try and identify problems if, or before, they occur and we hope that this approach will lead to improvements in water and habitat quality. This proposed development may provide an opportunity for the developer to initiate a survey of the Rose Burn and to lead with improvement measures if required. Such actions would be greatly appreciated by the local community and would help with the delivery of improvements as required by the Water Framework Directive.

The comments of ART have been forwarded to the applicant for consideration.

3.4 East Ayrshire Roads and Transportation Division has no objections to the proposed development.

Noted.

3.5 East Ayrshire Environmental Health Division has no objections to the proposed development but offers the following comments:

- (i) The development will require a permit issued by SEPA under Pollution Prevention and Control Regulations 2000, and detailed comment should be sought from that authority.

The comments of SEPA have been sought as noted in Section 3.6 below.

- (ii) Noisy work on the site during construction and subsequent operation should be restricted to 7 am to 7 pm Monday to Friday, 8 am to 1 pm on a Saturday, and no noisy work on a Sunday.
- (iii) Noise from the works during construction and subsequent operation should at no time cause the underlying background noise level LA90(1 hour) to rise by more than 3dB(A) measured at the nearest noise sensitive location.
- (iv) All waste arising from the works should be disposed of to the satisfaction of the Waste Management Authority and otherwise than by burning.
- (v) All drainage should be completed to the satisfaction of SEPA and/or Scottish Water.

Conditions to the above effect are contained within earlier consents relevant on site and meet the requirements of the Environmental Health Division. A condition on any permission issued for this proposal could tie in the earlier consents.

3.6 The Scottish Environment Protection Agency **objects** to this planning application **unless** the planning conditions noted below are attached to any consent.

- (i) Flood Risk: We have reviewed the enclosures submitted with this consultation in respect of flood risk and from the information supplied no flood risk is immediately apparent.
- (ii) Surface Water Drainage: We object unless a planning condition is attached to any consent requiring the discharge of surface water to the water environment to be in accordance with the principles of the SUDS (Sustainable

Drainage Systems) Manual (C697) published by CIRIA. Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues. Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

(iii) Foul Drainage and Trade Effluent: It is our understanding that any toilet facilities built into the design of the plant will be connected to septic tanks as there is no suitable sewer connection at the site. The sewage treatment and disposal arrangements must be in accordance with our requirements. We note that trade effluent from the proposed facility will be directed to, and treated within the leachate treatment facilities at the landfill site.

Noted.

(iv) Sustainable Waste Management: We note that this proposal has the potential to help deliver sustainable waste management in East Ayrshire and surrounding areas, given its scale and its potential to assist with a move away from landfill and towards further recycling of waste. We recognise that proposals for new facilities which assist such a move are encouraged by the National Waste Strategy. Such an approach reflects the Waste Hierarchy advocated by the Strategy. As such, we are satisfied that the proposal accords with the principles of sustainable waste management as set out in the National Waste Strategy, National Waste Plan and the Ayrshire, Dumfries and Galloway Area Waste Plan.

Noted.

(v) Thermal Treatment Guidelines: Our Thermal Treatment Guidelines (which are recognised as a material planning consideration within national planning policy and guidance) state that a thermal treatment plant (the proposed facility is such a plant) should only treat residual waste after segregation i.e. waste remaining after all efforts have been made to extract recyclable and, where appropriate, compostable material. We note the applicant's intention to provide manual and mechanical sorting and screening facilities designed to recover recyclable and inert materials as well as to remove materials which are unsuitable for the biological treatment process. The provision of such facilities will ensure that unsorted waste is suitably processed to recover recyclable materials prior to being treated by the biological process. In order to ensure that such recycling takes place, we object unless a condition is inserted into any consent granted requiring the materials recovery facilities to be operating prior to any waste being accepted at the site.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

(vi) Odour: The proposal indicates that most activities will be undertaken within a new purpose built building and that foul air will be extracted either for use in the aerobic cycle of the biological treatment process or will be treated in a biofilter prior to discharge to the atmosphere. No details on how this is to be achieved are presented, for example no details of biofilter capacity, how final gases are discharged, extraction rates (i.e. number of room air changes), the use of air locks at vehicle and personnel access points, etc. It is understood that existing land filling activities have given rise to odour nuisance in the past and as a consequence, reliance on the site's relative isolation cannot be relied upon to be the primary source of odour control.

SEPA would highlight that the issue of odour is a matter which would be dealt with at the PPC application/variation stage and we would expect to see a full and robust odour prevention and mitigation proposal within any application for variation of the existing landfill permit. The outcome of the PPC variation application could have an impact on any planning consent in that there may be additional requirements to control odour that could have land use issues; e.g. need for a different odour control mechanisms, larger biofilter, higher chimney stack to disperse treated gases, etc. The necessary details that should be included in a PPC variation application are not required at the planning stage, given that these can be addressed at that time. Therefore due to the lack of detail available at this stage we cannot provide a definitive comment on the potential for odour. SEPA has no reason, however, to believe that the proposed development, if properly designed and operated, would give rise to additional odour impact.

Noted.

(vii) Bio aerosols: It is noted within the application that the facility has no sensitive receptors within 250 metres therefore no assessment of impact is required. The applicant should be informed that while this may be the case there is a requirement within the PPC regime to prevent and thereafter use Best Available Techniques (BAT) to control emissions including bio aerosols. As a consequence, the generation and control of bio aerosols would be a necessary part of any PPC variation application.

The applicant has been advised of the comments and requirements of SEPA .

(viii) Air Quality: The applicant states that there should be no change to air quality due to the use of existing infrastructure (gas engines) and no change in traffic movement etc. The applicant also provides generic background data using a method known to us i.e. the use of Local Air Quality (LAQ) ambient background maps. These indicate that background PM10 (particulate matter with a diameter of less than 10 microns) is already likely to comprise a significant portion of the relevant 2010 objective for PM10; approximately 88%

- 15.8 of 18 ug/m³ target. We sought clarification on air quality issues from the applicant and are now satisfied that the proposed development would not result in the local ambient air quality being raised above the relevant target for PM₁₀ (18ug/m³). SEPA confirms that at the PPC permit application stage, it will require an assessment of air quality impact (including those from the proposed combustion plant) and in the event that any impacts were predicted to be higher than the acceptable limits, the applicant would be required to provide mitigation measures within the design of the plant.

The applicant has been advised of the comments and requirements of SEPA .

(ix) Noise: Despite the lack of detail within the noise report submitted by the applicant, SEPA is satisfied that specific operational noise impact can be controlled adequately via the PPC Permitting regime. SEPA has, however, reviewed the Noise Report submitted as part of the planning application and has provided comments on this for the applicant's benefit

(x) Heat & Power: SEPA's Thermal Treatment Guidelines set out the importance of maximising efficiency of energy from waste plants by recovering both heat and power, ensuring the plants deal with residual waste only and that new facilities should be part of an integrated network of facilities. The Heat & Power plan submitted by Barr Environmental Limited meets the requirements of our Thermal Treatment Guidelines in that the indicative energy targets specified in the Guidelines can be met. Further, there will be no delay in achieving these targets. It should be noted that the applicant advises that a change is planned from year four onward in that biogas generated will not be burned but rather refined (purified) and liquefied to be used as a fuel offsite. SEPA cannot comment on the acceptability of such a change at this point except to state that such a change would require any PPC Part A permit to be varied substantially to allow it to proceed. This is due to the refining of gas to be prescribed as a Part A activity in its own right.

Noted.

(xi) Site Waste Management Plans: Paragraph 52 of SPP10 states that, "*Scottish Ministers consider that site waste management plans represent good practice and that proposed new developments with a project value of over £250,000 should be supported by site waste management plans. Planning authorities should consider requiring the preparation of site waste management plans as a condition of planning permission in order to manage waste on site*". The preparation and implementation of a site waste management plan is strongly encouraged and it is suggested that, in line with SPP10, a condition is added requiring that a site waste management plan is submitted to the Local Authority before any work commences on site. SEPA therefore objects unless such a planning condition is included in any consent granted.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

(xii) **Pollution Prevention During Construction:** To protect the water environment from any damage arising from the construction and operation of this facility, SEPA objects unless a planning condition is attached to any consent which requires that no development can commence on site until a full site specific construction method statement (CMS) is submitted and approved by the determining authority, in consultation with SEPA.

A condition can be attached to any consent granted for the proposed development to meet the requirements of SEPA.

3.7 Transport Scotland (Trunk Roads Network Management Division) states that the proposal represents an intensification of the use of this site. However the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the trunk road network. On this basis TRNMD has no comments to make.

3.8 Historic Scotland confirms that there are no nationally important sites within the proposed site boundary. As you will be aware Dumfries House Garden and Designed Landscape (GDL) lies within the vicinity of the search area and to the north of the development site. HS has now had the opportunity to review the Environmental Statement (ES) for our statutory historic environment interests at the national level and notes that the ES concludes that distant views from the northern half of Dumfries House GDL would be subject to screening from a high proportion of intervening vegetation from the study area and consequently there would be moderate/minor effects on the site, with no significant effects predicted. HS confirms that it is content that the proposed development is unlikely to have any significant adverse impacts on the setting of any nationally important heritage asset. Consequently, HS offers no objection to the proposal.

3.9 The Scottish Government (Climate Change and Greener Scotland Division) notes, in respect of air quality and noise, that environmental advantages and disadvantages have been identified and, where appropriate, mitigation measures and/or scheme changes to offset potentially adverse environmental impacts have been identified. The Division further notes that impacts are predicted to be negligible in relation to air quality and that a number of mitigation measures and management actions are set out to minimise emissions from the site.

3.10 The Ayrshire Joint Structure Plan Unit states that the proposal is consistent with Structure Plan Policy ECON10: Waste Locations which gives preference to the location of facilities of this type within existing or adjacent to waste management sites. Careful consideration should be given to the impact of noise on noise sensitive receptors in the area.

3.11 Scottish Natural Heritage has no comments to make on the proposal.

3.12 The Health and Safety Executive has no comments to make on the Environmental Statement

3.13 The West of Scotland Archaeology Service, Scotland Gas Networks, SP Energy Networks and Scottish Water have no objections to the proposed development.

3.14 Cumnock Landward Community Council and RSPPB Scotland have not responded to the consultation letter.

4. REPRESENTATIONS

4.1 A total of 12 letters of representation have been received regarding the proposed development, of which 10 are letters of objection from 11 signatories and includes an objection from Ochiltree Community Council. A number of the letters raise the same common points of objection. The remaining letter of representation is one of support for the proposed development. The main points of objection are summarised as follows:

4.2 The proposed development will obviously see a large increase in traffic to already busy and dangerous winding country roads.

The proposed development will not result in any increase in waste streams entering the site. The proposed MBT facility will offer further treatment of existing municipal waste streams. However, as a result of the additional recycling and waste treatment processes, there will be a requirement to dispatch these materials (around 20,000 tonnes of recyclates and compost) to end markets resulting in some additional vehicle movements from the site. The applicant has indicated that this will not be more than 5 additional vehicle movements per day and, where practicable, it is the applicant's intention to utilise vehicles depositing waste at the facility to transport recyclates to market. Currently these vehicles are returning empty. Consequently it is not considered that this represents a significant traffic impact on any local community.

4.3 You will probably be unaware of the gassy odour that came beyond the boundaries of the landfill site to Skares village and surrounding areas for approximately 10 years before something was done about it. I am afraid that this will start all over again.

While the details of the proposed plant to be installed in the MBT facility have not yet been fully determined, they will require to be the subject of a PPC variation application that will be the subject of scrutiny and determination by SEPA. However, the applicant has indicated physical and operational management measures that will be introduced to minimise the potential for odour nuisance as detailed in paragraph 2.7 (iv) above. While the details of these measures have yet to be determined, SEPA has stated

that it has no reason to believe that the proposed development, if properly designed and operated, would give rise to additional odour impact. The diversion of municipal waste from direct landfill to undergo additional treatment could, on the contrary, result in reduced potential for odour nuisance.

4.4 I know for a fact that asbestos is being shipped from Ireland and dumped in Garlaff. What other hazardous waste is being dumped that the ordinary people don't know about? The company has already been fined for breaking guidelines.

The Section 75 Agreement covering the existing Garlaff site restricts the importation of wastes streams generated outwith Ayrshire to a maximum of 10% of all waste entering the site. Therefore there is the capacity for the operations to accept a proportion of waste from outwith the Ayrshire area. Notwithstanding this, this point of objection is not relevant to the application under consideration that requires to be considered on its merits. The proposed MBT facility will have the capacity to treat existing municipal waste streams entering the site such that up to 65% of the waste will be diverted from direct landfill and undergo a treatment process that will result in the production of compost, recyclates and biogas that will generate renewable energy.

4.5 This facility will attract more flies, bluebottles, vermin and even more seagulls. Skares itself is already over run with feral cats and foxes that predate the rats and existing debris from the site. These are creatures that can spread contamination and disease.

The proposed MBT facility will have the capacity to treat existing municipal waste streams entering the site such that up to 65% of the waste will be diverted from direct landfill. The diversion of municipal waste from direct landfill to undergo additional treatment could, on the contrary, result in reduced potential for vermin nuisance.

4.6 The building doorway is not large enough to allow a refuse vehicle to drive in and dump the waste. It will be dumped outside and bulldozed in.

The proposed building will have 6 vehicle entry portals, all designed to accommodate municipal waste vehicles.

4.7 The area for this facility has already been cleared 6 months ago for this work to begin. A bit presumptuous is it not.

The site of the proposed MBT facility lies within the existing operational Garlaff site. There is no indication that any works relative to the construction of the facility have taken place or started on site.

4.8 The Government's targets for reducing landfill waste suggests that less, not more waste should be going into Garlaff.

The proposed MBT facility is to treat the existing waste streams entering the Garlaff site and as a consequence, 65% of existing waste streams will be diverted from being taken directly to landfill. This is in complete compliance with Government policy and achieves in excess of the 2020 recycling target of 60%.

4.9 It seems incongruous that a project of this size, processing this volume of waste, is not being planned as a means of utilising anaerobic digestion and creating energy in the form of biogas.

The objector has failed to recognise that the proposed MBT facility includes an in-vessel aerobic and anaerobic (dry fermentation) processes allowing organic material to be biologically treated within an enclosed and controlled environment. The by-product of this process will indeed be biogas.

4.10 Why produce millions of tonnes of compost when the site already gives away free compost on demand? It hardly represents a commodity in the farming community. If compost is to be resold, another flotilla of lorries would be needed to transport the compost to its next destination with further burden on the local community.

The figure quoted by the objector is grossly exaggerated in terms of the compost produced on the Garlaff site. However, there will be a requirement to dispatch around 20,000 tonnes of recyclates and compost to end markets resulting in some additional vehicle movements from the site. The applicant has indicated that this will not be more than 5 additional vehicle movements per day and, where practicable, it is the applicant's intention to utilise vehicles depositing waste at the facility to transport recyclates to market. Currently these vehicles are returning empty. It is not considered that this represents a significant traffic impact on any local community.

4.11 If the site cannot get rid of the existing mountain of compost it already makes, where will this new material be stored?

Storage bays are to be provided to accommodate recyclates including compost or compost like material. The MBT facility will provide a much higher quality of compost that can be used in a much wider range of circumstances.

4.12 The landfill is on a flight path to and from Glasgow Prestwick Airport and any increase in seagulls would cause an increased danger to aircraft.

Glasgow Prestwick Airport has been consulted regarding the proposed development and its response is set out in paragraph 3.1 above. In this regard, GPA, NATS (En Route) and Defence Estates Safeguarding, which all have interests in air safety in this locality, have not objected to the proposed development. Indeed, the proposed MBT facility is more likely to have a positive effect with less untreated waste going direct to landfill, thereby potentially reducing the nuisance associated with gulls.

4.13 The facility is bound to have a detrimental effect on our health due to the fumes and odours.

SEPA has indicated that it has no reason to believe that the proposed development, if properly designed and operated, would give rise to additional odour impact and that such matters would be subject to a PPC variation requirement which would be subject to SEPA approval.

4.14 Noise from the gas pump goes on all night and we have been disturbed for years. The price of our property will fall even further.

The gas pump forms part of the existing approved operations at the Garlaff landfill site. The planning consent includes provision for noise monitoring and the comments of the objector will be addressed through compliance monitoring. It should be noted that neither this Division nor the Environmental Health Division is aware of any particular complaints made in this regard.

The perceived loss of value of property is not a valid ground of objection to the proposal and is not material to the consideration of this application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy ECON10 is pertinent to the proposal which states:

“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.”

With the proposed MBT facility being wholly located within the existing consented and operation landfill and recycling centre at

Garlaff, the proposed development is considered to be in accordance with the policy provisions of the Structure Plan.

East Ayrshire Local Plan

5.3 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 proposal is an extension to an existing waste treatment process at Garlaff which will add another layer of treatment to reduce the amount of waste being disposed via landfill. The proposal will enhance the range of waste management facilities within the site and at the same time, will reduce the amount of waste being disposed of via landfill, which is consistent with government guidelines and targets. It is considered that the new waste management process will be in as close proximity as possible to the points at which waste is generated, as Garlaff is an existing waste disposal and management facility.

The proposal is therefore in accordance with the policy provisions of the adopted local plan

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

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

6.1 Policy SD states that the Council will, in line with the provisions of policy STRAT1 of the Replacement Ayrshire Joint Structure Plan and the Guiding Principles for Sustainable Development detailed in Schedule 1 of that document, adhere to the principles of sustainability in its consideration of all development proposals and will seek to ensure that all new development contributes positively to the environmental quality of the area. In this regard, the Council will ensure that all new development does not have any unacceptable adverse impact on:

- (i) the character and appearance of the particular location in which it is proposed;

Although the proposed MBT facility will be housed within a significantly large building, it is considered that the proposal will have minimal impact on the character and appearance of the area as it is located within an existing waste disposal and management site at Garlaff.

- (ii) the environment and amenity of local communities and residents of the area;

The proposed development is located at an existing waste disposal and management site at Garlaff. It is considered that the erection of a very large waste management facility could have some visual impact on the neighbouring residents of the site. However mitigation in the form of landscaping / screening proposals will soften the visual impact on neighbouring residents that may occur as a result of this proposal.

- (iii) landscape character and quality; and

It is considered that the proposal will have minimal impact on the landscape character and quality of the area as there are no statutory landscape designations in this particular location.

- (iv) natural or built heritage resources;

The proposal will have no impact on the landscape character and quality of the area as there are no statutory natural or built environment designations in this particular location. Furthermore Historic Scotland has confirmed that it is content that the proposed development is unlikely to have any significant adverse impacts on the setting of any nationally important heritage asset.

6.2 Strategic Policy WM1 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 proposal is an extension to an existing waste treatment process at Garlaff which will add another layer of treatment to reduce the amount of waste being disposed via landfill. The proposal will enhance the range of waste management facilities within the site and at the same time, will reduce the amount of waste being disposed of via landfill. It is considered that the new waste management process will be in as close proximity as possible to the points at which waste is generated, as Garlaff is an existing waste disposal and management facility.

6.3 Strategic 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.

The proposal is geared towards reducing the amount of waste being disposed of via landfill and is dedicated towards meeting the needs of East Ayrshire and Ayrshire. As the new process is located at an existing waste management and disposal site at Garlaff, at least 90% of the waste treated will be generated from within Ayrshire. The existing Garlaff site operations are subject to a Section 75 Agreement that effectively imposes a restriction on the level of waste streams from outwith the Ayrshire area.

6.4 Strategic Policy WM4 states that 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 proposal will be located in the existing waste disposal and management site at Garlaff, which is suitable for this type of development.

6.5 Policy WM10 states that the Council will assess all applications for waste management facilities against the provisions of the Environmental Assessment (Scotland) Regulations 1999 and will require all applicants to submit formal Environmental Impact Assessments in association with their applications, in line with the provisions of the Regulations.

An Environmental Impact Assessment (EIA) has been included as part of the planning application.

The proposal therefore accords with Policies SD1, WM1, WM2 and WM4 of the Local Plan Alteration. Most weight can be given to the Local Plan Alteration as there are no objections to these policies.

Consultations

6.6 There are no consultation responses that would suggest that the application be refused.

Representations

6.7 In respect of those representations objecting to the proposed development, it is considered that they are not of sufficient weight to justify refusal of the application on the basis that they are either not valid, are not relevant to this application, or can be addressed through the imposition of appropriate conditions in any consent granted for the development.

Planning History

6.8 The relevant planning history of the Garlaff site is as follows:

- (i) Planning permission for the reclamation of Garlaff Quarry by landfill was granted on 26 June 1991 (Ref. No: CD/90/362/Q).
- (ii) An amendment to this application with respect to the operation of a waste transfer station was approved on 12 February 1996 (Ref. No. CD/95/0273/DPP).
- (iii) Opencast operations within Areas B and C of the Skares Road opencast site were approved on 15 May 1998 under application 97/0596/FL. Planning permission for the Garlaff landfill extension within these areas was approved on 18 September 2002 (Ref. No 00/0685/FL).
- (iv) Planning permission for the installation of two landfill gas generator sets was approved on 20 February 2002 (Ref. No. 01/0077/FL). An additional generator set was approved on 13 June 2002 (Ref. No. 02/0307/FL). A further revision to the consents previously granted was approved on 18 December 2003 (Ref. No. 03/0723/FL).
- (v) The formation of a composting area within the Garlaff Landfill site was approved on 05 November 2004 (Ref. No. 04/0909/FL).

Scottish Planning Policy

6.9 Scottish Planning Policy (SPP), issued in February 2010 considers issues of Waste Management in paragraphs 212 to 224 inclusive. In this regard the Scottish Government has adopted Zero Waste as a goal. This means eliminating the unnecessary use of raw materials, sustainable design, resource efficiency and waste prevention, reusing products wherever possible, and recovering value from products when they reach the end of their lives either through recycling, composting or energy recovery, in accordance with the waste hierarchy. The Scottish Government has targets for municipal waste including:

- increasing the proportion recycled or composted to 40% by 2010, 50% by 2020 and 70% by 2025
- a 5% limit on landfill of municipal waste by 2025,
- to stop the growth in municipal waste by 2010, and
- 25% limit on energy from mixed municipal waste.

6.10 The SPP acknowledges that achieving these targets will require a reduction in the amount of waste produced and a significant increase in the number, range and type of waste management installations is needed to manage municipal, commercial and industrial waste. Composting facilities, transfer stations, materials recycling facilities, and anaerobic digestion, mechanical, biological and thermal treatment plants are the main types of installation that are required.

The proposed development will provide a facility that can assist in meeting the aims of reducing the amount of waste being sent to

landfill, will increase significantly the recycling of materials and thus assist in meeting the specific targets laid down by the Scottish Government.

6.11 The SPP further states that planning authorities should consider the need for buffer zones between sensitive receptors (for example, houses) and some waste management facilities. A 250 metres buffer may be appropriate for operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant. 100m may be appropriate for recycling facilities, small scale thermal treatment or leachate treatment plant. Greater separation distance may be appropriate for landfill sites. Appropriately located, well run and well regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health.

The nearest sensitive receptors in the case of the proposal under consideration are the residential properties at Garlaff Cottage (250 metres away but is in the ownership of the applicant), Garallan Schoolhouse (630 metres away) and Knockterra Farmhouse (930 metres away). The closest property in the village of Skares lies approximately 1000 metres from the proposed MBT facility.

It is considered that the proposed MBT facility would be consistent with the provisions of the SPP which is a significant material consideration in the determination of this application.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application. It should be noted that the existing Garlaff Landfill site is subject to a Section 75 Agreement covering a number of obligations. Should the Committee agree to approve the present application, the proposed development would also be subject to the obligations within the existing Agreement.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 6 above, there are significant material considerations relevant to this application, particularly in relation to the Alteration to the East Ayrshire Local Plan and also Scottish Planning Policy which are supportive of the proposed development.

8.2 With regard to the representations received objecting to the proposed development, it is considered that the objections raised are not of sufficient

weight to justify refusal of the application on the basis that they are either not valid, are not relevant to this application, or can be addressed through the imposition of appropriate conditions in any consent granted for the development.

8.3 The proposed MBT facility is situated wholly within the consented area of the Garlaff Landfill site and the proposed operations are considered to be complimentary to, and compatible with, the existing operations on site.

8.4 It is considered that the proposals offer the opportunity to introduce a further layer of waste treatment and recycling thereby reducing the total amount of waste going to land fill. This is consistent with government waste targets and the Dumfries and Galloway – Ayrshire Area Waste Plan.

8.5 While there would essentially be no increase in the overall amount of waste entering the Garlaff site, it is accepted that the operation of the proposed MBT facility will result in the removal of recyclates from waste and the processing and treatment of organic waste will produce compost or compost like material. These recyclates will require to be dispatched off site to end markets as will the composts, except where they will be used on site. This will lead consequently to some additional traffic movements. However the level of additional movements is not significant and all vehicles transporting waste will require to adhere to the existing approved routes for the Garlaff site.

8.6 In environmental terms, the proposed development represents a potential improvement to the current situation at Garlaff with a significant reduction in the amount of untreated organic, municipal waste that is presently going directly to landfill. The proposed MBT has the potential benefit of being located within the existing consented Garlaff landfill site and would be subject to the conditions and obligations imposed in the existing planning consent and associated Section 75 Agreement. It is considered that the MBT facility can be operated in such a way that it would not present any significantly greater environmental impacts on any community than that experienced in the operation of the Garlaff landfill site and this is essentially borne out by the consultation process and the findings in the Environmental Statement.

8.7 It is accepted that the proposed MBT facility building is significantly large but existing tree belts and proposed additional landscape screening within the site should assist in mitigating landscape and visual impacts associated with the scale of the proposed building.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions listed 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 be required to be referred to Full Council for determination as such a decision would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

15 April 2010
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation responses.
4. Letters of representations.
5. Approved Ayrshire Joint Structure Plan (2007).
6. Adopted East Ayrshire Local Plan (2003).
7. Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications) 2009
8. Previous applications referred to in paragraph 6.4 of the report.
9. Planning Appeal Decision P/PPA/190/87.
10. Scottish Planning Policy (SPP).

Any person wishing to inspect the background papers listed above should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

3. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority in consultation with SEPA, a Site Waste Management Plan and shall thereafter comply with the Site waste Management Plan as approved.

REASON – In the interests of residential amenity and pollution control and prevention.

4. Prior to the commencement of development on site, the applicant shall submit to, and have approved by the Planning Authority in consultation with SEPA, a Construction Method Statement (CMS) for the proposed development and shall thereafter comply with the CMS as approved.

REASON – In the interests of residential amenity and to protect the water environment from any damage arising from the construction and operation of this facility

5. The proposed development hereby approved shall otherwise be undertaken in accordance with the conditions pertaining to planning consent 00/0685/FL dated 18 September 2002 as amended by planning consent. 04/0909/FL dated 05 November 2004

REASON: To retain effective planning control over the proposed development in accordance with current consents relating to the Garlaff landfill site.

The Council has granted this consent for the following reasons:

The proposal is consistent with the Development Plan and the material considerations relevant to this application also indicate that the application should be approved. In particular, the development is compliant with Policies SD1, WM1, WM2 and WM4 of the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications).