

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 30 SEPTEMBER 2011

11/0221/PP: PART CHANGE OF USE OF AGRICULTURAL LAND FOR THE
RECEPTION, PROCESSING AND DISTRIBUTION OF SLUDGE CAKE

AT BROOMHILL FARM BY RANKINSTON
APPLICATION BY MR THOMAS HOGG

Report by Head of Planning and Economic Development

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=11/0221/PP>

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The applicant is seeking planning permission for a part change of the agricultural use of the site by utilising the former opencast coal reception and processing area and associated access roads, for the reception, processing and distribution of sludge cake.

1.2 It is proposed that the Broomhill site will process the secondary treated sludge cake from breakdowns or shut-downs at both Meadowhead Waste Water Treatment Works in Irvine and Cumnock Waste Water Treatment Works in Cumnock. With the exception of Girvan and Saltcoats Waste Water Treatment Works, these two facilities process the majority of all sewage sludge produced in Ayrshire.

1.3 The infrastructure to carry out the necessary liming process is largely in place, utilising the existing concrete structures remaining from the former opencast operation.

1.4 Lime will be delivered and tipped into a designated lime reception pit which has capacity for some 45 tonnes of lime. Similarly, sludge cake will be delivered and tipped into the sludge reception pit, which has the capacity for containing 30 tonnes of sludge cake. Approximately 5 to 10% lime by weight w/w is added to the sludge cake in the reception pit and the resultant matrix is mixed homogenously with an excavator until, through pH analysis, the material is deemed suitable for agricultural use. Should the material fail the relevant tests, more lime will be added to achieve the correct pH balance.

1.5 All sludge cake will be lime stabilised within one hour of arriving on site. The lime cake will then be mechanically moved by the excavator from the sludge cake pit to an adjacent storage facility capable of containing some 1,500 tonnes of lime cake.

1.6 Once a suitable field has been identified for the application of lime cake, a load-all vehicle will be used to load delivery vehicles within the storage area before exporting the material off-site for distribution to the designated farm. Delivery vehicles will consist

of tractor trailer units, eight-wheeled 20 tonne tippers or by exception, 30 tonne articulated lorries.

1.7 The process of the application of compliant sewage sludge cakes to agricultural lands outwith the scope of this planning application; however the processing of this type of waste on the site as described will be covered by a Waste Management Licence, issued by SEPA under the Waste Management Licensing (Scotland) Regulations 2011. It is the applicant's intention to apply for this licence as soon as planning consent has been obtained.

1.8 Further pieces of plant required on site in addition to that already noted above would be generators for power on site, a portable office for retaining records and files, along with providing accommodation for site personnel and storage of smaller pieces of equipment and materials, a portable toilet for use on site and a mobile bunded bowser for storage of fuel for the site plant.

1.9 The applicant will provide a back-door washing facility, an area for a site office, an area for car parking and a mobile wheel-bath located on the haul road. These additional features would facilitate the management of the site from a suitably sited office/control centre and enable outgoing traffic to be adequately washed and maintained, thereby reducing or negating any potential soiling of the public roads. The applicant also has a road brush on site at all times to sweep the haul road or public road as is required.

1.10 Haulage Routes: Access to Broomhill from Meadowhead WWTW will be from the A78 Irvine to Ayr dual-carriageway, then onto the A77 dual-carriageway south to the roundabout at the A713, and left onto the A713 towards Dalmellington. The delivery vehicles will then take a left at the B730 Patna to Rankinston road and proceed to the site entrance.

1.11 Access to Broomhill from Cumnock WWTW will be from the A70 Cumnock to Ayr road and left at Coalhall onto the B730 Drongan to Patna road and proceed to the site entrance.

1.12 Traffic Management: All delivery vehicles will be sealed and sheeted, with suitable twist locks to ensure the load is safe and secure. Delivery vehicles will be most commonly 15 tonne, eight-wheeled skip units and on rare occasions, 30 tonne articulated units. Delivery vehicles will proceed up the haul road and enter the turning area. Site personnel will then direct the driver to reverse to their particular discharge point i.e. lime pit or sludge cake pit. The driver will discharge the load into the appropriate pit and secure the back door with twist locks etc and cover the trailer with a sheet. Delivery vehicles will then proceed down the haul road and reverse to the back-door wash facility, before washing any materials off around the back wheels and door etc. The delivery vehicle will then proceed down the haul road and through the wheel bath to ensure all dirt is washed from the wheels before exiting the site.

1.13 For the export of the lime cake, export vehicles will consist of either a 20 tonne eight wheeled tipper or a tractor and trailer unit, and will be sealed and sheeted as with the import delivery vehicles. These vehicles will follow the exact same procedure as detailed above other than being directed to the storage area to be loaded with lime cake with a load-all.

1.14 Vehicle Movements: Should there be a planned shutdown or breakdown at Meadowhead or Cumnock WWTW, it is anticipated that there will be approximately 6 to 10 skip loads of sludge cake delivered per day. Similarly, should conditions allow for material to be exported off-site to a farm, there will be approximately 6 to 10 loads per day. Therefore, in total, there could be a potential for approximately 12 to 20 movements on average per day.

1.15 Hours of Working: In view of the source, nature and supply of the sludge cake, it is preferred to work the site six days per week. This provides the applicant with the flexibility to avoid the need to store the imported materials on site without treatment. The proposed maximum working hours for the site will therefore be:-

- Monday to Friday inclusive - 7:00am to 6:00pm
- Saturday – 7:00am to 1:00pm
- Sunday – No working

1.16 Landscape and Visual Impact: As part of the aftercare plan for the surrounding area, the applicant, in partnership with East Ayrshire Woodlands, has plans to plant trees on designated areas within the restored site and also around the application site. In general, the topography and contouring of the surrounding land owned by the applicant serves to screen the application site from view and in addition to this, the applicant has a planting scheme which is designed to grow quickly and produce a thick screen which will effectively further limit the visual impact the operation will have on the surrounding countryside.

1.17 The site is located in a relatively remote area of the countryside with no SSSI's, SAC's, SPA's, ancient woodland or environmentally sensitive areas which affect the site.

1.18 Noise: There are no potential noise sensitive properties in close proximity to the site. In considering the proximity of neighbouring properties, noise impacts originating from the proposed operations will be significantly reduced by the activity/receptor distance factor. The plant used for the liming operation is regularly checked, maintained and serviced to reduce any impact with mechanical failure and noise nuisance.

1.19 Dust: The haul road is made up of a sub-base of shale material from the former opencast mine, followed by a base of recycled stone material and then a capping of clean 75mm stone and type-one surfaced dressed. There is a potential for dust particles to formulate from active traffic running up and down the haul road. Should the need arise, mobile bowsers in the form of a tractor and tanker will be used to suppress dust particles emanating from traffic movement by spraying water over any affected areas.

1.20 Odour: The perception of odour nuisance could be considered to be the most significant environmental issue associated with the development process and whilst not normally considered to be a health issue, it is often linked in the public mind with alleged health complaints. This is recognised by the applicant. There are therefore three simple steps to reduce odour emanating from the application site:-

- The imported sludge cake can be pre-treated at the sewage works with odour suppressing materials such as potassium permanganate, which is a strong oxidising agent thus minimising odour;

- The material is processed with lime as soon as it arrives on site to further reduce any odour issues; and
- Mobile odour atomiser units can be provided which are designed to spray a fine and even spread of water diluted odour suppressant which effectively encapsulates the odour and takes it to the ground.

1.21 With the implementation of the above three steps, and in addition to the fact that the site is relatively remote, the prevailing wind direction should disperse any potential odour away from populated areas and any nuisance odour should therefore be eliminated. The proposed back-door wash and wheel bath facilities will ensure that all vehicles leaving the site will present no significant residual odour.

1.22 Surface & Groundwater: All clean surface water is directed to the existing French drain running parallel with the access road. The French drain is approximately 600m in length and eventually discharges into an existing settlement pond where silt and sediment arising from heavy rainfall are settled out. Surface water arising from the operation which may contain potential pollution is contained within the working area and directed through suitable falls in the concrete pad to a drain. The drain is fitted with a silt-trap which filters out any large suspended solids. This silt-trap is emptied periodically and the resultant silt is deposited in the lime cake storage area where it is transported for agricultural use. The silt-trap then leads to a sealed existing containment tank which stores the dirty surface water. Periodically this containment tank is pumped-out with a vacuum tanker and taken to a suitably licensed facility for disposal or recycling.

1.23 Groundwater will therefore not be affected by the operation as all work is carried out on a concrete pad and all surface water is well controlled as detailed above.

1.24 Soils: The operation will be carried out entirely on a concrete pad thus providing no inherent risk to the existing underlying soils.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded an amended agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters indicated in Section 8.6 of this report.

3. CONCLUSIONS

3.1 This proposal will provide a number of full-time jobs and will utilise the services of local contractors which will in turn offer job opportunities to the wider community. The applicant believes that this proposal will create and sustain at least 10 full-time jobs.

3.2 The proposed operation at the development site, albeit of an ad-hoc part time nature, will combine with the applicant's agricultural business at Broomhill Farm to provide work for various company employees, several local agricultural, engineering and plant-hire contractors and also agricultural equipment suppliers.

3.3 The applicant has been liming sludge cake and providing a fertiliser substitute to the Ayrshire farming community for over a year. The infrastructure to carry out the liming process is therefore largely in place utilising the existing concrete structures remaining from the former opencast operation.

3.4 The applicant will provide a back-door washing facility, an area for a site office, an area for car parking and a mobile wheel-bath located on the haul road. These additional features would facilitate the management of the site from a suitably sited office/control centre and enable outgoing traffic to be adequately washed and maintained, thereby reducing or negating any potential soiling of the public roads.

3.5 The site is located in a relatively remote area of the countryside with no SSSI's, SAC's, SPA's, ancient woodland or environmentally sensitive areas which affect the site.

3.6 In respect of all relevant matters and material considerations to be taken into account, it is considered that the applicant's proposals are acceptable and the application should therefore be approved subject to the following obligations which should be secured through a Section 75 Agreement covering the following matters:

Section 75 Agreement

(1) The developer will be required to contribute a one-off road maintenance payment of £5,000 (five thousand pounds) to repair the damage done to the link road and upgrade it to take future vehicle movements associated with this application. The Council will contribute the remainder of the cost involved and carry out the work with no further maintenance contributions being required from the applicant during the term of this application.

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development then the application would not require to be referred to the Full Council as such a decision would not represent a significant departure from the development plan.

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

SOUTHERN LOCAL PLANNING COMMITTEE: 30 SEPTEMBER 2011

11/0221/PP: PART CHANGE OF USE OF AGRICULTURAL LAND FOR THE RECEPTION, PROCESSING AND DISTRIBUTION OF SLUDGE CAKE

AT BROOMHILL FARM BY RANKINSTON APPLICATION BY MR THOMAS HOGG

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 full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the Head of Planning & Economic Development, under Section 43A (6) of the Planning etc Act 2006, considers that the application raises a new issue pertaining to the reception, processing and distribution of sludge cake at the development site, collectively meriting determination at committee.

2. APPLICATION DETAILS

2.1 **Site Location:** The application site is located at national grid reference NS 427 139 just off the B730 Patna to Rankinston public road. It lies approximately 4km (2.5 miles) north-east of Patna and approximately 1.5km (1 mile) east of the A713 Ayr to Dalmellington public road.

2.2 The nearest other settlements to the site are Rankinston, 4.8km (3 miles) to the east and Polnessan, 2km (1.25 miles) to the south-west.

2.3 **Background:** The lands at Broomhill have a history of previous coal mining by drift, deep-mining and opencast methods. The last coal mining activity at the site was undertaken by Coal Contractors Ltd under planning consent CD/95/0187/MIN, which was approved on 01 October 1996 and involved the winning and working of 500,000 tonnes of coal and 500,000 tonnes of fireclay from the 102 hectare site.

2.4 The applicant purchased the former opencast site at Broomhill when the site was in a partly restored condition and he is responsible for completing the outstanding restoration works which were required at the site. This work involved contouring large areas of the site and the replacement of sub-soils and top-soils to facilitate the management of a mixed woodland and agricultural land.

2.5 The site has been successfully restored by the applicant and is now in its second year of a five year aftercare plan.

2.6 During these site restoration works, sewage sludge cake was used to condition the nutrient deficient soil and provide macro nutrients (N, P & K), organic matter, sulphur and trace elements necessary for the development and growth of the receiving plants, trees and grass.

2.7 Sewage sludge cake is the by-product of the waste-water treatment industry. The general principal of waste-water treatment is primarily to screen the waste-water for any plastic/stones etc before secondary treatment which is used to settle the solids and centrifuging/belt pressing to form a raw cake which consists of approximately 25% dry solids. Finally, the current preferred option for tertiary treatment consists of drying the raw cake to produce a granulated pellet (the resultant product is burned as a fuel or applied to agricultural land) digestion or incineration.

2.8 During periods of maintenance, sewage works have a planned shutdown of approximately two to three weeks every six months, which allows for periods where secondary treated sludge cake is continually being produced with no suitable method of disposal other than by landfill with its associated detriment to the environment and high disposal cost (due in part to the rising landfill tax).

2.9 One solution to this problem the applicant has developed at Broomhill Farm is the reception and lime processing of secondary treated sludge cake to enable the resultant product to be distributed to suitable agricultural outlets. Lime treatment consists of blending and mixing of lime products with secondary treated sludge cake to produce a material suitable for spreading on combinable arable land and grassland under the Sludge (Use in Agriculture) Regulations 1989. In Layman's terms, the lime essentially raises the pH of the sludge to produce a compliant product.

2.10 The applicant has been operating a lime treatment facility under a mobile plant licence granted by SEPA (WML/W/22020) at Broomhill Farm on a small scale for over a year whilst successfully undertaking the restoration of the former opencast coal mine to mixed agricultural and forestry land. The lime cake fertiliser has proven to have a number of benefits to the farming industry, namely:-

- Lower dependency on inorganic, petroleum based N & P fertiliser which can more readily be leached into the environment (and associated costs);
- Lower utilisation of sulphur;
- The addition of organic matter increasing the water holding capacity and providing an improved soil structure;
- Lower applications of lime necessary for pH correction; and
- Lower additions of trace elements essential for crop development and growth.

2.11 **Proposed Development:** The applicant is seeking planning permission for a part change of the agricultural use of the site by utilising the former opencast coal reception and processing area and associated access roads, for the reception, processing and distribution of sludge cake.

2.12 It is proposed that the Broomhill site will process the secondary treated sludge cake from breakdowns or shut-downs at both Meadowhead Waste Water Treatment Works in Irvine and Cumnock Waste Water Treatment Works in Cumnock. With the exception of Girvan and Saltcoats Waste Water Treatment Works, these two facilities process the majority of all sewage sludge produced in Ayrshire.

2.13 The infrastructure to carry out the necessary liming process is largely in place, utilising the existing concrete structures remaining from the former opencast operation.

2.14 Lime will be delivered and tipped into a designated lime reception pit which has capacity for some 45 tonnes of lime. Similarly, sludge cake will be delivered and tipped into the sludge reception pit, which has the capacity for containing 30 tonnes of sludge

cake. Approximately 5 to 10% lime by weight w/w is added to the sludge cake in the reception pit and the resultant matrix is mixed homogeneously with an excavator until, through pH analysis, the material is deemed suitable for agricultural use. Should the material fail the relevant tests, more lime will be added to achieve the correct pH balance.

2.15 All sludge cake will be lime stabilised within one hour of arriving on site. The lime cake will then be mechanically moved by the excavator from the sludge cake pit to an adjacent storage facility capable of containing some 1,500 tonnes of lime cake.

2.16 Once a suitable field has been identified for the application of lime cake, a load-all vehicle will be used to load delivery vehicles within the storage area before exporting the material off-site for distribution to the designated farm. Delivery vehicles will consist of tractor trailer units, eight-wheeled 20 tonne tippers or by exception, 30 tonne articulated lorries.

2.17 The process of the application of compliant sewage sludge cakes to agricultural land is outwith the scope of this planning application; however the processing of this type of waste on the site as described will be covered by a Waste Management Licence, issued by SEPA under the Waste Management Licensing (Scotland) Regulations 2011. It is the applicant's intention to apply for this licence as soon as planning consent has been obtained.

2.18 Further pieces of plant required on site in addition to that already noted above would be generators for power on site, a portable office for retaining records and files, along with providing accommodation for site personnel and storage of smaller pieces of equipment and materials, a portable toilet for use on site and a mobile bunded bowser for storage of fuel for the site plant.

2.19 The applicant will provide a back-door washing facility, an area for a site office, an area for car parking and a mobile wheel-bath located on the haul road. These additional features would facilitate the management of the site from a suitably sited office/control centre and enable outgoing traffic to be adequately washed and maintained, thereby reducing or negating any potential soiling of the public roads. The applicant also has a road brush on site at all times to sweep the haul road or public road as is required.

2.20 Haulage Routes: Access to Broomhill from Meadowhead WWTW will be from the A78 Irvine to Ayr dual-carriageway, then onto the A77 dual-carriageway south to the roundabout at the A713, and left onto the A713 towards Dalmellington. The delivery vehicles will then take a left at the B730 Patna to Rankinston road and proceed to the site entrance.

2.21 Access to Broomhill from Cumnock WWTW will be from the A70 Cumnock to Ayr road and left at Coalhall onto the B730 Drongan to Patna road and proceed to the site entrance.

2.22 Traffic Management: All delivery vehicles will be sealed and sheeted, with suitable twist locks to ensure the load is safe and secure. Delivery vehicles will be most commonly 15 tonne, eight-wheeled skip units and on rare occasions, 30 tonne articulated units. Delivery vehicles will proceed up the haul road and enter the turning area. Site personnel will then direct the driver to reverse to their particular discharge point i.e. lime pit or sludge cake pit. The driver will discharge the load into the

appropriate pit and secure the back door with twist locks etc and cover the trailer with a sheet. Delivery vehicles will then proceed down the haul road and reverse to the back-door wash facility, before washing any materials off around the back wheels and door etc. The delivery vehicle will then proceed down the haul road and through the wheel bath to ensure all dirt is washed from the wheels before exiting the site.

2.23 For the export of the lime cake, export vehicles will consist of either a 20 tonne eight wheeled tipper or a tractor and trailer unit, and will be sealed and sheeted as with the import delivery vehicles. These vehicles will follow the exact same procedure as detailed above other than being directed to the storage area to be loaded with lime cake with a load-all.

2.24 Vehicle Movements: Should there be a planned shutdown or breakdown at Meadowhead or Cumnock WWTW, it is anticipated that there will be approximately 6 to 10 skip loads of sludge cake delivered per day. Similarly, should conditions allow for material to be exported off-site to a farm, there will be approximately 6 to 10 loads per day. Therefore, in total, there could be a potential for approximately 12 to 20 movements on average per day.

2.25 Hours of Working: In view of the source, nature and supply of the sludge cake, it is preferred to work the site six days per week. This provides the applicant with the flexibility to avoid the need to store the imported materials on site without treatment. The proposed maximum working hours for the site will therefore be:-

- Monday to Friday inclusive - 7:00am to 6:00pm
- Saturday – 7:00am to 1:00pm
- Sunday – No working

2.26 Landscape and Visual Impact: As part of the aftercare plan for the surrounding area, the applicant, in partnership with East Ayrshire Woodlands, has plans to plant trees on designated areas within the restored site and also around the application site. In general, the topography and contouring of the surrounding land owned by the applicant serves to screen the application site from view and in addition to this, the applicant has a planting scheme which is designed to grow quickly and produce a thick screen which will effectively further limit the visual impact the operation will have on the surrounding countryside.

2.27 The site is located in a relatively remote area of the countryside with no SSSI's, SAC's, SPA's, ancient woodland or environmentally sensitive areas which affect the site.

2.28 Noise: There are no potential noise sensitive properties in close proximity to the site. In considering the proximity of neighbouring properties, noise impacts originating from the proposed operations will be significantly reduced by the activity/receptor distance factor. The plant used for the liming operation is regularly checked, maintained and serviced to reduce any impact with mechanical failure and noise nuisance.

2.29 Dust: The haul road is made up of a sub-base of shale material from the former opencast mine, followed by a base of recycled stone material and then a capping of clean 75mm stone and type-one surfaced dressed. There is a potential for dust particles to formulate from active traffic running up and down the haul road. Should the need arise, mobile bowsers in the form of a tractor and tanker will be used to suppress

dust particles emanating from traffic movement by spraying water over any affected areas.

2.30 Odour: The perception of odour nuisance could be considered to be the most significant environmental issue associated with the development process and whilst not normally considered to be a health issue, it is often linked in the public mind with alleged health complaints. This is recognised by the applicant. There are therefore three simple steps to reduce odour emanating from the application site:-

- The imported sludge cake can be pre-treated at the sewage works with odour suppressing materials such as potassium permanganate, which is a strong oxidising agent thus minimising odour;
- The material is processed with lime as soon as it arrives on site to further reduce any odour issues; and
- Mobile odour atomiser units can be provided which are designed to spray a fine and even spread of water diluted odour suppressant which effectively encapsulates the odour and takes it to the ground.

2.31 With the implementation of the above three steps, and in addition to the fact that the site is relatively remote, the prevailing wind direction should disperse any potential odour away from populated areas and any nuisance odour should therefore be eliminated. The proposed back-door wash and wheel bath facilities will ensure that all vehicles leaving the site will present no significant residual odour.

2.32 Surface & Groundwater: All clean surface water is directed to the existing French drain running parallel with the access road. The French drain is approximately 600m in length and eventually discharges into an existing settlement pond where silt and sediment arising from heavy rainfall are settled out. Surface water arising from the operation which may contain potential pollution is contained within the working area and directed through suitable falls in the concrete pad to a drain. The drain is fitted with a silt-trap which filters out any large suspended solids. This silt-trap is emptied periodically and the resultant silt is deposited in the lime cake storage area where it is transported for agricultural use. The silt-trap then leads to a sealed existing containment tank which stores the dirty surface water. Periodically this containment tank is pumped-out with a vacuum tanker and taken to a suitably licensed facility for disposal or recycling.

2.33 Groundwater will therefore not be affected by the operation as all work is carried out on a concrete pad and all surface water is well controlled as detailed above.

2.34 Soils: The operation will be carried out entirely on a concrete pad thus providing no inherent risk to the existing underlying soils.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Service originally deferred their decision on the application until road maintenance contributions have been agreed with the applicant. They further advised that:-

- The junction of the A713 with the B730 requires strengthening work to be carried out for use by large vehicles. Scottish Coal (our reference 08/0783/FL) is only permitted to use the junction for light vehicles and cars to access their adjacent

site unless major junction improvements are done. Damage has been done on the link road between the A713 and B730 over the past year and the Council have spent £28,000 upgrading the B730 structurally to the site access location. Taking account of the sporadic nature of movements, damage already done and traffic volumes generated by this proposal, the Roads Department would seek a developer contribution as was done at Digit's previous site at Auchlin.

- The level of contribution would be a one off payment of around £5,000 required to repair the damage done to the link road and upgrade it to take future vehicle movements associated with this application. The Council will contribute the remainder of the cost involved and carry out the work with no further maintenance contributions from the applicant during the term of this application.
- The applicant must therefore indicate that they are willing to enter into a section 75 agreement with the Council that should planning permission be granted, the agreed sum would be paid under section 96 of the Roads (Scotland) Act 1984.

The applicant has agreed to contribute to the Council's commitment to upgrading the access roads with a one-off payment of £5,000. The Roads and Transportation Service has subsequently advised that given the volume and type of traffic associated with the application, they would accept the developer contribution offered to be paid to the Council within two months of granting the planning consent. This can be covered by the imposition of appropriate conditions and an associated Section 75 legal agreement.

3.2 East Ayrshire Council's Environmental Health Service offers the following comments:-

- The supporting statement accompanying the application, whilst considering noise, does not provide sufficient detail with regard to predicted levels of noise from operations at the site, nor does it provide detail on any noise assessment carried out to identify or otherwise any noise-sensitive receptors based on predicted levels of noise. This should be provided.
- Several complaints have been received by this office in relation to odour from sludge cake being transported through the villages and settlements surrounding the development site. Should permission be granted the applicant should be required to carry out the treatments specified in Section 7.4 and items 1, 2 & 3 to minimise odour. In addition I understand that our colleagues in SEPA have indicated that treatment of sludge cake with lime results in an increase in odour generation, and whilst the applicant's statement that any odour will be dispersed away from neighbouring properties by the prevailing wind is accepted, it does not appear to take account of those periods when the wind is carrying odours in directions other than that of the prevailing wind, and the applicant's views on this should be sought.
- In the event that consent is granted, I would recommend that Saturday working be restricted to 8am -1pm to preserve the amenity of the area.
- It is also recommended that the applicant be required to ensure that all vehicles, of whatever type, which are to transport material off the site be capable of being sealed to prevent spillage of material onto roads, verges, footpaths etc and should be capable of being sealed to such a degree as will minimise release of odours from the materials being transported.

In response to the predicted noise levels for the intended activities at the site, the applicant has operated periodically on site since December 2007 using conventional, modern, fully serviced agricultural machinery, namely, load-alls, tractors and a 14 tonne tracked excavator and to-date, there has been no specific noise issues associated with the development site.

To improve site operations the applicant has constructed a back-door wash facility and has initiated a policy to ensure that drivers wash the back-doors of their vehicles before leaving the site. A wheel-bath has also been constructed to ensure that all delivery vehicles are fully cleaned before leaving the site. Should any of these mitigation measures fail, the applicant has a road brush at the site to clean up any drips/spillages on the access roads. The applicant will also ensure that all trailer-units are fully sheeted and sealed with twist locks to prevent any odour escape and/or spillages.

With regards to the potential odour issues, in the long term the applicant has planted trees around the activity area to prevent the effects of the wind carrying odour to sensitive receptors. In the short term the applicant has mobile atomiser units which are designed to encapsulate any odour arising from the operation and effectively immobilise by taking it to ground.

3.4 The Scottish Environment Protection Agency has no objections to the proposal but provide the following advice:-

- We would confirm that the applicant will require to obtain a waste management licence for the activities planned at the site and that preliminary discussions in respect of this matter have already taken place with SEPA.
- We acknowledge that the mixing of sludge cake with lime is necessary to produce a compliant product however in our experience this process increases and intensifies the odour. The supporting statement is correct about the prevailing wind taking odour from the mixing pad away from the majority of populated areas.
- We would confirm that we have received complaints from members of the public about the odour from the site and vehicles accessing and leaving it. We would also verify that more complaints have been received and substantiated with regard to odour complaints associated with the storage and spreading of the lime stabilised cake at agricultural premises.
- We would highlight that although under the terms of the waste management licence we are able to regulate aspects of this process, including some of the potential sources of odour issues. We would also emphasise that parts of the operational procedures associated with the proposed activities are outwith our control and are the responsibility of the local authority (Environmental Health Dept). It should be recognised that even with appropriate regulation this is a process which is prone to causing odour issues.
- The septic tank serving the toilet facility will need to be registered in accordance with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). As there are no watercourses nearby to accept a direct discharge of septic tank effluent the applicant will need to assess if the ground

conditions can support a total soak-away arrangement. If heavy ground conditions render this approach unsuitable then they may require the installation of a septic tank and reed bed arrangement.

- We note the applicant's proposals to ensure that suitable measures are to be taken to ensure that 'clean' water is entirely separated from the site operations and that 'contaminated' drainage arising at the site will be re-routed for treatment, collection and off-site disposal.
- We are generally supportive of the applicant's proposals for the management of the site drainage; we would however reiterate that it is essential that good housekeeping arrangements must be in place to deliver these aims.

The proposal has been designed to deal with breakdown/shutdown sludge cake on a periodic basis and therefore deliveries and processing on site can be few and far between. In evidence of this, Broomhill has not received any sludge cake since December 2010.

4. REPRESENTATIONS

4.1 One letter of representation has been received objecting to or raising concerns regarding the proposed development. The main points of objection can be summarised as follows:

- I am writing to you to put forward the Dalrymple and District Community Council's objections to the 'Part Change of the use of Agricultural Land for the Reception, Processing and Distribution of Sludge Cake'. The residents of Dalrymple and surrounding areas have suffered greatly due to the presence of the so called 'sludge cake'.
- Multiple tractors have come through the village on several occasions and the stench was terrible. The village had to endure a spillage from one of these tractors which left a strong stink throughout the village for several days following the spillage. The sludge was then left in a field at Balgreen Farm, as a result of this we had to contact the Planning Department and Environmental Health Service because the sludge was left sitting for weeks, which obviously was accompanied by the horrendous stink surrounding the sludge. We were led to believe that once the sludge was ploughed through the fields the smell would disappear. However, we learned that this is not the case. After ploughing the sludge into the field, the smell was still emanating through the village, making residents complain due to the stink.
- We strongly object to the proposal as we have suffered enough at the hands of the sludge.

The applicant is aware of the concerns of the residents of the Dalrymple and surrounding areas and has taken steps to improve operations at the site. For example, a wheel/backdoor wash facility as well as a wheel bath has been proposed to ensure that all delivery vehicles leaving the site are routinely cleaned to prevent any spillage; all vehicles have been fitted with twist-locks, are fully sealed and covered with a hap; all delivery personnel and contractors have been instructed to be mindful of sensitive receptors such as the residents of Dalrymple and therefore not to park delivery vehicles in the village when using any local amenities. Better traffic

management of the route will also be implemented to reduce the amount of traffic entering the village at any one time.

It should be noted that the delivery and off-site spreading operations do not form part of this proposal as they are covered under separate legislation and are outwith the planning authority's remit.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan (2010).

Ayrshire Joint Structure Plan

5.2 Policy ECON 10 can be separated into two sections: (1) Location of facilities and (2) proximity to the waste source. In terms of (1), Policy ECON 10 of the Ayrshire Joint Structure Plan states that new waste management facilities should be located within or immediately adjacent to existing waste management facilities from which they derive their business. The Structure Plan does state that if these types of facilities cannot be located near or adjacent to an existing facility then existing industrial areas or suitable areas of brownfield or previously contaminated land can be used. As the site was previously used for coal extraction, it is considered that the establishment of a secondary waste processing business therefore accords with Policy ECON 10, as it is located on brownfield land.

5.3 In terms of (2), the Structure Plan indicates that the proposal will be assessed against proximity to the waste source. The waste for this proposal comes from Meadowhead at Irvine and the Waste Water Treatment Works at Cumnock which are located approximately 20 and 12 miles from the site respectively. No guidance on maximum distances from the waste source is provided in the structure plan. It is therefore considered that the applicant should provide a justification stating why such distances are necessary. This could include information such as the amount of journeys made and why a site closer to the source of waste has not been found.

The applicant has investigated a large number of locations over a number of years in order to carry out the proposed activity, none of which have successfully fulfilled the selection criteria as well as the Broomhill site. The applicant is utilising a Brownfield site where operations can be carried out in a safe and controlled manner, well away from any towns or villages.

The access routes to the site from the sewage works is for the most part along dual-carriageway or A-class roads, with only limited access through any towns or villages. Whilst the proposed activity would receive sludge cake from Meadowhead and Cumnock Waste Water Treatment Works during periods of break-down, these treatment works act as central receiving points for sludge's produced at rural works throughout Ayrshire, including Dalmellington, Patna and Dalrymple. The applicant therefore believes that the development site is within close proximity to where the waste is being produced.

There is also a considerable land-bank of farms and surrounding landowners around the Broomhill site who for the most part are customers for the lime sludge cake product, and as such, this will dramatically reduce the distribution distances and the associated environmental implications.

East Ayrshire Local Plan

5.4 Policy WM12 supports secondary industries and businesses associated with an established waste management facility as an integral part of, or in as close proximity as possible to, the waste management facility from which they derive their business. It could be argued that the proposal is not in as close proximity as possible to the source of waste and that the proposal is contrary to policy WM12 as a result. As stated above, the applicant should be asked to provide a justification for the proposal which states why this particular site is acceptable and why sites closer to the waste source have not been found.

5.5 As the development is concerned with the processing of sludge into pellets for selling on to other agricultural businesses or to be burned for fuel, it is considered that the proposal accords with Policy IND 5(iii) in terms of being a sympathetic business development which will contribute to the diversification of the rural economy. Although the applicant has not demonstrated a specific requirement for this development to be located in rural location, the proposal is considered to satisfy the locational criteria of Policy ECON 10 of the Structure Plan. Therefore, it is considered that a specific requirement for a rural location, in terms of Policy IND (iii), has also been demonstrated. The proposal is also required to satisfy the criteria contained in Policy IND 6.

Comments as per 5.3 above.

The proposal is considered to comply with the terms of all relevant policies with the exception of part 2 of structure plan policy ECON10 and EALP policy WM12 due to the distance from the proposal to the source of the waste. However, it is considered that the applicant has provided a reasonable justification for the location of the development.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the relevant planning history of the site and Structure Plan/Local Plan Policy.

Consultation Responses

6.2 There are no other consultation responses that would indicate that the application should be refused.

Representations

6.3 It is considered that the points of objection are not of sufficient weight to merit refusal of the application, on the basis that the points of objection have not been substantiated through the comprehensive consultation process with statutory and non-statutory consultees; they can be addressed through the imposition of appropriate

planning conditions; or are on balance, not of sufficient weight to justify refusal of the application.

Planning History

6.4 The relevant planning history of the site is as follows:-

- The winning and working of coal and fireclay by opencast methods was approved on 01 October 1996 under planning consent CD/95/0187/MIN.
- The re-establishment of a mineral railway line to allow transportation of coal via a rail-loading facility was approved on 11 December 1996 under planning consent 96/0401/FL.
- The change of use of the surface mine settling ponds to form a trout fishery was approved on 18 March 2008 under planning consent 08/0022/FL.
- The erection of an agricultural shed for the storage of farm plant and machinery was approved on 03 August 2010 under planning consent 10/0545/AN.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 This proposal will provide a number of full-time jobs and will utilise the services of local contractors which will in turn offer job opportunities to the wider community. The applicant believes that this proposal will create and sustain at least 10 full-time jobs.

8.2 The proposed operation at the development site, albeit of an ad-hoc part time nature, will combine with the applicant's agricultural business at Broomhill Farm to provide work for various company employees, several local agricultural, engineering and plant-hire contractors and also agricultural equipment suppliers.

8.3 The applicant has been liming sludge cake and providing a fertiliser substitute to the Ayrshire farming community for over a year. The infrastructure to carry out the liming process is therefore largely in place utilising the existing concrete structures remaining from the former opencast operation.

8.4 The applicant will provide a back-door washing facility, an area for a site office, an area for car parking and a mobile wheel-bath located on the haul road. These additional features would facilitate the management of the site from a suitably sited office/control centre and enable outgoing traffic to be adequately washed and maintained, thereby reducing or negating any potential soiling of the public roads.

8.5 The site is located in a relatively remote area of the countryside with no SSSI's, SAC's, SPA's, ancient woodland or environmentally sensitive areas which affect the site.

8.6 In respect of all relevant matters and material considerations to be taken into account, it is considered that the applicant's proposals are acceptable and the application should therefore be approved subject to the following obligations which should be secured through a Section 75 Agreement covering the following matters:

Section 75 Agreement

(2) The developer will be required to contribute a one-off road maintenance payment of £5,000 (five thousand pounds) to repair the damage done to the link road and upgrade it to take future vehicle movements associated with this application. The Council will contribute the remainder of the cost involved and carry out the work with no further maintenance contributions being required from the applicant during the term of this application.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet and that the issue of the decision notice should be withheld until the Solicitor to the Council has satisfactorily concluded an amended agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters indicated in Section 8.6 of this report.

Alan Neish
Head of Planning and Economic Development

CONTRARY DECISION NOTE

Should the Committee agree to refuse the application contrary to the recommendation of the Head of Planning and Economic Development then the application would not require to be referred to the Full Council as such a decision would not represent a significant departure from the development plan.

25 October 2011
CG/HM/CG
FV/HM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and Supporting Statement
2. Statutory Notices and Certificates.
3. Consultation Responses.
4. Adopted East Ayrshire Opencast Subject Plan (2003)
5. Approved Ayrshire Joint Structure Plan (2007)
6. Planning application history

Any person wishing to inspect the background papers listed above should contact Mr Colin Graham on 01563 57 67 87.

Implementation Officer: Hugh Melvin

EAST AYRSHIRE COUNCIL
TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 11/0221/PP

Location	Broomhill Farm by Rankinston
Nature of Proposal:	Part Change of Use of Agricultural Land for the Reception, Processing and Distribution of Sludge Cake
Name and Address of Applicant:	Mr Thomas Hogg Number Nine Weston Weston Brae ANNBANK KA6 5EY

DPO's Ref: [Colin Graham]
01563 576787

PPO's Ref: [Hugh Melvin]
01563 576753

The above application for PLANNING PERMISSION should be granted subject to the following conditions:

1. The development shall be carried out in complete accordance with the supporting statement and plan information submitted along with the planning application.

REASON – To ensure that the development is undertaken in accordance with the submitted details.

2. The hours of operation at the site shall be confined to between the hours of 7:00am to 6:00pm Monday to Friday and between 8:00am to 1:00pm on a Saturday. With the exception of the maintenance of plant and machinery, no works shall take place on Sundays or on recognised Public Holidays in East Ayrshire.

REASON – In the interests of amenity.

3. All delivery vehicles to and from the site must be sealed and sheeted with suitable twist locks to ensure the load is safe, secure and capable of minimising any potential odour release.

REASON – To protect the amenity of the area.

4. The access roads and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate.

REASON – In the interests of road safety.

5. The applicant shall take all necessary measures to minimise odorous emissions from the site operations, including the use of mobile atomiser units where deemed necessary.

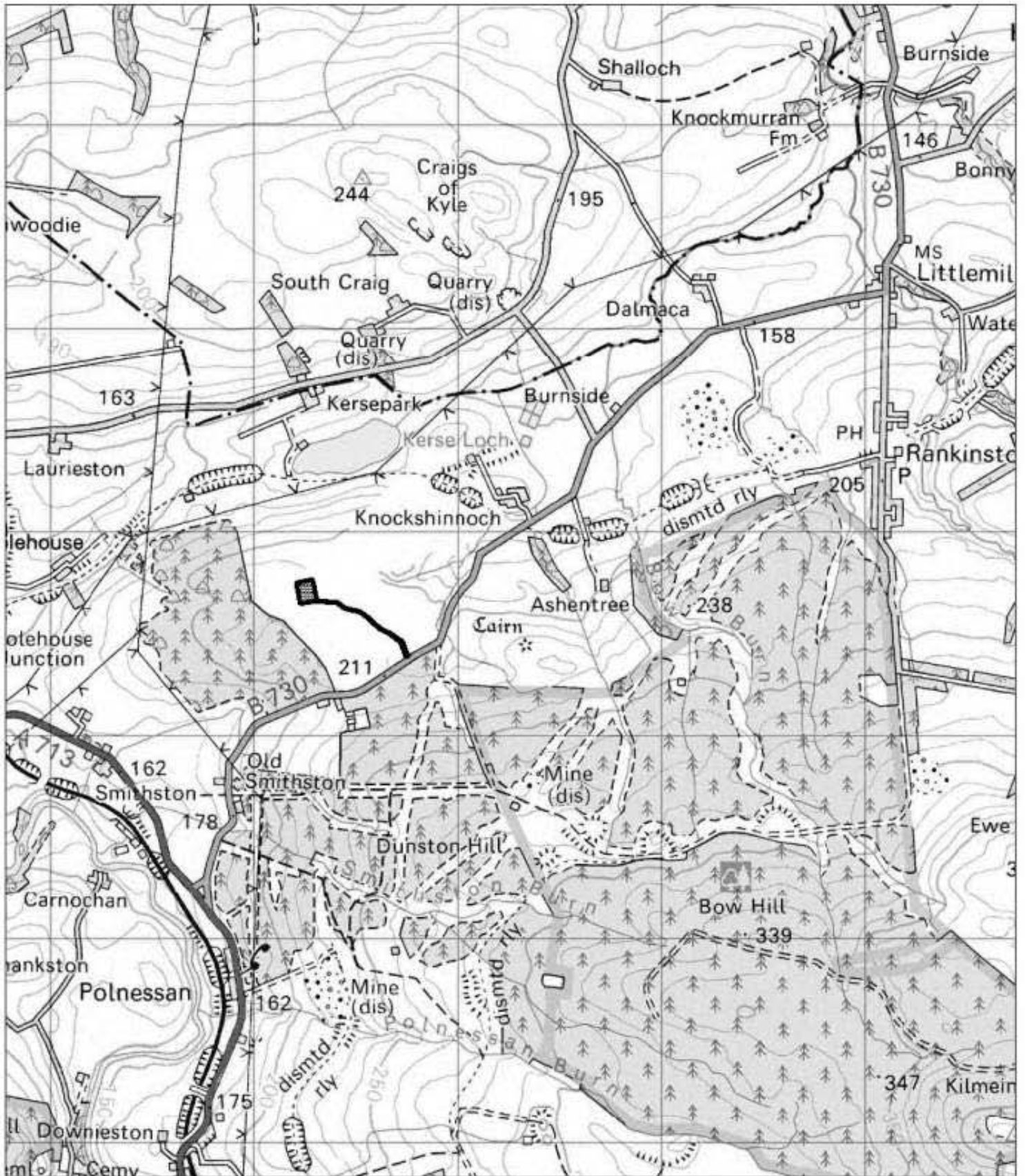
REASON – In the interests of amenity.



Note to Applicant

1. The applicant is advised to make early contact with SEPA to ensure that all of their requirements (as detailed above) are met in full prior to any works commencing on site.

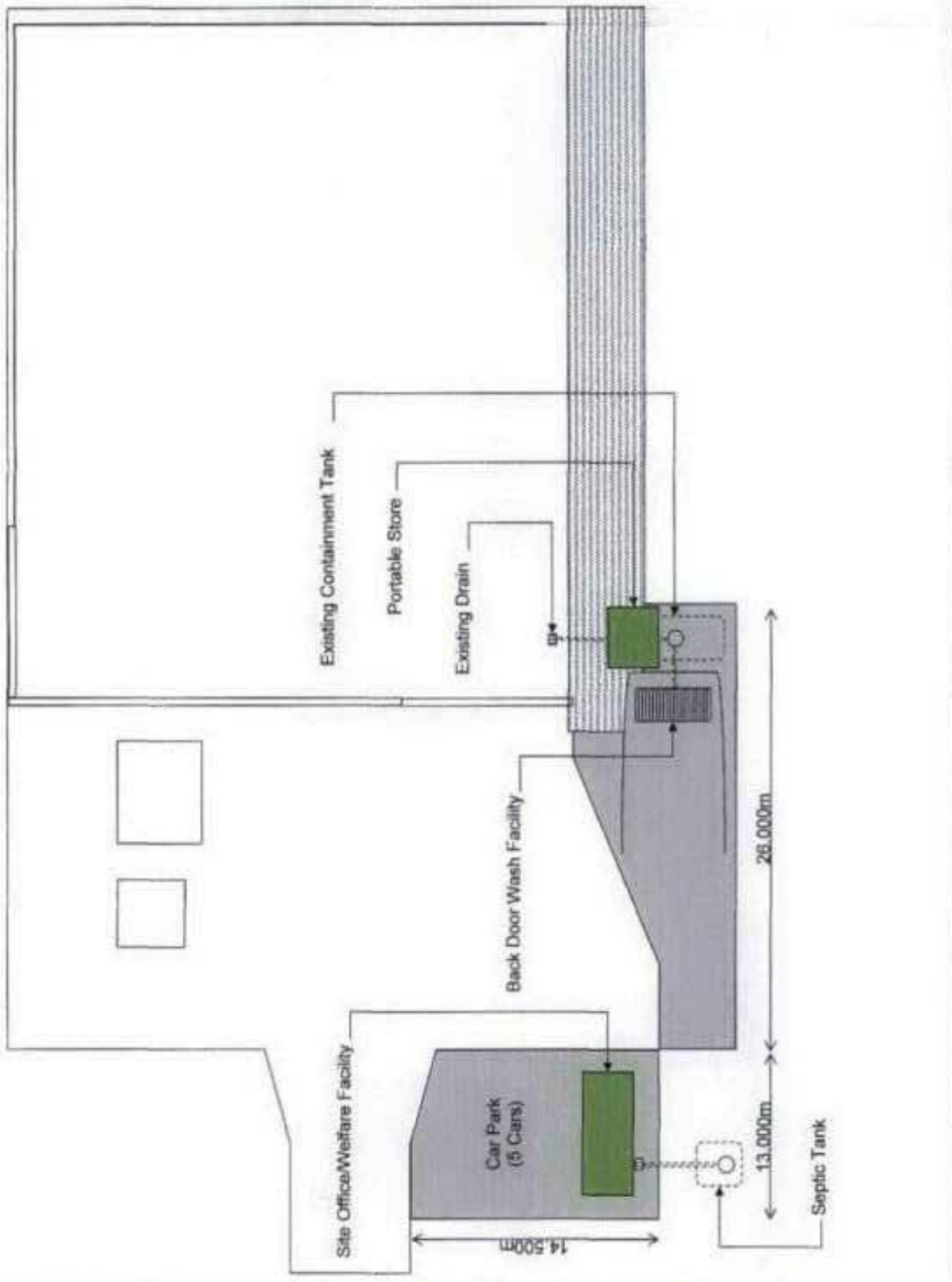
The Council has granted this consent for the following reasons:

The proposal is generally consistent with the Development Plan and the material considerations relevant to this application also indicate that the application should be approved subject to the imposition of appropriate conditions and subject to the concluding of a Section 75 Agreement in terms of the Town and Country Planning (Scotland) Act 1997.



Title/Location	<p>Broomhill Farm</p> <p>Rankinston</p> <p>Application No. 11/0221/PP</p>	<p>East Ayrshire Council</p> <p>Department of Neighbourhood Services Planning & Economic Development Service The Johnnie Walker Bond 15 Strand Street Kilmarnock KA1 1HU Tel: (01563) 576790 Fax: (01563) 554592 E-Mail: Planning@east-ayrshire.gov.uk Com Date: 04/11/11</p>
Key	 <p>Application Site</p>	

This map is reproduced from the Ordnance Survey material with permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (©) Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. East Ayrshire Council. 100023409.



- KEY**
- Proposed new concrete areas
 - Portable Office/store

NOTE

1. All new developments are shown in colour.
2. The existing concrete slab is located at NGR: NS42253/13723.
3. All concrete slabs will be 250mm and steel reinforced, and will be steel dowelled into the existing concrete slab.
4. Site Office/Welfare Facility will consist of a 24hr portable cabin, including a toilet & wash facility. The resultant foul water will be contained in a septic tank and periodically vacuum sucked by a suitable contractor.
5. The car park will allow parking for 5 cars.
6. The back door wash facility will consist of a concrete pit 4.0m x 2.0m x 0.5m deep covered with a removable cattle grid. A 9150mm pipe will connect into the existing sealed containment tank which will be emptied periodically by a suitable contractor.

15 MAR 2011



11000 HILL FARM	
SITE LAYOUT	
Scale: 1:250	Drawn by: SPJ
Date: 16/FEB/2011	Project: A
Contract: C 0250	Reference: B1064/C 0250/005
 DIGIT SITE SERVICES LTD <small>10000 HILL FARM 10000 HILL FARM 10000 HILL FARM 10000 HILL FARM</small>	