
Report to Planning Committee of 15 March 2012

Subject: **Planning Application: Installation of Landfill Gas Management System and Flare, Former Black Devon Landfill Site, Alloa (Reference No 12/00024/FULL)**

Report by: **Ian Duguid, Development Quality Team Leader**

Applicant: **Clackmannanshire Council Waste Management**

Agent: **N/A**

Ward: **Clackmannanshire South**

1.0 Purpose

- 1.1. This is a report of handling of an application for planning permission by Clackmannanshire Council, as a Waste Management Service, for a landfill gas management scheme. The report describes the site and the proposals, the advice that we have received from Council Services and consultees, and the comments that we have received from one Community Council and residents. The report recommends that the development is approved.
- 1.2. The Town and Country Planning (Scotland) etc Act 2006 indicates that schemes of delegation on applications for planning permission must exclude any application where there is a Council interest. Accordingly, this planning application is reported to Planning Committee for decision.

2.0 Recommendations

- 2.1. It is recommended that this application for Planning Permission is **APPROVED** subject to the following conditions:-
1. Noise levels from the development, as measured on the site boundary shall not exceed the ISO Noise Rating Curve NR45 at any frequency between 23.00 - 07.00 hours, unless otherwise agreed in writing by the Council, as local planning authority.
 2. Before any work starts on site, a site management plan shall have been submitted to and approved in writing by the Council, as Planning Authority. It shall include arrangements for the storage and/or removal of existing containers, enclosures, or miscellaneous materials presently stored on the land, the replacement or re-alignment of the existing

access track and any changes to existing or proposed means of enclosure.

3. No construction work shall take place outwith the months of April to September in any calendar year.

Reasons

1. In the interests of residential amenity.
2. In order that the Council, as Local Planning Authority, can maintain effective control over the setting of the development.
3. In order to safeguard the nature conservation interests of the Firth of Forth Ramsar site.

Reasons for the Decision

1. The proposed development is compatible with lawful use of the site, and reasonable requirement of the associated waste management licence issued by SEPA.
2. Proposed development does not conflict individually or collectively with local plan policy for development of this nature.
3. The proposal has no adverse impact of any designated or protected area, species or infrastructure.

Plans to be Approved

1. Location Map
2. Proposed Location of Compound Drawing No B1675400/PA/001 Revision 1
3. Typical Compound Layout and Section Drawing No B1675400/PA/002 Revision 0

3.0 Background to the Proposals

- 3.1. The site comprises a closed waste landfill site owned and managed by Clackmannanshire Council. It is subject to a Waste Management Licence issued by SEPA, a condition of which requires a landfill gas management scheme, designed to prevent the risk of migration of land fill gas beyond the perimeter of the site such that the risk of explosion, combustion, asphyxiation, odour or vegetation damage on adjoining properties is eliminated as far as possible. The condition also seeks to avoid unnecessary air ingress into the landfill and minimise the risk of underground fires.
- 3.2. The proposed management scheme will fulfil the obligations of the site licence condition, and the consequential reduction in methane emissions will further the aims of the Council's climate change declaration and strategy, by preventing uncontrolled emission of gas, the managed collection of gas from the deposited waste and burning at a high temperature.

4.0 Consultations

- 4.1. Roads and Transportation have no objections to the proposal.
- 4.2. Environmental Health have no objections to the proposal subject to a condition being attached which would limit noise levels at the site boundary. They also express a preference for gas flaring to be restricted to prescribed day time hours during the week. *Comment: A condition is proposed to comply with the advice from this Service. There is no practical arrangement that can be implemented, or indeed is necessary, to restrict gas flaring activity.*
- 4.3. SEPA support the principle of this development proposal subject to appropriate restrictions and noise levels and checks on the flare capacity of the installation.
- 4.4. Scottish Natural Heritage advised that the proposal is unlikely to have a significant effect on the qualifying interests of the Firth of Forth Special Protection Area for wintering wildfowl and waders. The site is approximately 1.2 kilometres from that area. The distance combined with the characteristics of the development, should avoid any direct or indirect effects. The construction work should also be carried out outwith the winter months. This could be regulated by a planning condition. An appropriate assessment is therefore not required.
- 4.5. Airth Parish Community Council recognise the need for a gas management system, but strongly object to the proposed location of the plant, due to reasons of noise, visual impact, nature conservation and cultural heritage *Comment: noise levels will be restricted by condition of planning permission. This is a modest scale of development, not exceeding 5 metres in height. Visual impact will therefore be negligible, in an area characterised by a variety of structures largely associated with industrial operations on the River Forth. Scottish Natural Heritage have raised no concerns in relation to nature conservation issues. Having regard to the scale of the development and it's distance from Dunmore, there will be no detrimental impact on the conservation village. There is therefore no requirement to consider the Community Council's suggestions of below ground level structure or solid wall construction.*

5.0 Representations

- 5.1. As there are no premises on the neighbouring land, this application was advertised in the local paper. Representation have been received from the following parties.
- Mr John Stevenson, 5 Earls Court, Alloa
 - Mr R Imrie, 14 Riverside View, Alloa

The comments received may be summarised as follows:

This gas management system was never identified previously as part of site closure or site restoration. *Comment: it was always recognised that the landfill site would require a gas management system of some form. The detailed proposals have emerged from discussions with SEPA.*

The development could result in toxic and noxious emissions, which would be harmful to the community, including Alloa Academy. Comment: *Emissions to the air is regulated by SEPA. This would not be a matter to be controlled as part of a planning application process.*

The development will have a cumulative affect on property over a wider industrialised area, which will adversely affect the quality of life. Comment: *It is agreed that that this is part of an industrial landscape/community. The river estuary is characterised by many associated man made features. The proposed change will be so insignificant as to have no measureable or quantifiable change in the lifestyle of individuals or those resident in the town as a whole. The management system will allow the former land fill site to be returned to nature, as part of a wider area that will attract wildlife.*

6.0 Considerations

- 6.1. This application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. We have noted the general support from all consultees, and cannot attribute significant weight to the 2 objections to the proposal. There are no other material considerations which we have identified, so our conclusions rely upon an assessment against relevant Development Policies.
- 6.2. Policy EN5 of the Local Plan seeks to protect the undeveloped coast from further development except where it can be proven that there are no viable alternative sites. Proposals need to include measures to safeguard the interests of the Firth of Forth Site of Special Scientific Interest and Special Protection Area. We are satisfied that there is no viable alternative site and SNH have confirmed that the designated sites will not be adversely affected by the development. The proposal is therefore policy compliant.
- 6.3. Policy EN14 on contaminated land only permits development on land effected by landfill gas. The Council are satisfied that the actual or potential risk can be overcome as the development is singularly designed to deal with the safe disposal of any hazardous gas. The proposal complies with this policy provision.
- 6.4. Policy EN18 is an overarching policy relating to development in the countryside, setting out therein a general presumption against development that does not require a countryside location. The applicant has demonstrated, via the licensing arrangements with SEPA, that a gas management system is required in association with the successful monitoring of the former land fill site, and there is no reasonable alternative available to the Council within the settlement boundary. In that respect therefore, the proposals are deemed to accord with the countryside policy.
- 6.5. There are no other policies in the Local Plan, either related to site constraints or development type which apply to this proposal. On balance therefore, and notwithstanding the industrial characteristics of this modest installation, the development is deemed to be necessary and appropriate for the proposed site. It will provide for the safe use and restoration of the former landfill site, will avoid any significant visual impact that might have materialised from a more elevated site, and subject to compliance with the proposed conditions,

will have not adverse impact on the amenity of any residents, either in Clackmannanshire or on the opposite side of the River Forth. The recommendation to grant planning permission is subject to conditions that will safeguard residential amenity and will ensure proper management of surrounding land.

7.0 Sustainability Implications

- 7.1. The development will prevent the risk of migration of landfill gas beyond the site boundary. It shall minimise damage to soils. There will be no health or safety risks to the local population. Designated areas and protected species will be unaffected.

8.0 Resource Implications

8.1. Financial Details

- 8.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒

- 8.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☐

9.0 Exempt Reports

- 9.1. This is not an exempt report.

10.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities 2008 - 2011** (Please double click on the check box ☒)

- | | |
|--|-------------------------------------|
| The area has a positive image and attracts people and businesses | <input checked="" type="checkbox"/> |
| Our communities are more cohesive and inclusive | <input type="checkbox"/> |
| People are better skilled, trained and ready for learning and employment | <input type="checkbox"/> |
| Our communities are safer | <input type="checkbox"/> |
| Vulnerable people and families are supported | <input type="checkbox"/> |
| Substance misuse and its effects are reduced | <input type="checkbox"/> |
| Health is improving and health inequalities are reducing | <input type="checkbox"/> |
| The environment is protected and enhanced for all | <input checked="" type="checkbox"/> |
| The Council is effective, efficient and recognised for excellence | <input type="checkbox"/> |

- (2) **Council Policies** (Please detail)

The Clackmannanshire Local Plan

Clackmannanshire Council's Climate Change Declaration

11.0 Equalities Impact

- 11.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

12.0 Legality

- 12.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

13.0 Appendices

- 13.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

14.0 Background Papers

- 14.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)


Yes ☒ (please list the documents below) No ☐

Clackmannanshire Local Plan

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Approved by

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