

EAST AYRSHIRE COUNCIL

SPECIAL CENTRAL LOCAL PLANNING COMMITTEE: 1 AUGUST 2003

**02/0692/FL: ERECTION OF WASTE TRANSFER STATION INCORPORATING
WASTE RECEPTION AREA FOR STORING/SORTING OF LOW HAZARDOUS
SOLID WASTE AND DESLUDGING RAMP AND SKIP FOR TANKERS
AT MOORFIELD INDUSTRIAL ESTATE, KILMARNOCK
BY BILLY BOWIE SPECIAL PROJECTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a waste transfer station which will accept controlled waste for disposal consisting of skip waste from households (but not domestic waste) and commercial and industrial wastes as defined by Section 75 of the Environmental Protection Act 1990 as amended. For the purposes of de-watering tankers the site will also accept sludge waste (waste with a solids content no higher than 20%) and provide a holding area for fully loaded vehicles/tankers for short periods. No hazardous waste shall be accepted at the site. Waste types accepted shall be based around two existing operations:

- Tankers – primary business is emptying septic tanks, interceptors, tank cleaning and accident clean up material.

Tankers require periodic desludging to remove the build-up of solids in the base of the tanker. The tanker will be emptied at an appropriately licensed disposal point prior to bringing it onto the site. Also accommodated will be vehicles with a full load needing temporary storage either overnight or at weekends to suit operational requests. This material will only be accepted on site if it is deemed to be non-hazardous.

- Skip Hire – providing skips to householders (for house clearance type work) small construction companies and a range of commercial premises. The skip waste will be suitably sorted and segregated for re-cycling. Again this material shall only be accepted on the site if it is deemed to be non-hazardous. William Bowie Skip Hire presently operate a small skip company from Stewarton and due to the improved facilities at Moorfield there are commercial advantages to relocating this business.
- Re-cycling Activities - The recycling activities will be based around the applicant's skip hire business. All light skips containing paper and plastics will go straight to the landfill site, and heavier skips will be delivered to the waste transfer station for basis sorting by hand and machine. The waste types removed from the waste stream include waste oil, wood, scrap, clean rubble/brick, glass and

green waste which will be transported to a processing facility once a sufficient quantity is available.

The site presently only intends to accept vehicles from its own commercial activities (Billy Bowie Special Projects Ltd and Billy Bowie Ltd). However the Working Plan would be revised if it is proposed to accept waste from other companies. The application site also includes an area to the north; which the applicant may use in connection with the above Waste Transfer Station in order to allow the two businesses to develop. As the level of recycling required by Government increases, the size of the Waste Transfer Stations also increase. The maximum amount of waste received on site, which is detailed in Section 2.5, will not increase if the Transfer Station expands into the northern area of the site.

1.2 The following waste will not be accepted for disposal at the site:

- Special Wastes as defined by the Special Waste Regulations 1996 (as amended).
- Drummed Wastes.
- Wastes with a pH of less than 5 or greater than 11.5.

1.3 All drivers delivering waste to the site will report to the site office and the waste will be visually checked for compliance with the Waste Management Licence conditions. If the waste is in breach of the Waste Management Licence then it will be reloaded onto the vehicle and returned to the waste producer. SEPA would be notified of such loads and the site operator will maintain a record of such events. All waste arriving on the site will be recorded giving the description of waste, origin of waste both the premises and the process giving rise to the waste, date and time of delivery and company/driver details. These records will be retained on the site for a minimum of 6 years and a copy forwarded to SEPA every 3 months and available for inspection by both SEPA and the Planning Authority. All incoming vehicles delivering waste to the site will be adequately secured and sheeted or netted.

1.4 The maximum amount of waste brought into the site will not exceed:

- 80,000 tonnes per annum of dry waste.
- 20,000 tonnes per annum of sludge waste.
- 420 tonnes of dry waste in any day.
- 80 tonnes of sludge waste in any day.

1.5 The site presently operates 24 hours a day seven days a week. The applicant has proposed the following hours to accept and handle waste.

- Accept the waste from 6.00am to 12 midnight, Monday to Sunday.
- Process the waste from 7.30am to 6.00pm, Monday to Sunday.

The extended hours to accept waste are to accommodate the emergency work carried out by the applicant for a variety of agencies. It is not expected that regular

deliveries of waste would be accepted outwith the processing hours as every effort would be made to restrict deliveries to the times stated for the processing of waste. The applicant has stated that the vehicular flow to the site during a normal working day will involve 40 journeys in total. They expect a split of 28 delivering waste and 12 removing waste/recycle per day. A vehicle may deliver waste and remove waste all in the one vehicle movement in order to maximise the efficiency of the operation.

1.6 The application site is divided into 3 distinct areas.

- Tanker Desludge Area - The area is located immediately adjacent to the existing wash bay and tankers requiring desludging would be reversed up the desludging ramp. Excessive liquid would be discharged into the adjacent 30m³ storage tank. Once all the liquid is removed, the sludge will be tipped or manually removed from the tanker into a 20yd³ skip, (15.2m³).
- Waste Acceptance/Recycling Area – Six concrete bays 10 metres long by 5 metres wide by 2.4 metres in height will be provided for the storage of recyclate. A waste acceptance area 15 metres by 15 metres with 2.4 metres concrete wall round two sides will be provided for receiving and sorting of waste. The waste reception area will not be used for storing waste. All waste will be in the bays or skips by the end of the working day.
- Loading Area and Skip and Tanker Storage Area - This area will be used for the loading of re-cyclate into containers or vehicles for outward transport. The area will also be used for the temporary storage of loaded tankers and skips until they can be accepted at a disposal point; for example at weekends to accommodate emergency tanker tank where a suitable disposal point is not open.

1.7 The following environmental controls will be operated by the applicant.

- Litter – Good housekeeping practices will be employed by the applicant to ensure the site is maintained in a clean and tidy condition. All sorting and processing of waste will be carried out within the waste acceptance area which will significantly reduce the quantity of litter generated from the site. Any waste stored at the facility contained in skips will be securely netted/sheeted. Recyclate stored in bays will not be covered as it primarily consists of wood, soils, rubble and scrap metals.
- Vermin Controls – The applicant will maintain a contract with a specialist vermin control contractor who will carry out a monthly site inspection. This will include replenishment of bait boxes and the further treatment of any identified problems.
- Bird Control – All waste processing activities will be carried out as quickly as possible to reduce the attraction to scavenging birds. Where required, further scaring devices will be employed.
- Odour Control – The waste types that the applicant is proposing to accept and the short time for storing waste should not give rise to significant odour problem.

If offensive odours arising from the site become detectable beyond the site boundaries, immediate action will be taken to reduce the odour emissions.

- Dust Control – The site is primarily covered in concrete. It is not envisaged that there will be significant quantities of dust. If this becomes a problem during dry weather, the site could be cleaned and adequately sprayed with water.

2. RECOMMENDATION

2.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report the application is largely in accordance with the Adopted Local Plan and the Approved Ayrshire Joint Structure Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 of the report there are material considerations relevant to the application. The proposed waste transfer station accords with the waste management policies of the Adopted East Ayrshire Local Plan (EALP). For the most part the proposed development can be classified as an industrial use, however, there are elements of the development which are outwith any use class, and therefore inconsistent with the local plan zoning of the site and with Policy IND 4. However these elements of the development can be suitably accommodated within an industrial development. The development also accords with the general principles embodied within NPPG10 and the National and Area Waste Strategies as the applicant is proposing over 50% of the waste to be reused or recycled and the transfer station is to be sited in close proximity to the waste source. Furthermore, 90% of the waste will originate from Ayrshire which accords with the requirements of the Ayrshire Joint Structure Plan and the EALP.

3.3 With regard to the concerns of the objectors in respect of water pollution odour, litter, vermin and dust, these can be addressed by either attaching conditions to any grant of planning consent or by the adoption of good management and housekeeping practices by the applicant such as detailed in the Working Plan. The Roads Division have not offered any objections to the development as the development is in close proximity to a number of A- classified roads and the Moorfield Roundabout which already are used by significant volumes of traffic. The waste transfer station will be accessed through an existing industrial estate where there is significant vehicular activity. The visual impact of the development is considered to be limited due to its siting within an industrial estate. It will not be visually prominent from surrounding main roads, and is in keeping with the other surrounding industrial uses.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control the application would not require to be referred to the Development Services Committee as there would be a significant breach of Council Policy.

Alan Neish
Head of Planning and Building Control

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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Report by Head of Planning and Building Control

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 it is a larger application, is of area significance and it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is approximately 1.1 hectares in area within Moorfield Industrial Estate approximately 3Km, south west of the centre of Kilmarnock. The site is the southern half of the existing Billy Bowie site which is presently operated as a transport depot. The site is surrounded by other industrial uses within the Industrial Estate. It is accessed from the A759 in both directions and is in close proximity to the Moorfield Roundabout and the A71.

2.2 **Proposed Development:** Full planning consent is sought for a waste transfer station which will accept controlled waste for disposal consisting of skip waste from households (but not domestic waste) and commercial and industrial wastes as defined by Section 75 of the Environmental Protection Act 1990 as amended. For the purposes of de-watering tankers the site will also accept sludge waste (waste with a solids content no higher than 20%) and provide a holding area for fully loaded vehicles/tankers for short periods. No hazardous waste shall be accepted at the site. Waste types accepted shall be based around two existing operations:

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operational requests. This material will only be accepted on site if it is deemed to be non-hazardous.

- Skip Hire – providing skips to householders (for house clearance type work) small construction companies and a range of commercial premises. The skip waste will be suitably sorted and segregated for recycling. Again this material shall only be accepted on the site if it is deemed to be non-hazardous. William Bowie Skip Hire presently operate a small skip company from Stewarton and due to the improved facilities at Moorfield there are commercial advantages to relocating this business.
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The site presently only intends to accept vehicles from its own commercial activities (Billy Bowie Special Projects Ltd and Billy Bowie Ltd). However the Working Plan would be revised if it is proposed to accept waste from other companies. The application site also includes an area to the north; which the applicant may use in connection with the above Waste Transfer Station in order to allow the two businesses to develop. As the level of recycling required by Government increases, the size of the Waste Transfer Stations also increase. The maximum amount of waste received on site, which is detailed in Section 2.5, will not increase if the Transfer Station expands into the northern area of the site.

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2.8 The following environmental controls will be operated by the applicant.

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waste will be carried out within the waste acceptance area which will significantly reduce the quantity of litter generated from the site. Any waste stored at the facility contained in skips will be securely netted/sheeted. Recyclate stored in bays will not be covered as it primarily consists of wood, soils, rubble and scrap metals.

- Vermin Controls – The applicant will maintain a contract with a specialist vermin control contractor who will carry out a monthly site inspection. This will include replenishment of bait boxes and the further treatment of any identified problems.
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- Odour Control – The waste types that the applicant is proposing to accept and the short time for storing waste should not give rise to significant odour problem. If offensive odours arising from the site become detectable beyond the site boundaries, immediate action will be taken to reduce the odour emissions.
- Dust Control – The site is primarily covered in concrete. It is not envisaged that there will be significant quantities of dust. If this becomes a problem during dry weather, the site could be cleaned and adequately sprayed with water.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division have no objections to the proposed development as the proposed development will not require improvements as the junction with the A759 is to be improved under a previous application.

Noted.

3.2 Scottish Water have commented that there is a public sewerage system to which a connection may be made. They have indicated, due to the nature of the applicant's business, that it will be necessary to install a suitable interceptor on the drainage system prior to discharge to the public sewer.

The applicant has indicated that a suitable interceptor will be installed on the drainage system prior to discharge to the public sewer.

3.3 Scottish Environment Protection Agency have indicated that this facility will be licensed by them in terms of the Waste Management Licensing Regulations 1994. Issues dealt with by the licence include hours of operation, limiting the volume and nature of wastes stored on site, containment of wastes stored and site drainage. The working plan supplied deals with the key areas that SEPA will seek to control via a licence. They have indicated that they would seek to control the types of waste handled, vermin, noise, smell and dust through the Waste Management Licence and would take legal action to resolve breaches of licence conditions. They have

indicated that further information should be provided to show how the development links into the National Waste Strategy.

Noted, the relationship between the proposed development and the National Waste Strategy is examined in Section 6 of the report.

3.4 Transco, The Coal Authority and Scottish Power have no adverse comments to make regarding the proposed development.

Noted.

3.5 Crosshouse Community Council has raised issues, regarding the type of waste, its source, the input of SEPA and is this the beginning of a much bigger project? They state that this is the wrong site for such an expanding enterprise being in such close proximity to many small business at least two of which are concerned with food.

It is a short distance from Crosshouse Hospital and it is well known that the sewerage system is already overloaded. There is a worry that vermin, i.e. birds and rats etc may transport disease from the open holding bays. The traffic increase would be very detrimental to the surrounding area. The plans are too vague for a considered assessment and require more detail.

The concerns of the Community Council regarding the above issues are addressed fully in Section 4 of the report.

3.6 Grange Howard Community Council have objected to the proposed development for the following reasons:

a) The proposed site of the Station is inappropriate in close proximity to the Moorfield Travel Inn, adjacent Restaurant and Annandale Guest House. The waste transfer station would be in full view of these establishments and would prejudice the number of visitors and tourists using these establishments.

b) The development would adversely affect the environment in which these businesses operate and prejudice employment and industrial growth in the Moorfield area.

c) The hours of operation, lorry movements, inevitable engine and operational noise, waste unloading and handling and continuous site lighting interfere with the comfort and the rest of guests in the Inn and Guest House.

These concerns are addressed in Section 4 of the report.

d) It would diminish the potential of Moorfield Industrial Estate as a location for new industry with tanker lorry movements dominating the area. This would be wholly incompatible with the application for grant assistance to rehabilitate the adjacent industrial area described as a strategic industrial site.

The proposed development is considered compatible with the surrounding industrial uses and area.

e) The development would be incompatible with the housing development proposed in the lands to the East of the Inn/Restaurant site to secure new residential areas of good environmental quality.

The proposed development is far enough away to have minimal impact on the proposed residential development to the East of Moorfield Roundabout. The development is proposed within an industrial estate.

f) The visual significance of the construction of the desludging ramp would be about 6 feet above ground level at its rear with lorries being desludged sitting on top of it. The intended concrete sleeper walls will seriously degrade the appearance of the area and have immense impact on the visual aspect.

It is not considered that the desludging ramp and its use by tankers will visually affect the area. The concrete sleeper walls will be compatible with the surrounding industrial nature of the immediate area.

g) The size of the tankers and lorries and number of such movements is very substantial. The traffic nuisance would be significant and A759 would be badly affected and the vehicles would be using the A71.

The Roads Division have no objections to the proposed development. The development is to be served by A-classified roads which can sustain significant volumes of traffic.

h) No information is given on the source of the waste materials. Kilmarnock generally and those in the Grange Howard and Moorfield areas would pay a heavy penalty occasioned by the operations and the environmental degradation that would result.

The applicant has indicated that 90% of the waste will be generated from Ayrshire which is in line with Council policy. The applicant has also indicated much of the waste will be sourced from the Kilmarnock area. The proposed development is compatible with an Industrial Estate.

i) The application only identifies the present wastes in a general way and is unspecific on the ultimate wastes that could be handled regarding their composition, chemical and bacteriological content, sources and ultimate quantity. Whether there is the possibility of noxious materials at some later point is not dealt with and it is thought the pH range stated may be unacceptable to the regulatory authorities.

If the waste transfer station is increased in scale and the volumes of waste are increased this would be the subject of a separate planning application. Similarly, if special waste is brought to the site this would also require another application for planning consent.

j) The attraction of vermin so close to other firms in the area and to the hotel and catering operations.

See response to 4-5.

k) Noise would seem inevitable and reinforce the view that the site is unsuited to the intended use given the proximity of other firms.

The development is proposed in an industrial estate surrounded by other industrial uses which are associated with a certain level of noise and disturbance. The development is considered to be compatible with these areas.

l) Smell and dust requires to be addressed, as when strong and unpleasant air emissions emanate from Waste Stations, the most prominent winds in the area could affect the hotel and catering firms and proposed housing areas.

See Response to 4.6 and 4.7.

m) The applicants who are to be the managers do not appear to be qualified in accordance with Regulation 4 of the Waste Management Licensing Regulations 1994 (as amended).

This is not a planning matter and would be addressed through the Waste Management Licence.

3.6 East Ayrshire Council Environmental Health and Waste Management have indicated that the majority of uncertainties with regard to type of waste, hours of operation, overnight storage of waste, tonnage and noise nuisance have now been clarified. The governing factor is how effectively the operation is run. The applicant will require to obtain a Licence from SEPA which should satisfactorily tie in many of the points raised as operational site licence conditions. They would recommend that general conditions pertaining to the avoidance of nuisance and odour etc are attached to any planning approval.

Environmental Health and Waste Management have not raised any adverse comments on the proposed development. The revised work plan and supplementary letter address the type of waste, hours of operation, overnight storage of waste, tonnage and noise nuisance issues. Good housekeeping and management practices will prevent any nuisance problems, however it is recommended that conditions are attached to any planning approval with the effect that if the measures stated in the working plan fail to remove the nuisance, then further measures are adopted to remove that nuisance.

3.7 Bonnyton Community Council have lodged an objection as they require further details on the volume of traffic to and from the proposed waste transfer station, whether there is any toxic waste involved and the route such traffic would take.

The details of the proposed use are addressed in Section 2 of the report.

4. REPRESENTATIONS RECEIVED

There are 7 letters of objection (including objections from Bonnyton Community Council, Crosshouse Community Council and Grange Howard Community Council detailed in Section 3 of the report). Their grounds of objection are as follows:

4.1 The proposed land use is incompatible with adjacent land uses. There is a hotel and restaurant in close proximity. The building and operation would be clearly visible to guests in a number of bedrooms creating a form of visual pollution likely to be damaging to the future occupation of the bedrooms.

The Travel Inn and adjacent restaurant is below the adjacent road and even from the elevated vantage point it will not be possible to observe the waste transfer station.

4.2 The waste transfer station would likely generate environmental and amenity problems detracting from the local area.

It is not considered that the waste transfer station will generate environmental and amenity problems if good management and housekeeping practices are adopted and regulated.

4.3 It will generate additional heavy vehicular movement, which will impact on the local area and change the general environment. No detail is given of peak movements either in numbers or times of the day. The adjacent hotel and restaurant could be seriously disrupted depending on the timing of the peak periods.

The applicant has indicated that the normal hours of operation will be 7.30am to 6.00pm, Monday to Sunday. The hotel and restaurant is located next to a busy trunk road which has heavy traffic movements 24 hours a day.

4.4 Heavy vehicular movements and other site activity at socially unacceptable times. In addition flood lighting of the site can be expected before 6.00am and after 12.00pm. The noise and light pollution is totally unacceptable in close proximity to the hotel bedrooms and the site manager's living accommodation.

The area is already subject to heavy vehicular traffic movements being sited in an industrial estate. The hotel is already illuminated during hours of darkness being adjacent to a busy trunk road and is located some considerable distance from the site.

4.5 The operation of the waste transfer station will generate vermin problems especially to the adjacent restaurant.

The applicant has indicated that they will maintain a contract with a specialist vermin control contractor which will carry out monthly site inspections. This will include the replenishment of bait boxes and further treatment of any identified problems. In a modern well run waste transfer station vermin are rarely a problem.

4.6 Odour from this type of operation is inevitable and adjacent residential properties and commercial properties will be affected by odour pollution.

If offensive odours from the operations on the site become detectable beyond the site boundaries, immediate action will be taken which commonly involves removal of the waste, giving rise to the odours.

4.7 Insufficient attention is given to dust and other air borne pollution which could have significant health consequences.

The site is primarily covered in concrete and significant quantities of dust are not envisaged from site operations. During periods of dry weather when excess dust is produced, the site can either be cleaned or adequately sprayed with water.

4.8 It could impact upon the general character of the area and detract from further investment, as an adjacent site is identified as a strategic industrial site.

It is considered that the proposed use is compatible with the surrounding industrial nature of the area.

4.9 The proposed development is too close to residential properties and existing businesses at Moorfield Industrial Estate.

The proposed development is not in close proximity to residential properties and it is compatible with the industrial nature of the surrounding industrial uses.

4.10 This type of work is being stored so near to the entrance to Kilmarnock and to the A71 which is a principal tourist route to the coast.

The proposed waste transfer station will not be readily visible from the Moorfield Roundabout, A71 and surrounding roads.

4.11 The application indicates there will be 40 journeys per day. Is this in addition to existing activities on site? There is no indication of operating hours and routes to and from the site or the source of the low hazardous waste.

The Roads Division have no objections to the proposed development. Details of the operating hours, and the source of the low hazardous waste are detailed in Section 2 of the report.

4.12 There is no indication of covers for the tanks nor any indication of how any desludging would be drained.

The tankers and storage tanks will be enclosed. Excessive liquid will be drained off into a storage tank for disposal at a licensed disposal point. Once all the liquid is removed, the sludge will be tipped or manually removed from the tanker into a skip which will be purpose built to receive sludge waste.

4.13 The tankers are 2 metres high and they will access a desludging ramp some 18.3 metres long. The plans do not show this critical section.

It will only be for a short period of time that the tankers will be on the desludging ramp.

4.14 They are concerned in the event of a spillage/accident there could be a health hazard to public on the estate and surrounding residential properties or the possibility of contamination of drains/ground water.

This is an issue which would be addressed by SEPA through the Waste Management Licence and the Health and Safety Executive.

4.15 Further increase in traffic and large tankers further damaging the infrastructure which has deteriorated since the start up of the tanker operations. A previous application by Bowie Tankers was approved subject to a condition regarding junction improvements where the main estate meets A759. This work has not been carried out and no further activities should be approved until this condition is complied with.

The Council is presently engaged in compulsory purchase of the land required for improvements to the main access into Moorfield Industrial Estate. The Roads Division have offered no objection to this present development and acknowledge that the alterations to the access will be carried out in the future.

4.16 They were assured that no material would be transferred or discharged on site regarding a previous application.

The previous application (00/0291/FL) did not involve the transfer or discharge of materials on site. However the applicant wishes to develop the present operations on site and this has resulted in the submission of the present application under consideration.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 & 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this

application the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan. (EALP)

Ayrshire Joint Structure Plan

5.2 Policies E17, E18 and E19 are relevant in terms of this development. Policy E17 requires provision to be made for sites of sufficient capacity for the safe management and disposal of the residues of domestic and industrial waste within Ayrshire, as close as possible to the point at which waste is generated.

The applicant has indicated that the source of waste would be limited to 90% of waste arising from Ayrshire. It will provide a quality facility to encourage the reuse and recycling of industrial and commercial waste from Ayrshire. No such similar facility is available in the Kilmarnock area and the applicant intends to identify local recyclate outlets. The proposed location within Moorfield Industrial Estate is acceptable as it is in the middle of the industrial estate, well away from residential properties, but still within close proximity to the waste source.

5.3 Policy E18 indicates that sites for the treatment and disposal of waste from outwith Ayrshire shall not conform to the structure plan.

As the development will involve 90% of waste from Ayrshire the proposed development does not require to be justified against this policy.

5.4 Policy E19 requires proposals to handle, treat or dispose of waste and for the handling of liquid and solid by-products of water and sewerage treatment to be justified against the following criteria:

- a) the need to avoid air, surface and groundwater pollution;
- b) the effects of traffic movement on the road network;
- c) the safeguarding of landscape character, residential amenity and the avoidance of conflict with other users.
- d) the avoidance of areas of flood risk and potential sea-rise change;
- e) damage to the natural and built environment, and
- f) intrusion into areas of high visibility particularly in road and rail corridors.

The applicant has provided a detailed working plan addressing the waste acceptance and processing procedures, and the control of water to prevent pollution, vermin, litter, birds and odours. Environmental Health and Waste Management have offered no objections to the proposed development. The proposed waste transfer station is to be sited in an industrial estate and therefore its visual impact on the surrounding area will be limited. It will not be readily visible from the surrounding road network. The Roads Division have offered no objections regarding traffic movement as the site is in close proximity to, and will be accessed from, A classified roads.

Adopted East Ayrshire Local Plan

5.5 The relevant policies in the EALP are Policy IND4 which identifies and reinforces those sites in established industrial areas for business, industrial and storage and distribution uses. Policy CS4 ensures that the provision of adequate waste disposal and management facilities comprising waste transfer stations and separation and recycling centres are in as close proximity as possible to the points at which waste is generated.

The proposed development is compliant with the above policies in respect of the processing and handling of waste. That element of the proposal concerned with desludging is considered to be a sui generis activity and therefore not in itself an industrial use. As there are no other similar facilities in the Kilmarnock area to enable the reuse and recycling of commercial and industrial waste and as 90% of the waste will originate from Ayrshire the proposal also meets the requirement of Policy CS4.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations are NPPG10 Planning and Waste Management, the National Waste Strategy, Area Waste Strategy, the consultation and representations which are detailed in Section 3 & 4 of the report and the planning history of the site.

NPPG10 Planning and Waste Management

6.2 NPPG10 indicates that achieving sustainable development is an integral part of the Governments domestic and international policies. "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Sustainable Development: The UK strategy sets out a framework for waste management as a hierarchy of options:

- reduction of waste at source,
- reuse,
- recovery/including recycling, composting and energy recovery, and
- environmentally sensitive disposal.

There are five principles on which any framework for waste management should be formed:

- the proximity principle,
- regional self sufficiency,
- the precautionary principle,
- the polluter pays, and
- best practicable environmental option (BPEO).

6.3 NPPG10 also advises that planning and pollution control are separate but complementary in that both are designed to protect the environment from the potential harm caused by development and operations. The Planning system should focus on whether the development itself is an acceptable use of land rather than control of processes or substances involved. It should also regulate the location of the development and the control of operations in avoiding or minimising adverse effects on the use of land and on the environment.

National and Area Waste Strategies

6.4 The National Waste Strategy includes a statement of SEPA's policies and provisions on the type, quantity and origin of waste to be recovered or disposed of. The Area Waste Strategy has only considered household waste and has not issued guidance on receiving and processing commercial and industrial waste. In the absence of such guidance, it would be prudent to apply the five principles on which any framework for waste management should be based as detailed in NPPG10 and the National Waste Strategy.

Prevention and Recovery

Under the present proposal it is intended that over 50% of the waste will be either reused or recycled. This is an improvement on the current situation as all the waste is going to landfill for disposal. The applicant is hoping to increase the recycling and reuse levels as high as practicable, as experience is gained.

Proximity and Self-Sufficiency

The applicant has stated that 90% of waste will originate from Ayrshire. They intend to provide a quality facility to encourage the reuse and recycling of industrial and commercial waste from Ayrshire. They intend to identify local recycle outlets eg. the composting facilities at Craignaught landfill site and will try to develop facilities where no such facilities exist at present.

Polluter Pays

The applicant intends to charge the appropriate rate to cover processing and the final disposal cost of residual material.

Best Practicable Environmental Option (BPEO)

The applicant has provided a detailed Working Plan which covers waste acceptance and processing procedures, control of water, vermin, birds, litter, odours and general site management. They have not considered any alternative sites as the Moorfield Industrial Estate has considerable advantages regarding good access, it can be combined with the existing operation and is situated in the middle of an industrial estate well away from any residential properties and there is sufficient space. No other similar facilities existing in the Kilmarnock area.

6.5 A report to the Development Services Committee of 15 January 2003 titled "Development Plan Waste Policies" provides an interim policy framework against which planning applications will be considered until such times a formal alteration to the waste policies of Local Plan reflects the approved Area Waste Strategy. Any such applications received should be considered in the context of the current Development Plan policies and any other material considerations. "Material considerations" include Ayrshire Joint Structure Plan, National Waste Strategy, Area Waste Strategy, NPPG10 and the 90% policy on the geographical origin of waste. Any proposals for substantial waste facilities should:-

- comply with a 'Best Practical Environmental Option' (BPEO) analysis approved by SEPA.
- Comply with the regional self sufficiency, proximity, precautionary and polluter pays principles set out in the National Waste Strategy.

These are addressed in Section 6.4 of the report.

- Be accompanied by an Environmental Impact Assessment including a traffic impact assessment and an assessment of alternate sites.

An Environmental Impact Assessment was not requested in this instance due to the siting of the development within an industrial estate. The working plan submitted has provided environmental information to identify and mitigate against any adverse impacts. The Roads Division have no objections to the development and no transportation assessment has been provided. The proposed vehicular movements are low when compared with the existing activity from the site as advised by the Roads Division. The applicant has made an assessment of alternative sites and has concluded that this site is the best site for proposed development.

- Demonstrate integration with arrangements agreed by the Council for implementation of the Area Waste Strategy (as advised by the Director of Community Services).

The Department of Environmental Health and Waste Management have offered no objections to the development.

- Demonstrate that the waste facility is a justified addition to facilities which exist at the time of the application.

The proposal allows the applicant to develop the existing business for purposes of waste transfer and recycling to meet government objectives.

Consultations and Representations Received

6.6 It is not considered that any aspects of the consultations or representations received indicate that the application should be refused. Many of their concerns have been addressed in the Working Plan or can be addressed by attaching conditions to any grant of planning consent.

Planning History

6.7 00/0291/FL: Proposed Change of Use from General Industrial Use to Site for Parking of Heavy Goods Vehicles, Operating Vehicles from Site. Erection of Fence, Gates, Alterations to Roadway Hardstandings, Security, Modular Building, approved on 2 June 2000.

6.8 00/0669FL: Proposed Erection of Demountable Office Accommodation, Bunded Fuel Tank and Alteration of Access Point into site (Re-use of Existing Access), approved 10 November 2000.

6.9 01/0440/FL: Proposed Erection of New Maintenance Shed, Wash Bay and Access Gates, approved 16 August 2001.

7. FINANCIAL AND LEGAL IMPLICATIONS

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

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report the application is largely in accordance with the Adopted Local Plan and the Approved Ayrshire Joint Structure Plan. Therefore given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 of the report there are material considerations relevant to the application. The proposed waste transfer station accords with the waste management policies of the Adopted East Ayrshire Local Plan (EALP). For the most part the proposed development can be classified as an industrial use, however, there are elements of the development which are outwith any use class, and therefore inconsistent with the local plan zoning of the site and with Policy IND 4. However these elements of the development can be suitably accommodated within an industrial development. The development also accords with the general principles embodied within NPPG10 and the National and Area Waste Strategies as the applicant is proposing over 50% of the waste to be reused or recycled and the transfer station is to be sited in close proximity to the waste source. Furthermore, 90% of the waste will originate from Ayrshire which accords with the requirements of the Ayrshire Joint Structure Plan and the EALP.

8.3 With regard to the concerns of the objectors in respect of water pollution odour, litter, vermin and dust, these can be addressed by either attaching conditions to any grant of planning consent or by the adoption of good management and housekeeping practices by the applicant such as detailed in the Working Plan. The

Roads Division have not offered any objections to the development as the development is in close proximity to a number of A- classified roads and the Moorfield Roundabout which already are used by significant volumes of traffic. The waste transfer station will be accessed through an existing industrial estate where there is significant vehicular activity. The visual impact of the development is considered to be limited due to its siting within an industrial estate. It will not be visually prominent from surrounding main roads, and is in keeping with the other surrounding industrial uses.

9. RECOMMENDATION

9.1 The application should be approved subject to the conditions indicated on the enclosed sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application would not require to be referred to the Development Services Committee as there would not be a significant breach of Council policy.

Alan Neish
Head of Planning and Building Control

22 July 2003
(PC/MS/MMM)

List of Background Papers

1. Application Form and Plans.
2. Statutory Certificates/Notices.
3. Statutory Consultations.
4. Representations Received.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan.
7. NPPG10: Planning and Waste Management.
8. National Waste Strategy.
9. Area Waste Strategy.
10. Planning Application Nos: 00/0291/FL
00/0669/FL
01/0440/FL
11. Development Plan Waste Policies – Development Services Committee – 15 January 2003.

Anyone wishing to inspect the above papers should contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 02/0692/FL

Location: Moorfield Industrial Estate
KILMARNOCK

Nature of Proposal: Proposed Erection of Waste Transfer Station
Incorporating Waste Reception Area for
Storing/Sorting of Low Hazardous Solid Waste and
Desluding Ramp and Skip for Containers

Name & Address of Applicant: Billy Bowie Special Projects Ltd
Moorfield Industrial Estate
KILMARNOCK
KA2 0BA

Name & Address of Agent: W I Munro Chartered Architects
1 Seaford Street
KILMARNOCK
KA1 2BZ

DPO's Ref: PC/MS

The above FULL application should be granted subject to the following conditions:

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 28 August 2002 as revised by the site plan as proposed (drawing no. 2451 W1) on 11 November 2002, the waste reception area as proposed (drawing no. 2451 W2C) on 2 June 2003, details of the wall panels working plan and supporting statement submitted on 2 June 2003 the letters from Albion Environmental dated 1 & 12 June 2003 and the fax letter from W I Munro, Architects dated 18 June 2003. There shall be no deviation from the approved Working Plan, supporting statement, the letters and above details specified.

REASON To ensure that the development is carried out in accordance with the approved plans.

2. The waste transfer station shall accept and process waste between the hours of 7.30am to 6.00pm, Monday to Sunday and outwith these hours waste from emergency work can only be accepted as detailed in the fax letter dated 12 June 2003. No processing of waste shall take place outwith the above specified hours.

REASON In the interests of the amenity of the area.

3. All waste being delivered to or transported from the site by vehicles shall be either sheeted, netted or enclosed in a container to prevent any escape of material.

REASON In the interests of the amenity of the area.

4. Empty vehicles leaving the site or parked in the site shall be checked particularly to ensure that any lightweight waste liable to be wind blown has been removed and securely stored elsewhere.

REASON In the interests of the amenity of the area.

5. No material shall be burned on the site at any time.

REASON In the interests of the amenity of the area.

6. Prior to the commencement of development on site full details of any further external lighting shall be submitted to and approved by the Planning Authority and implemented on site according to the approved details.

REASON In the interests of the amenity of the area.

7. Notwithstanding the submitted information, not less than 90% of the waste accepted and processed on the site shall originate from Ayrshire.

REASON To ensure that the development accords with the requirement of the Structure Plan and Local Plan.

8. Notwithstanding the submitted plans, the use of the northern area of the site for the operating of the waste transfer station shall be the subject of a separate application for planning consent.

REASON To enable the Planning Authority to retain control over this area in the interests of the amenity of the area.

9. The use hereby approved shall operate without detriment to adjoining properties by reason of noise, dirt, grit, smell or general disturbance.

REASON To safeguard the amenity of the area.

10. If the environmental controls specified in Sections 6.9 to 6.15 of the working plan dated 2 June 2003 fail to remove any environmental nuisance, details of further measures shall be submitted for the approval of the Planning Authority and following approval shall be implemented immediately on site to remove the said nuisance.

REASON To eliminate any environmental nuisance in order to safeguard the amenity of the area.

11. Notwithstanding the approved plans, the vehicular route to be used by all vehicles associated with the waste transfer station within Moorfield Industrial Estate shall be clearly sign posted. Details of the proposed route and signs to be erected

shall be submitted to and approved by the Planning Authority and erected on site prior to the operation of the waste transfer station.

REASON To provide an established and appropriate vehicular route in the interests of the amenity of other industrial uses.

12. No waste disposal shall take place on site.

REASON To enable the Planning Authority to retain control over future developments on the site in the interests of public safety.

13. There shall be no storage, transfer or processing of waste materials outwith the loading bays and the sludge skip area hereby approved.

REASON To enable the Planning Authority to retain control over the development of the site in the interests of amenity.

14. All light waste received shall be secured when stored on site in sealed containers at all times.

REASON To avoid nuisance arriving from windblown litter.

15. Notwithstanding the submitted details, any changes to the Working Plan and supplementary information shall be notified in writing to the Planning Authority for approval and shall only be implemented upon receipt of such approval in writing.

REASON To enable the Planning Authority to control the operation.

16. Notwithstanding the approved plans, details of the design and volume of the proposed storage tank shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and erected on site according to the approved details.

REASON In the interests of visual amenity and public safety.

17. Notwithstanding the submitted information, there shall be no more than 40 vehicular journeys in total per day to the waste transfer station and all vehicles entering the waste transfer station shall be recorded and these records shall be available for inspection by the Planning Authority.

REASON To control the number of vehicular movements in the interests of road safety.

18. Appropriate measures comprising of the spraying of water from a bowser shall be implemented on site if a dust nuisance should arise.

REASON To avoid nuisance from dust.

Notes:

The applicant shall make early contact with Scottish Water, 35 Glenburn Road, Prestwick, KA9 2NS as it will be necessary to install a suitable interceptor on the drainage system prior to discharge to the public sewer.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**