

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 2 March 2010

**BY:** Executive Director of Environment  
(Planning & Building Standards)

**SUBJECT:** Application for Planning Permission for Consideration

---

Application No. **09/00617/FUL**

Proposal Reformation of bing to form bunds, formation of access road, suds pond, erection of buildings, associated planting and use of land as a waste recycling facility

Location **Smeaton Bing  
Carberry  
East Lothian**

Applicant Hamilton Waste And Recycling Ltd

Per PPCA Ltd

Ward 002

**RECOMMENDATION** Consent Granted

#### PLANNING ASSESSMENT

The application site is some 20.83 hectares in area and occupies a countryside location at Crossgatehall to the southeast of Whitecraig. The majority of the application site consists of the shale and coal waste heap of Smeaton Bing. The remaining part of the site is agricultural land, which is within the Edinburgh Green Belt. The bing rises to a peaked height of some 40 metres above the surrounding ground levels, with much of its mass some 30 metres above the surrounding ground levels. It is partly colonised by a variety of plant species, including trees on the lower northern slopes, with much of the steeper slopes of the bing remaining as exposed shale or coal waste. The part of the site that is agricultural land is largely flat.

The site is bounded to the northeast by the A6124 public road and by houses, with the Designed Landscape of Carberry Tower beyond. At its eastern corner is the road junction of Crossgatehall with houses beyond. To the southeast it is bounded by the B6414 public road with a builders yard, a house and agricultural land beyond, to the southwest by an

unclassified public road (U102) with two houses and agricultural land beyond, and to the northwest by agricultural land. The village of Whitecraig is located some 700 metres to the northwest of the site. There is an existing access to the site from the B6414 public road.

Planning permission is sought for the use of the land as a waste recycling facility and, to enable that use the reformation and reshaping of the existing bing to form bunds, the formation of an access road and a sustainable urban drainage scheme (SUDS) pond, the erection of buildings and for associated planting.

It is proposed that Smeaton Bing would be lowered and widened to form bunds on all sides which would contain within them a flat working area of some 8.8 hectares. Some 5.3 hectares of that working area would be surfaced with concrete to enable the operation of the proposed waste recycling facility. The remaining part of the working area would be surfaced in type 1 material. It would be reserved as a potential expansion area for the waste recycling facility. The proposed duration of the engineering and construction works to reshape the bing and to construct the proposed waste recycling facility is some 16 weeks. As part of that process, coal fines and contaminants would be removed to remediate the site. The following buildings would be erected on the 5.3 hectare concrete working area: an office building; a main sorting shed; four individual sorting sheds for particular types of materials to be recycled; and a garage and workshop. Also proposed for the working area would be seven overflow storage bays, two skip storage areas, a weighbridge, a fuelling point and 40 car parking spaces. A 1.8 metres high chain link fence is proposed to enclose the site boundaries. A new, gated access from the A6124 public road would be formed at the northern end of the site. A new road would be formed from that access through a part of the bunds of the lowered and reshaped bing and into the northern part of the proposed working area. An additional bund would be formed to screen the middle length of the proposed access road from the A6124 road.

The applicant estimates that the proposed waste recycling facility would process some 150,000 tonnes of non-toxic commercial waste per year, some 135,000 tonnes of which would be recycled for sale and thereby diverted from landfill. The site would not be open to the public and would not process domestic waste. The commercial waste would be comprised mainly of construction waste, paper and cardboard, electrical goods, plasterboard and plastics. The processes would mainly involve separation and sorting of materials. There would be no incineration on site. Waste which could not be recycled would be sent to landfill. Processed waste would only be stored on site until sold.

Proposed working hours for waste recycling operations would be from 7:00am to 7:00pm Monday to Friday, and from 8:00am to 4:00pm on Saturdays. Transportation operations would be from 6:00am to 7:00pm Monday to Friday and from 8:00am to 4:00pm on Saturdays. It is not proposed to operate the site on Sundays.

The proposed waste recycling facility would replace the applicant's existing facility at Wallyford Industrial Park, which employs some 32 people. It is envisaged that if the operation is relocated and expanded to what is proposed for the application site a further 7-10 staff would be employed.

The applicant has submitted an Environmental Statement with the planning application. The Environmental Statement contains a non-technical summary and chapters on: the

proposed scheme of development; the need, objectives and alternatives to the scheme; planning policy; landscape and visual impact; transport; noise and vibration; air quality; drainage and the water environment; geology, hydrology and historic land use; ecology and nature conservation; cultural heritage; and a summary of significant effects. The Environmental Statement also has appendices which contain information on: the screening and scoping process; a proposed Construction Method Statement for the phasing of the proposed development; details of consultations with the community; indicative access arrangements; an Assessment of Ground Vibration from Compaction Operations; an Air Quality Bing Sample Analysis; SUDS Design Calculations; Geology and Soils Analysis; and a schedule of cultural heritage features.

In that an Environmental Statement has been submitted with it the application, which was registered by the Council as a valid application on 21 July 2009, has been dealt with in accordance with the relevant provisions of the Environmental Impact Assessment (Scotland) Regulations 1999. In accordance with those Regulations, public notice was given on the 7 August 2009 of the submission of the Environmental Statement and of the public's right to make representation to East Lothian Council about the Environmental Statement.

A Road Safety Audit has been submitted in support of the Transport Assessment included in the Environmental Statement.

Amended pages have been submitted to correct an error in Chapter 6 (Transport) of the Environmental Statement, where predicted weekday peak traffic flows on the A6124 were originally understated.

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for the decision of the Council.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies ENV1C (International and National Historic or Built Environment Designations), ENV1D (Regional and Local Natural and Built Environment Interests), ENV1G (Design of New Development), ENV2 (Green Belt), ENV3 (Development in the Countryside) and ENV11 (Waste Management) of the approved Edinburgh and Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and Undeveloped Coast), DC2 (Development in the Edinburgh Green Belt), ENV3 (Listed Buildings), ENV7 (Scheduled Monuments and Archaeological Sites), ENV8 (Historic Gardens and Designed Landscapes), C7 (Core Paths and Other Routes), BUS9 (Proposals on Unallocated Land), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP12 (Biodiversity Assessment), DP13

(Biodiversity and Development Sites), DP14 (Trees On or Adjacent to Development Sites), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists) and DP22 (Private Parking) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Scottish Planning Policy: February 2010 on matters of rural development, green belts, historic environment and waste management and Scottish Government advice given in Planning Advice Note 42: Archaeology, and Planning Advice Note 63: Waste Management Planning.

Also material to the determination of the application are the written representations received from the public.

On the subject of rural development Scottish Planning Policy states that the planning system has a significant role in supporting sustainable economic growth in rural areas. Planning authorities should also support and promote opportunities for environmental enhancement and regeneration in rural areas, particularly areas of previous mining and industrial activity.

On the subject of green belts Scottish Planning Policy states that the purpose of their designation in the development plan as part of the settlement strategy for an area is to: (i) direct planned growth to the most appropriate locations and support regeneration; (ii) protect and enhance the quality, character, landscape setting and identity of towns and cities; and (iii) protect and give access to open space within and around towns and cities. Green belt designation should be used to direct development to suitable locations, not to prevent development from happening.

On the subject of the historic environment Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is stated in Scottish Planning Policy and the Scottish Historic Environment Policy: July 2009 that where works requiring planning permission would affect a scheduled monument, the protection of the monument and its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

With regard to archaeological sites and monuments Scottish Planning Policy states that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 42: Archaeology similarly advises.

On the subject of waste management Scottish Planning Policy states that:

\* the Scottish Government has adopted Zero Waste as a goal. Amongst other measures this means reusing products wherever possible, and recovering value from products when they reach the end of their lives either through recycling, composting or energy recovery, in accordance with the waste hierarchy. Policy on waste management is driven by European and national legislation including the EU Waste Framework Directive 25 and the Landfill (Scotland) Regulations (2003). The waste hierarchy favours prevention over reuse, recycling, recovery then disposal. The proximity principle requires waste to be dealt with as close as possible to where it is produced. A significant increase in the number, range and type of waste management installations is needed to manage municipal, commercial and industrial waste. Prior to the publication of the Zero Waste Plan in 2010, capacity requirements should be informed by the National Waste Plan and Area Waste Plans.

\* appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. With operational control regulated by the Scottish Environment Protection Agency (SEPA), consideration of applications for planning permission relating to waste management facilities should focus on whether the development itself is acceptable rather than on control of the processes or waste streams involved. It should consider only the aspects of operations enforceable under planning control to minimise impacts on the environment, transport network and local communities. Operational impact and transport are important considerations when considering proposals for new waste management facilities. Depending on the facility, noise, effect on water resources, landscape and visual impact and the impact on the natural and historic environment may also be relevant considerations.

\* planning authorities should consider the need for buffer zones between sensitive receptors (for example, houses) and some waste management facilities. A 250m buffer may be appropriate for certain types of waste operations. However 100m may be appropriate for recycling facilities. Appropriate buffer zones will depend on the specific characteristics of individual sites.

Planning Advice Note 63 provides more detailed advice on integrated waste management and on the issues that require to be taken into account when considering planning applications for different types of waste management facilities.

45 written objections have been received. Some of the objections offer support for the general principle of waste recycling and some for the physical reshaping of the bing. The grounds of objection are summarised as follows:

- such a 'bad neighbour' development should not be located in the countryside and close to residential properties;
- Smeaton Bing should not have been removed from the Edinburgh Green Belt;
- there are alternative sites which have a better geographical or infrastructure location for the proposed use;
- the extent of the proposed hours of operation of the business is unacceptable;

- there is a lack of information on the type of waste to be processed and whether it would include any hazardous or toxic materials;
- there is a lack of certainty over the future use of the remaining 3.5 hectares of the working area to be formed;
- the effects of potential light pollution from the operation of the business in hours of darkness would have a harmful impact on the locality;
- that the development would have a significant adverse landscape and visual impact on the area, including on Carberry Tower Designed Landscape and the scheduled ancient monument of Queen Mary's Mount and on residential properties closest to the site;
- that the development would have an adverse affect on leisure and tourism in the area;
- the additional traffic generated, including the movement of HGVs and the turning into and out of the site on the A6124 would be a road safety hazard and a hazard to pedestrians, cyclists and horse-riders in the area;
- that the development would exacerbate flooding on the A6124;
- that operating noise of the waste recycling facility will be greater than the hypothetical levels suggested in the ES and that the bunds and other mitigation measures will not be adequate;
- whether ELC can effectively monitor and enforce noise levels from the operating site;
- damage to property caused by vibration from increased heavy traffic;
- the harmful effects of pollution and dust on the amenity of local residents;
- concerns at the capacity of the local water supply and sewage networks to serve the waste recycling facility and that the applicant does not appear to have consulted with SW;
- that there are mine workings in the area and the application should not be determined without a full geological survey;
- the effects of the development on wildlife in the area and that the site is a protected wildlife area;
- the cumulative impact of this and other developments and proposed developments in the locality, particularly the proposed open cast coal site at Airfield in Midlothian;
- that there is a conflict of interest as ELC want to develop the area of Wallyford which includes the applicant's current operating site;
- a lack of community benefit deriving from the proposed development;
- the timing and credibility of the applicant's engagement with the local community;
- the devaluation of properties due to the development; and
- lack of compensation for general disturbance caused by the development.

Policy ENV11 of the approved Edinburgh and the Lothians Structure Plan 2015 supports in principle waste management proposals which meet the Lothians and Borders Area Waste Plan's Best Practicable Environmental Option and capacity and infrastructure requirements.

The adopted East Lothian Local Plan 2008 has no specific policy in respect of waste

management development. In respect of waste infrastructure the Local Plan generally states in its text that proposals for non-municipal waste management facilities will be judged against development plan policies and the key principles of sustainability, self-sufficiency and the proximity principle; the waste hierarchy; and Best Practicable Environmental Option.

In response to consultation on this planning application the Scottish Environment Protection Agency (SEPA) explain their responsibilities for waste management. In principle they support the proposed development. They advise that it would promote the objectives of the National Waste Strategy, the Area Waste Plan. They further advise that they are satisfied that the site selection process used by the consultants acting on behalf of the applicant comply with the main guiding principles in respect of the proximity of the site to the sources of waste and to the size of the site. On these considerations of waste management the proposed development accords with Policy ENV11 of the approved Edinburgh and the Lothians Structure Plan 2015 and with the general statement on waste infrastructure of the adopted East Lothian Local Plan 2008.

Policy BUS9 of the adopted East Lothian Local Plan 2008 states that business and industrial developments on land not allocated for those purposes will not normally be permitted unless: (i) no alternative allocated and marketable site is available in the area; and (ii) there is no significant adverse effect on nearby uses, particularly housing; and (iii) infrastructure and road access are available or can be made available without excessive resource commitment by the Council; and (iv) the proposal does not conflict with other local plan policies.

The proposed development would not require any resource commitment by the Council.

The Council's Policy and Projects Manager is satisfied that the Environmental Statement contains a robust site selection appraisal and supports the conclusion of the appraisal that there are no available suitable sites within existing or allocated industrial areas in East Lothian for the development and operation of the proposed waste recycling facility. In which case the location of such a facility in a countryside location is open for consideration on the merits of the development proposed.

The adopted East Lothian Local Plan 2008 defines the boundary of the Edinburgh Green Belt at Crossgatehall. The majority of the proposed development would be on land outwith the Green Belt and thus on land located within the countryside. The area of agricultural land forming the smaller, northern part of the site and over which site access from the A6124 would be taken and on which a SUDS pond would be formed is within the Green Belt.

Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose and is compatible with the rural character of the area.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that business use will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside and where it can be suitably serviced, accessed and there are no significant traffic or other environmental impacts.

Policy ENV2 of the approved Edinburgh and the Lothians Structure Plan 2015 states that a continuous Green Belt will be maintained around Edinburgh for the following main purposes: to maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence; to provide countryside for recreation; and to maintain the landscape setting of the city. It further states that Local Plans should define Green Belt boundaries to confirm these purposes and, where appropriate, to protect the setting of neighbouring towns. It further states that there is a presumption against development and changes of use in the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry, countryside recreation or other uses appropriate to the rural character of the area.

Policy DC2 of the adopted East Lothian Local Plan 2008 states that development in the Edinburgh Green Belt will only be permitted in the following circumstances: a) where it is necessary for agricultural, horticultural or forestry operations, for countryside recreation, or where by its scale and nature it will not harm the rural character of the area; b) where it meets the requirements of Policy DC1 Part 5; and in all cases where it does not detract from the landscape setting of Edinburgh and its neighbouring towns or lead to their coalescence.

Scottish Planning Policy informs that a 100m buffer may be appropriate between sensitive receptors such as houses and a waste recycling facility, dependent on the specific characteristics of individual sites.

There is one house to the south of the site which would be within 100 metres of the proposed working area. It would be some 80 metres from the working area. In the particular circumstances of this application with the proposed working area proposed to be enclosed by screening bunds, the location may be appropriate if it can be demonstrated that the operation of the site would not be harmful to the amenity of the residents of that house. It also has to be demonstrated that the development and operation of the proposed waste recycling facility would not have an adverse impact on the residential amenity of the wider area or on the local environment, the historic interests of the area and the local road network.

The bing would be lowered in height from its highest point of some 40 metres above original ground levels to some 22 metres above those levels. The slopes of the reshaped bing and thus of the resultant bunds would generally be of some 26 degrees, less steep than some existing slopes of the bing that are of 30 to 35 degrees. The final contours of the reshaped bing would provide a much lower and less dominant and prominent landform than is the existing bing. The existing trees at the foot of the bing would be removed in the process of the reshaping and new tree, shrub and meadow grass planting is proposed in mitigation of the removal of those trees and of other existing vegetation. It is intended that the works to lower and reshape the bing would take only some 16 weeks to complete, after which the reshaped bing would be landscaped and planted. The resultant form would be a significant change of appearance of the bing. By virtue of its proposed lower, less irregular form and its planted appearance, the bing so changed would be much less of a prominent, alien feature in medium to longer views of the landscape of the area. The full effects of the changes to the bing would be beneficial to and not harmful to the character and appearance of the landscape of the area and thus of this part of the East Lothian countryside. Moreover it would create containment for the proposed waste recycling facility.

The proposed recycling facility would be located within the bunding of the reshaped landform. The working area would slope downwards by some 5 metres from its southeastern end across to its northwestern end. The bunds would vary in their height in relation to the ground levels of the working area. The top edges of the bunds would be higher than the level of the proposed working area by some 10 to 14 metres on the northeastern side, some 12 to 14 metres on the southeastern side, 10 to 14 metres on the southwestern side and some 10 metres on the northwestern side. On the northwestern side the bunds would be staggered to allow the access road to pass through them. There would be birch and woodland tree planting on the outer slopes of the bunds.

The proposed buildings to be positioned on the proposed working area would mostly be industrial in character with metal panel finishes in grey and blue colours other than their doors, which would be red in colour. The office building would be two storeys in height with a pitched roof. Its walls would be finished in terracotta brick and its roof with plastic coated metal panels. The highest of the proposed buildings would, as shown on the submitted plans, have a ridge height of 11.994 metres above the ground level of the proposed working area. No other structure is proposed which would be higher than that building. That highest building, the main sorting shed, would be positioned approximately centrally in the proposed working area. The buildings to be positioned along the northeastern end of the proposed working area would, at their highest be some 9.904 metres to their ridge. The buildings to be positioned along the northwestern end of the proposed working area would, at their highest be some 8.5 metres to their ridge.

The proposed lowering and reshaping of the bing and the planting of the bunds with trees would, as a changes to the bing, be themselves an environmental improvement to the benefit of the landscape character and appearance of the area. Moreover, the reshaped landform would provide containment to the main components of the proposed waste recycling facility such that they would not be prominent, intrusive or incongruous features within their landscape setting. This is demonstrated by the landscape and visual impact assessment given in the Environmental Statement.

Scottish Natural Heritage (SNH) does not object to the proposed development. In respect of landscape and visual impact they advise that they are satisfied with the findings of the Environmental Statement. They recommend that the Council ensures by way of conditions that the landscaping and visual impact mitigation measures of the bunding and tree planting are carried out.

The Council's Landscape & Countryside Manager and the Policy & Projects Manager have recommended that there should not only be tree planting on the bunds but that a more varied landscape planting plan should be developed for the bunds to allow a more natural colonisation of mosses, lichens, grassland and woodland; all for biodiversity purposes. They recommend that a scheme should be developed with some 20% of the bund left as bare spoil to allow natural colonisation. These parts of the bund should be designed into the overall mosaic of woodland, scrub, grass and exposed bund, thereby disguising the presence of bare spoil. The applicant's landscape consultants have submitted a sample landscape and planting plan based on those principles. The Landscape & Countryside Manager and the Policy & Projects Manager agree with the consultants that it is practicable to develop a detailed landscape and planting scheme in this way, and the applicant has agreed that the final landscaping details of the scheme can be dealt with by a condition imposed on a grant of planning permission.

Such a scheme designed to enable greater biodiversity on the bunds would not prejudice the principles of beneficial environmental improvement and visual containment of the main components of the proposed waste recycling facility embodied in the proposed lowering and reshaping of the bing and of the planting of the bunds with trees.

The reshaping of the bing would result in significant changes to the landform of the site relative to the residential properties to the northeast, southeast and southwest sides of the site. The distances from the residential properties to the points at which the ground levels would begin to change due to formation of the bunds are such that the immediate landscape setting of those properties would not be harmfully affected. The bunds would at heights of 15 metres to 25 metres high be higher at points closer to the residential properties than the levels of the existing bing are in those locations. However, they would be a sufficient distance away from the respective residential properties such that they would not have a harmfully overbearing presence or affect on them. At their highest the tops of the bunds would be some 18 metres lower than the top of the existing bing. The proposed landscaping and planting of the bunds would soften their appearance in the outlooks from the residential properties. In these circumstances, the steepening of parts of the landform of the site somewhat closer to the residential properties to the northeast, southeast and southwest of the site would not be harmful to the amenity of any of those properties.

To screen the visual affect on the 1.8 metres high chain link fence to be erected on the boundary of the site with the neighbouring residential properties to the northeast there should be hedgerow planting along that length of fence, similar to what is proposed in the application for other lengths of the boundary security fencing.

No details are given of lighting for the proposed waste recycling facility. Given its proposed countryside location it would be appropriate to impose a condition on a grant of planning permission that details of the siting, orientation, luminosity and operation of any lighting for the facility be submitted to and approved by the Planning Authority in order to ensure that the use of lighting on the site would not be harmful to these parts of the East Lothian countryside and the Edinburgh Green Belt.

The proposed reshaped, landscaped and planted bing would be better integrated into the landscape than is the existing bing and more compatible with its surroundings. The proposed recycling facility would be sited and designed so as to be contained within the reshaped bing. Thus it would respect and make use of the setting provided by the landform so reshaped to the extent that its visual intrusion and landscape impact on this countryside location would be minimised. The proposed development would not detract from the landscape setting of Edinburgh and its neighbouring towns or lead to their coalescence. On these considerations of landscape and visual impact and in its siting and design the proposed development does not conflict with Policies ENV1G, ENV2 and ENV3 of the approved Edinburgh and Lothians Structure Plan 2015, Policies DC1, DC2, DP1 and DP2 of the adopted East Lothian Local Plan 2008, or with Scottish Planning Policy: February 2010.

The part of the proposed development that would be on the part of the application site that is within the Green Belt would be comprised only of an access road with some screen bunding and a SUDS pond.

Part of the proposed access road would be screened by a landscaped bund and elsewhere it would be visually contained by proposed landscape planting. The SUDS pond would be of a ground level form and it too would be visually contained by proposed landscape planting designed as an integral part of the landscaping of the site. It is proposed that where fencing would run alongside the public road (A6124) that it be screened by hedgerow planting.

The proposed use of this Green Belt land is not for agriculture, horticulture, forestry operations or countryside recreation. Its use for access and drainage purposes is to facilitate the otherwise waste recycling use proposed in the application and which would be on land outwith the Green Belt. The facilitating use of the land is for the accessing of the proposed waste recycling facility and for drainage of it. The area of land to be so used is relatively small in area and the proposed development of it would not be a significant encroachment into the Green Belt. The proposed development of it would not be of a sufficiently large scale. Due to the visual mitigation afforded by the proposed landscaping, it would not have a visual impact harmful to the rural character of the area. The SUDS pond would itself serve as a landscape feature and the access road, in its relationship with the A6124 would not be untypical of such a countryside feature and would not be incongruous in its setting. As a small encroachment into the outer edge of the Green Belt at this locality the proposed development of this area of land would not detract from the landscape setting of Edinburgh and its neighbouring towns or lead to their coalescence. In these particular circumstances the proposed development and use of this area of Green Belt land does not conflict with Policy ENV2 of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy DC2 of the adopted East Lothian Local Plan 2008.

Midlothian Council, as a consultee, has no objection to the development. They raise no concerns as to the use of Green Belt land for part of the proposed development.

In that the proposed development would be likely to generate a significant level of traffic, the submission of a Transport Assessment (included in the Environmental Statement) is in accordance with the requirements of Policy DP18 of the adopted East Lothian Local Plan 2008.

Policy T1 of the adopted East Lothian Local Plan 2008 requires that new developments shall be located on sites that are capable of being conveniently and safely accessed by public transport, on foot and by cycle, allowing that exceptions to this may be considered where they have an operational requirement for their proposed location. There is a three times a day bus service between Prestonpans and Dalkeith which stops at Crossgatehall. The closest defined settlement of Whitecraig is some 700 metres away. The proposed development would not be conveniently accessed by public transport or on foot. However, in the particular circumstances of the site selection process and defined operational requirements for the proposed location (i.e. there are no available suitable sites within existing or allocated industrial areas in East Lothian for the development and operation of the proposed waste recycling facility, which would positively contribute to the delivery of a sustainable waste management process), the proposed development does not conflict with Policy T1 of the adopted East Lothian Local Plan 2008.

The Environmental Statement predicts that some 50 vehicle movements per day would be required in respect of the engineering and construction works, to remove material from

the site. Should additional materials be required for the final surfacing and dressing of the reshaped bin then this may result in a further 50 to 60 movements per day during that phase of the proposed site development.

Using information based on the operation of the applicant's existing waste recycling facility in Wallyford and the capacity of the proposed waste recycling facility, the Environmental Statement predicts that the operation of the waste recycling facility would generate some 300 vehicle trips per weekday and some 174 vehicle trips on a Saturday, with up to 50 journeys per working day associated with staff and office traffic. It is anticipated that some 55% or some 160 of the operational traffic trips will be by HGVs with some 10% or 30 trips being larger HGVs rather than skip lorries or rigid trucks.

The additional traffic likely to be generated by the operation of the proposed waste recycling facility would result in traffic levels some 20% higher than the existing traffic levels on the A6124 and some 35% lower than the traffic levels that were on that road prior to the opening of the A68 Dalkeith Bypass. HGV movements would be 7% of the total predicted weekday traffic movements on the A6124 compared to an existing level of 1.1% and 13% of the total predicted weekday traffic movements compared to an existing level of 1.7%. The predicted level of vehicle movements likely to be generated by the operation of the proposed waste recycling facility would be a greater traffic use of the A6124 than at present, but significantly less than previous levels of use of that road.

The Environmental Statement advocates control of construction traffic to and from the site by the means of a traffic management plan to include the following measures: (i) HGV traffic movements restricted to between 0900-1600 hrs weekdays; (ii) all HGV traffic to be routed north to the A1; (iii) no HGV traffic to be routed through Whitecraig, Cousland or Dalkeith unless undertaking an operation associated with a site within the settlement; (iv) all HGVs accessing the site to follow the agreed vehicle routing plans; (v) a wheelwash facility to be provided and maintained on site throughout the construction period and all vehicles leaving the site requiring to pass through the wheelwash; and (vi) all loads to and from the site requiring to be sheeted.

The Environmental Statement also advocates the control of operational traffic by a traffic management plan to include the following measures: (i) HGV traffic movements limited to between 0600-1900 hrs weekdays and 0700-1600 hrs on Saturdays; (ii) all HGV traffic prior to 0700 to be routed north to the A1; (iii) at other times all HGV traffic, other than that servicing customers at locations accessed via the A6124 southwards and the B6414 and A68, to be routed north to the A1, with no more than 10% of HGV traffic to be routed in that southwards direction; (iv) no HGV traffic to be routed through Whitecraig, Cousland or Dalkeith unless undertaking an operation associated with a site within the settlement; and (v) all loads to and from the site requiring to be sheeted.

The proposed site access would be positioned some 260 metres to the north of the houses that would be closest to it, being those to the northeast of the site and on the opposite side of the A6124 at Carberry Candles. Further to the south of those houses are the other houses of Crossgatehall. It is proposed that the site access would be formed within the first 8 weeks of the 16 week engineering and construction period and would be used thereafter for construction traffic and then by operational traffic. It would enable the traffic to travel to and from the site from the strategic road network without having to negotiate the 4-way traffic light controlled Crossgatehall junction or to pass the houses

which are located between the access and Crossgatehall. Through the traffic management plans advocated in the Environmental Statement it is intended that some 90% of the operational traffic would be routed to approach the site from the north and to leaving the site in a northwards direction using the A6124, thereby avoiding most of the site traffic movement passing the houses at Crossgatehall and of using the Crossgatehall junction.

The Council's Head of Transportation raises no objection to the proposed development. He is thereby satisfied that the proposed transportation assessments, the predicted level of traffic movements and the proposed mitigation measures set out in the Environmental Statement are acceptable. He accepts the principle of the proposed accessing of the site from the A6124. He makes the following recommendations to secure the detailed design of the access and the traffic controls of the traffic management plans set out in the Environmental Statement:

(i) that a detailed layout plan and design for the access junction be submitted in accordance with the Design Manual for Roads and Bridges (DMRB) Volume 6, Section 2, Part 6 TD42/95, and with a visibility splay of 9 metres by 215 metres visibility splay in either direction from the access so that no obstruction lies within the splay above a height of 1.05 metres;

(ii) the proposed gates at the access should be set back at least 19 metres from the edge of the carriageway of the A6124 to allow a large HGV to stop off road without interrupting the safety or free flow of traffic on the public road, and that the gates should only open into the site;

(iii) as the applicant proposes to utilise the existing southern access to the Bing from the B6414 for a relatively short period of time to enable the permanent access to the north to be formed onto the A6124, a Construction Traffic Method Statement to control the temporary use of that access should be submitted to and approved by the Planning Authority prior to the commencement of work on the site; and

(iv) that a traffic management plan to minimise the impact of construction and operational site traffic on the amenity of the area should be submitted to and approved by the Planning Authority prior to the site becoming commencement of work on the site. The traffic management plan should embodying the measures of traffic control set out in the Environmental Statement and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes.

A sufficient amount of car parking spaces would be provided within the site.

On the above considerations of transport assessment, transport impact including road network capacity and road safety and the on-site parking provision for cars and cycles the proposed development does not conflict with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

In respect of pedestrians and cyclists, Scottish Natural Heritage note that the bing forms an integral link between the existing Pencaitland Railway Walk and National Cycle Route. The applicant proposes to provide a length of level ground along the southern boundary of the application site in reserve for the possible formation of a pedestrian

footpath/cycleway along that strip of ground to serve as part of the Council's Core Path network. This is consistent with Policy C7 of the adopted East Lothian Local Plan 2008.

The application site is not in close proximity to any existing settlement defined as such in the adopted East Lothian Local Plan 2008. There are, however, residential properties near to the site.

The Council's Senior Environmental and Consumer Services Manager accepts that the Environmental Statement correctly identifies groups of and individual noise sensitive residential properties in the locality of the application site and named noise sensitive receptors as being representative of them. Springfield Cottage and Strathmore Cottage are identified as being representative of the group of residential properties positioned along the A6124 road to the northeast of the application site. Bridge Cottage is identified as being representative of the grouping of residential properties at the Crossgatehall road junction. Chalkieside is an identified group of residential properties to the southeast of the application site. Crossgate Hall is identified as being representative of the two properties to the southwest of the application site and Smeaton Shaw is identified as being representative of the grouping of residential properties to the northwest of the application site. The identified individual noise sensitive receptors are the Old School and Smeaton Sawmill, located to the southeast of the application site.

He also accepts the findings of the Environmental Statement in respect of background noise levels at those receptors as:

Weekdays; 46 dB(A) at Strathmore and Springfield Cottages, 52 dB(A) at Bridge Cottage, 47 dB(A) at Chalkieside, 44 dB(A) at Crossgate Hall, 46 dB(A) at Smeaton Shaw, 48 dB(A) at The Old School and 44 dB(A) at Smeaton Sawmill

Saturdays; 35 dB(A) at Strathmore and Springfield Cottages, 41 dB(A) at Bridge Cottage, 35 dB(A) at Chalkieside, 33 dB(A) at Crossgate Hall, 38 dB(A) at Smeaton Shaw, 36 dB(A) at The Old School and 31 dB(A) at Smeaton Sawmill.

The highest noise levels likely to be generated by the proposed development would be during the 16 weeks engineering and construction period to reshape the bing and to erect on the site the buildings proposed for the operation of the waste recycling facility, in which respect due regard has to be paid to British Standard 5228: 1997 Noise and Vibration Control on Construction and Open Sites.

The construction noise significance test of BS 5228 is:

- (i) Minor Adverse Impact: less than 70 dB(A) LAeq.1h occurring for less than 8 weeks in a year; equal to or less than 55 dB(A) LAeq.1h occurring for more than 6 months in total;
- (ii) Slight/Negligible Impact: equal to or less than 55 dB(A) LAeq.1h occurring for more than 6 months in total;
- (iii) Insignificant Impact: equal to or less than 55 dB(A) LAeq.1h occurring for less than 6 months in total.

The Environmental Statement predicts that the maximum daytime noise levels at the noise sensitive receptors during the first 4 weeks phase of the engineering and construction operations to reshape the bing would be; 62 dB(A) LAeq.1h at Strathmore and Springfield Cottages, 48 dB(A) LAeq.1h at Bridge Cottage, 44 dB(A) LAeq.1h at

Chalkieside, 45 dB(A) LAeq.1h at Crossgate Hall, 49 dB(A) LAeq.1h at Smeaton Shaw, 48 dB(A) LAeq.1h at The Old School and 48 dB(A) LAeq.1h at Smeaton Sawmill. These predictions are based on the employment of the following noise mitigation measures: (i) the formation in the first 8 weeks phase of the bund along the north-eastern part of the site; (ii) the erection of a close boarded timber fence along the northeast boundary of the site between the site and the residential properties represented by the noise sensitive receptor properties of Strathmore and Springfield Cottages; and (iii) the implementation of a noise management plan to be agreed with the Council (to include noise monitoring and the use of broadband reversing alarms on vehicles and plant operated on site).

Only at the group of residential properties represented by the noise sensitive receptor properties of Strathmore and Springfield Cottages would maximum daytime noise levels exceed 55 dB(A) LAeq.1h during the first 4 weeks phase of engineering and construction works to reshape the bing. However those noise levels would not exceed 70 dB(A) LAeq.1h and therefore during that 4 weeks period they would, in accordance with the construction noise significance test of BS 5228 have only a minor adverse impact on those properties.

The Environmental Statement predicts that in the subsequent three phases (12 weeks) of the 16 weeks engineering and construction operations the predicted maximum noise level would not exceed 55 dB(A) LAeq.1h at any of the noise sensitive receptors. During those three phases noise levels would vary between 35 LAeq.1h and 55 LAeq.1h depending on the location of plant on the site in relation to the noise sensitive receptors and the ongoing formation of bunds. In accordance with the construction noise significance test of BS 5228 the noise impact on all of the residential properties in the locality of the site would be insignificant.

The Senior Environmental and Consumer Services Manager accepts these findings of the noise impact assessment of the Environmental Statement in respect of the predicted noise levels for the works proposed during the 16 weeks engineering and construction period. He recommends that the proposed noise mitigation measures be adhered to in order to ensure that the noise impacts of the proposed engineering and construction works are within acceptable levels in relation to their 16 weeks duration. To further ensure that these works would not have a harmful impact on the residential properties in the locality of the site he also recommends that the hours in which they be carried out be restricted to those specified in the Environmental Statement which are; 7:00am to 7:00pm Monday to Friday and 8:00am to 1:00pm on Saturdays (these being daytime working hours defined by BS 5228). The recommendations of the Senior Environmental and Consumer Services Manager can be secured by a condition on a grant of planning permission.

In respect of the impact of operational noise from the subsequent operation of the proposed waste recycling facility an assessment of potential noise impact should use British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Area.

The operational noise significance test of BS 4142 is based on the premise that where industrial noise is predicted to be 10dB(A) or more above background noise level complaints are likely. Otherwise the noise significance test of BS 4142 informs as follows:

- (i) Moderate Adverse Impact: difference in noise level of 5 to 10 dB(A) between the background noise level and the predicted operational noise level at a noise sensitive receptor would be a moderate change with a moderate impact on the noise sensitive receptor;
- (ii) Negligible Impact: difference in noise level of 0 to 5 dB(A) between the background noise level and the predicted operational noise level at a noise sensitive receptor would be a minor change with a minor impact on the noise sensitive receptor;
- (iii) Insignificant Impact: difference in noise level of -10 to 0 dB(A) between the background noise level and the predicted operational noise level at a noise sensitive receptor would be a minimal change with negligible impact on the noise sensitive receptor.

The Environmental Statement predicts that with all of the bunding of the reshaped bing and of the site access road in place the daytime noise levels on weekdays at the identified noise sensitive receptors during operation of the proposed waste recycling facility, including operational use of the site access road, would be; 44 dB(A) at Strathmore Cottage (-2 dB(A) below background noise level), 39 dB(A) at Springfield Cottage (-7 dB(A) below background noise level), 36 dB(A) at Bridge Cottage (-12 dB(A) below background noise level), 35 dB(A) at Chalkieside (-12 dB(A) below background noise level), 35 dB(A) at Crossgate Hall (-9 dB(A) below background noise level), 38 dB(A) at Smeaton Shaw (-8 dB(A) below background noise level), 35 dB(A) at The Old School (-13 dB(A) below background noise level) and 36 dB(A) at Smeaton Sawmill (-8 dB(A) below background noise level).

Since the weekday difference between background noise level and predicted operational noise level at each of the noise sensitive receptors would not be greater than zero it can be concluded that the weekday operation of the proposed waste recycling facility would have a negligible noise impact on the residential properties in the locality of the application site.

For Saturday working, the Environmental Statement predicts that the daytime noise levels would be; 43 dB(A) at Strathmore Cottage (8 dB(A) above background noise level), 38 dB(A) at Springfield Cottage (3 dB(A) above background noise level), 36 dB(A) at Bridge Cottage (5 dB(A) above background noise level), 35 dB(A) at Chalkieside (0 dB(A) equal to background noise level), 34 dB(A) at Crossgate Hall (1 dB(A) above background noise level), 37 dB(A) at Smeaton Shaw (-1 dB(A) below background noise level), 35 dB(A) at The Old School (-1 dB(A) below background noise level) and 35 dB(A) at Smeaton Sawmill (4 dB(A) above background noise level).

On Saturdays the difference between background noise level and predicted operational noise level at three of the noise sensitive receptors (i.e. Bridge Cottage, Smeaton Shaw and the Old School) would not be greater than zero and thus it can be concluded that Saturday operation of the proposed waste recycling facility would have an insignificant noise impact on those residential properties. In the case of Chalkieside the difference between background noise level and predicted operational noise level would be zero, in which case the noise impact of Saturday operations on the residential properties at that location would be insignificant/negligible. In respect of the other four noise sensitive receptors of Strathmore Cottage, Springfield Cottage, Crossgate Hall and Smeaton Sawmill the difference between background noise level and predicted operational noise level would be +8 dB(A), +3 dB(A), +1dB(A) and +4dB(A) respectively. Thus it can be

concluded that Saturday operation of the proposed waste recycling facility would to a varying degree have a moderate adverse impact on the residential properties in those locations. However, even at Strathmore Cottage the difference of +8dB(A) would not be as great as the level of +10dB(A) or more at which complaints would be likely.

The greater impact of Saturday operation on Strathmore Cottage would be due to its closer proximity to the proposed access road than the other noise sensitive receptors. In mitigation of the predicted higher operational noise level impact at Strathmore Cottage it is proposed to erect a 2.4 metres high close boarded timber fence along the ridge of the eastern bund between the access road and that residential property. Such a fence would be screened from the A6124 road by the landscaping proposed for the land between the bunded length of the site access road and the A6124 road.

The Senior Environmental and Consumer Services Manager accepts the findings of the noise impact assessment of operational noise given in the Environmental Statement and advises that the impact of the operation of the proposed waste recycling facility, including operational use of the site access road, would not be harmful to the amenity of the residential properties in the locality of the application site.

The Senior Environmental and Consumer Services Manager advises that as a general standard a doubling of traffic in an area would result in a 3dB increase in road traffic noise. Consequently, he raises no concerns that the predicted 20% increase in road traffic (mostly on the A6124 road) generated by the operation of the proposed waste recycling facility would have a harmful noise impact on the amenity of the residential properties in the locality of the application site.

SEPA have no objection to the application in respect of noise. They inform that the site will require a licence to operate under the Waste Management Licensing Regulations 1994 (as amended) and would thereby be subject to SEPA regulation on a number of matters, including noise. They are satisfied that the Environmental Statement demonstrates in respect of noise that the site will be capable of being licensed under SEPA regulation. They advise that the noise mitigation measures proposed in the Environmental Statement, in conjunction with conditions attached to any authorisation issued by SEPA, should be sufficient to alleviate potential impacts of noise on the residential properties in the locality of the application site.

The Council's Senior Environmental and Consumer Services Manager does not advise of any unacceptable impacts on the amenity of the area from vibration as a result of the works proposed during the 16 weeks engineering and construction period. He accepts the findings of the Environmental Statement in respect of this. He advises that vibration due to the operation of heavy plant on site during that period might be perceptible in the residential properties closest to the site but would be of short duration and well below levels which would cause structural damage.

In response to notification of the application as an Environmental Impact Assessment development, the Scottish Government Climate Change Division has no objection to the proposed development. They note that mitigation measures are proposed to prevent, control and minimise any potential noise/vibration impacts.

The Environmental Statement contains an assessment of the likely impact of the proposed

development and use of the site on air quality in the locality. The assessment includes the likely resultant impact on local air quality of dust emissions from bing material movements during the 16 weeks engineering and construction period, from exhaust emissions from mobile plant and vehicles and from the operation of the proposed waste recycling facility.

Complaints from local residents are likely if dust becomes apparent at their homes. Visible dust on window sills, the paintwork of cars, on washing hanging out to dry, and on vegetation will be a source of annoyance.

It is stated in the Environmental Statement that a number of measure would be employed at the site to control dust arising from the engineering and construction period and from the operation of the waste recycling facility. These include the use of water as a dust suppressant, seeding and planting of soil mounds, minimising handling of soils and bing material especially during windy conditions, controls on speeds of vehicles and mobile plant, exhaust emission control measures, use of enclosed or sheeted haulage vehicles, vehicle wheel washing and the formation and use of sealed roads and working areas for the proposed waste recycling facility. It is also stated that a Dust Management Plan will be agreed with the Council prior to construction works commencing.

In respect of works proposed during the 16 weeks engineering and construction period the Council's Senior Environmental and Consumer Services Manager is satisfied that the Environmental Statement has assessed impacts on air quality and dust using the appropriate guidance and with the mitigation measures proposed. He is satisfied that the employment of these dust control measures would be sufficient to minimise the impact of dust on the residential properties in the locality of the application site and amenity of the area. The employment of these dust control measures can be made conditional of a grant of planning permission for the proposed development.

Possibly of more concern than visible dust are the dust particles that are capable of being breathed in by local residents.

The fine particulates of dust, including from vehicle exhaust emissions are measured as PM10 (particulates with a diameter smaller than or equal to 10 micrometers).

The Council's Senior Environmental and Consumer Services Manager informs that the Scottish Government has adopted for Scotland an Air Quality Objective for protecting human health. For PM10 the Objective, expressed as a national annual mean for 2010 onwards, is 18 micrograms per cubic metre of air (18 ug/m<sup>3</sup>). He notes SEPA guidance that waste recycling operations may generate a rise of 3-5 ug/m<sup>3</sup> in PM10 concentrations at properties within 1 kilometre of their site. He advises that baseline figures for PM10 levels in the locality of the application site were 12.3 ug/m<sup>3</sup> from 2004 records and that the current figure of 10.4 ug/m<sup>3</sup>. He is satisfied that a resultant PM10 level of some 3-5 ug/m<sup>3</sup> greater than the current level of 10.4 ug/m<sup>3</sup> would be within the national annual mean standard of 18 ug/m<sup>3</sup> set by the Scottish Government's Air Quality Objective. As the predicted PM10 levels would be close to the Air Quality Objective threshold he recommends that as a precaution the applicant should carry out a detailed assessment of PM10 levels using Dispersion Modelling (to be agreed by the Planning Authority and SEPA). However, control over matters of dust and air quality in respect of the operation of the proposed waste recycling facility, including meeting the standards of the Air

Quality Objective, would be a matter for SEPA and it would not be appropriate to duplicate their regulatory control through a separate planning control.

SEPA have no objection to the application in respect of matters of air quality and dust. They inform that the site will require a licence to operate under the Waste Management Licensing Regulations 1994 (as amended) and would thereby be subject to SEPA regulation for a number of matters, including air quality, dust and odour. They are satisfied that the Environmental Statement demonstrates in respect of matters of air quality and dust that the site will be capable of being licensed under SEPA regulation.

The Scottish Government Climate Change Division has no objection to the proposed development. They note that mitigation measures are proposed to prevent, control and minimise any potential air quality/dust impacts.

As the proposed development would not through impacts of noise, vibration, dust, and air quality have an adverse affect on the residential amenity of the area surrounding the application site it is consistent with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

Historic Scotland do not object to the proposed development. They advise that in respect of the settings of Scheduled Monuments and Category A listed buildings, and Historic Gardens and Designed Landscapes, they agree with the findings of the Environmental Statement that the proposed development would not be likely to have a significant landscape or visual impact on the settings of the Designed Landscape of Carberry Tower and the Scheduled Ancient Monument of Queen Mary's Mount.

The proposed development would result in a degree of change to the existing setting of Strathmore Cottage, Glamis Cottage, Pentland View and Chalkieside Farmhouse, all buildings in the locality of the application site and listed as being of special architectural or historic interest (Category C(S)). However the change would be a significant lowering of the bing and the use of its lowered, reshaped form as visual containment for the buildings and operation of the proposed waste recycling facility. Such change, would not have a harmful affect on the setting of those listed buildings.

The settings of the Category B listed buildings within the Carberry Tower Designed Landscape, by virtue of their distance from the application site and the intervening woodlands of that Designed Landscape, would not be affected by the proposed development and use of the application site.

On these considerations of its affect on the setting of those listed buildings, designed landscape and scheduled ancient monument the proposed development does not conflict with Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV3 and ENV7 of the adopted East Lothian Local Plan 2008 or with the Scottish Historic Environment Policy: July 2009 and Scottish Planning Policy: February 2010.

The Council's Heritage Officer does not object to the proposed development. She is satisfied that the Environmental Statement has used an appropriate assessment methodology in respect of archaeological considerations. Due to the proximity of the site to known archaeological remains she recommends that a programme of archaeological

works for an evaluation and photographic survey of the site be carried out. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: February 2010, Planning Advice Note 42: Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The Environmental Statement accompanying the application contains a chapter on Ecology and Nature Conservation and thereby accords with the requirements of Policy DP12 of the adopted East Lothian Local Plan for the submission of a detailed assessment of sites of larger applications or those which may have particular biodiversity potential.

No part of the site is designated as a protected wildlife area.

SNH advise that they are satisfied with the species surveys carried out to inform the Environmental Statement and that they are satisfied there will be no impact on any protected species. In a subsequent letter SNH note that the Environmental Statement refers to the presence of three moss species on the site which are rarer than they had previously thought, and would be affected by the proposed development. They raise concerns over the effectiveness of the proposed mitigation measure of translocating the mosses to elsewhere on the site and recommend that consideration be given to avoiding developing the three areas of the site where the mosses are located, or that some areas of the bing be landscaped and planted to retain an appropriate habitat for the mosses to colonise.

The Council's Biodiversity Officer also has concerns over the effectiveness of the proposed mitigation measure in respect of the mosses. He advises that Smeaton Bing may be the only location in East Lothian in which the three species occur. He raises concerns also at the loss of semi-natural woodland on the northwestern part of the site.

Policy DP13 allows that where it can be shown that where mitigation is implemented or the proposed development makes a contribution to the good planning of the area which clearly outweighs the loss or reduction in biodiversity which would occur, then development may be permitted. None of the relevant moss species are protected species. They are classified as being ephemeral in nature. The bing is in a process of colonisation by what are known as succession species, whereby the gradually changing condition of the bing supports newer species which then supplant earlier colonisers. As such the presence of the mosses is likely to be transient. The mosses are located in three separate small areas on the bing such that it would not be feasible to retain them in situ and reshape and remediate the bing around them. The proposed mitigation through the translocation process would result in the mosses being moved and stored on beds of material from the bing and in similar conditions before being replanted onto areas of the reshaped bing landscaped as appropriate habitat for them. The detailed landscaping and planting plan for the site, subject to the recommendations of the Council's Policy & Projects Manager and Biodiversity Officer would provide such areas of habitat. Such a detailed landscaping and planting plan would also provide compensatory planting as mitigation for the loss of the existing semi-natural woodland.

If the proposed mitigation measures for the ephemeral moss species were not to work, their loss and the loss of existing semi-natural woodland would be outweighed by the compensatory tree planting and enhanced landscaping and planting proposed and the

wetland habitat provided by the proposed SUDS pond. Thereby the proposed development would not in its ecological impacts conflict with Policy DP13 and DP14 of the East Lothian Local Plan 2008.

SNH further advise that the removal of vegetation from the site should be timed so as to avoid the bird breeding season (March to August inclusive) and that where this cannot be adhered to any vegetation to be removed be first checked for evidence of nesting birds. This is a requirement under legislation other than planning legislation.

It is proposed that the SUDS attenuation and treatment for the proposed development be constructed prior to the major part of the works proposed during the 16 weeks engineering and construction period to provide a facility to mitigate the likely impact of reshaping the bing on the water environment. In respect of this and of operational drainage and water environment matters, the proposed development would be subject to SEPA regulation. SEPA initially raised an objection to the proposed development in respect of the technical details of the proposed SUDS scheme. However, after further discussions with the consultants employed by the applicant they have now confirmed that they are satisfied that the Environmental Statement demonstrates that the attenuation and treatment of surface water run off from the site during the engineering and construction works and in the operation of the waste recycling facility would be acceptable. Thereby the proposed development would not be harmful to the water environment of the area, nor would it give rise to risk of flooding on site or elsewhere. They note that waste water drainage would be via the public sewer and that the applicant should confirm with Scottish Water if there is sufficient capacity for such an arrangement.

Scottish Water have no objection to the proposed development. They advise that both the relevant Water Treatment and Wastewater Treatment Works have capacity to serve the proposed development. However they further advise that there may be a requirement for the developer to carry out works on those local networks to ensure there is no loss of service to existing customers. Those requirements are matters for discussions between the applicant and Scottish Water and can be controlled through legislation other than planning legislation.

The Coal Authority does not object to the proposed development. In respect of the history of the site, they fully support the level of information contained within the Environmental Statement on matters of ground conditions and past mining activity on the site. They are satisfied that the Environmental Statement has been informed by a full range of mining data including relevant geological maps and cross sections, historical National Coal Board reports and an up to date Coal Mining Report. They welcome the proposed reclamation of coal fines, as a means of reducing the risk of future combustion on site in the process of reshaping of the bing. They also note their role in terms of specific licensing and permissions required for any engineering works to abandoned mine workings and coal seams.

The Council's Senior Environmental and Consumer Services Manager is satisfied that the Environmental Statement has assessed the proposed development and the levels of contamination on site appropriately. He is satisfied with the proposed mitigation measures. He recommends that there be contingency plans in place to deal with any previously unsuspected or unforeseen contamination that becomes evident during the development of the site. These recommendations can be secured by the imposition of

conditions on a grant of planning permission.

The proposed waste recycling facility if approved would constitute a sui generis use in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Thereby the use of the site for any other operations would require planning permission for a change of use. Nor would the proposed use if approved benefit from permitted development rights for extensions, alterations or the siting of plant or machinery. Further built development on the site would require planning permission. However, it would be prudent for the Council to control of the use of the land of the site in order to ensure that the operation of the site as a waste recycling facility would not encroach into visible areas of the site in its countryside and Green Belt locations. This can be secured by the imposition of a condition on a grant of planning permission that the operation of the waste recycling facility, including storage and vehicle parking, be limited to the areas delineated on the Operational Site Plan drawing no. PA4 and not be carried out on other parts of the site.

In particular response to some of the matters raised by objectors the following comment is given:

\* The removal of the main part of the site from the Edinburgh Green Belt was carried out in accordance with the statutory local plan process. Removal from the Green Belt was seen as potentially enabling uses that might promote remediation and landscape improvements;

\* Scottish Planning Policy requires consideration of cumulative impacts for landfill sites where there would be two or more such sites, or sites that could raise similar impacts, in operation or with planning permission within 5 km of any nearby settlement. The proposed development is not a landfill site, although some of its impacts may be similar. The operation of existing sites forms part of the base-line studies conducted for the Environmental Statement. Since the application was submitted, planning permission (Ref: 09/00162/FUL) has been granted on 5 January 2010 for the infill of a former small quarry near Chalkieside and the formation of an associated temporary vehicular access track, for a period of 12 months. Those operations will require to be licensed by SEPA. Given the small scale of the infill proposal of planning permission 09/00162/FUL (an area of 0.27 hectares) and the limited duration of it, such proposal would not be of cumulative significance in relation to the development and operation of the proposed waste recycling facility. An application has been lodged with Midlothian Council (Ref: 09/00349/FUL) for the extraction of coal by opencast methods at Airfield, near Cousland, some 2 km away from Smeaton Bing. There is no obvious spatial correlation between the site of Smeaton Bing and the land at Airfield upon which to establish a definitive position of potential cumulative environmental impact.

\* The applicant's current operating site is at Wallyford Industrial Estate, which does not form part of the land of the strategic development sites around Wallyford;

\* What may have been stated in discussions between the applicant and the community over the proposed development are not themselves material to the determination of this application;

\* The remediation, reshaping and landscaping of Smeaton Bing would be an

environmental improvement in the area and the reservation of the strip of land along the southern boundary of the site would facilitate a footpath addition to the Core Path Network; and

\* The effects of the proposed development on property values, and questions of compensation for general disturbance are not material planning considerations.

## RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s), including the bunds to be formed as part of the development. The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground levels and the height of the bunds on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area. In relation to bund heights

- 3 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Before the house is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the operational site.

- 4 No development shall take place until the following management plans and method statement have been submitted to and approved in writing by the Planning Authority and thereafter the development hereby approved shall be carried out in accordance with approved terms of the management plans and method statement:

- (i) a Construction Noise Management Plan for the engineering and construction phase of the

development in accordance with the measures set out in Chapter 7 of the Environmental Statement docketed to this planning permission;

(ii) an Air Quality and Dust Management Plan for the engineering and construction phase of the development in accordance with the measures set out in Chapter 8 of the Environmental Statement docketed to this planning permission;

(iii) a Construction Traffic Method Statement to control the temporary use of the existing southern access to the Bing from the B6414 for the period required to enable the permanent access to the north to be formed onto the A6124; and

(iv) a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to this planning permission, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 5 No development shall take place on site unless and until the mitigation measures proposed for the three locally scarce moss species in Chapter 11 of the Environmental Statement docketed to this planning permission have commenced to the satisfaction of the Planning Authority. Thereafter the proposed mitigation shall be carried out in accordance with the detailed landscaping plan approved in terms of condition 6 of this permission.

Reason:

In the interests of biodiversity.

- 6 No development shall take place until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work on the site of the proposed development in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 Within three months of the commencement of development on site a detailed scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include the areas of exposed shale of at least 20% of the surface of the bing to form habitat for translocated and succession species from the existing bing. The detailed landscaping scheme shall be designed as a mosaic of woodland, scrub, grass and exposed shale so as to present a natural form and maximise biodiversity on the site. The scheme shall also provide details of:

(i) the final contours of the site;

(ii) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting;

(iii) details of hedgerow planting along the external side of the boundary fencing of the site, including along the fencing running between the site and the residential properties adjacent to the northeast boundary of the site, and where the fence would be visible from the public road or footpath;

(iv) details of the translocation of the three locally scarce moss species referred to in Chapter 11 of the Environmental Statement, including the position of their relocation on the site;

(v) details of the land to be safeguarded for the provision of a pathway along the southern boundary of the site, including the surface treatment of the reserved strip of land and the maintenance arrangements for it; and

(vi) a long-term landscape and woodland management plan for the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. Thereafter the landscaping, tree planting and hedging shall be maintained in accordance with the approved landscape and woodland management plan for the site.

Reason:

In order to ensure the implementation and long-term maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to ensure provision of a pathway for the Council's Core Path Network.

- 8 The engineering and construction development of the site hereby approved to facilitate its use as a waste recycling facility shall be carried out in phases in accordance with the time periods and details of those phases set out in Chapter 3 of the Environmental Statement docketed to this planning permission.

Reason:

In order to ensure that the new access and the visual and acoustic screening measures hereby approved are completed and brought into use in the first phase of the development, in the interests of the visual appearance and the amenity of the area.

- 9 Unless with the prior written approval of the Planning Authority:

(i) Noise from the site during the carrying out of works comprising phase 1 of the engineering and construction phased development of the application site shall not exceed 70 dB(A) LAeq.1 hour when measured freefield at any residential property in the locality of the site.

(ii) Noise from the site during the carrying out of works comprising the other three phases of the engineering and construction phased development of the application site shall not exceed 55 dB(A) LAeq.1 hour when measured freefield at any residential property in the locality of the site.

(iii) No working shall take place within the site during the engineering and construction phases of the development of the application site outwith the hours of 0700 to 1900 Monday to Friday inclusive and 0800 to 1300 on Saturdays. There shall be no working whatsoever on Sundays.

(iv) There shall be no commencement of use of the application site as a waste recycling facility unless and until all of the bunding has been formed around the operational area of the waste recycling facility and at the site access road in accordance with that detailed in the engineering and construction phased development of the application site set out in Chapter 3 of the Environmental Statement and the drawings docketed to this planning permission.

(v) There shall be no commencement of use of the application site as a waste recycling facility unless and until an acoustic fence has, in accordance with details of its form, length, height and positioning submitted to and approved in advance by the Planning Authority, been erected on top of the bund to be formed on the northeast side of the site access road.

(vi) No working shall take place within the site once operational as a waste recycling facility outwith the hours of 0700 to 1900 Monday to Friday inclusive and 0800 to 1600 on Saturdays. There shall be no working whatsoever on Sundays

Reason:

In the interests of protecting the amenity of residential properties within the area.

- 10 If during the engineering and construction phases of the development of the application site any activity on the site creating dust which is having an affect on residential properties in the

surrounding area of the site and which is not being controlled, the site operator shall cease that activity until satisfactory control of dust can be achieved with the agreement of the Planning Authority.

Reason:

To prevent dust nuisance in the interest of safeguarding the amenity of the area.

- 11 Prior to the commencement of use of the application site as a waste recycling facility the new site access with the A6124 public road and the new site access road shall each be formed. The site access with the A6124 public road shall be formed in accordance with a detailed design to be submitted to and approved in advance by the Planning Authority and which design meets the requirements of the Design Manual for Roads and Bridges. It shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

- 12 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 13 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission, including the ancillary office, parking and temporary storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. PA4 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

- 14 Any fuel oil stored on the site shall be bunded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

## Letters From

Catriona And Raymond Weir  
South Lodge  
Carberry  
EH21 8QB

Patricia Chisholm  
Triciap1@live.co.uk

Rochelle Weir  
Rochelle\_weir@yahoo.co.uk

Thomas Thornton  
36 Hamilton Drive  
Edinburgh  
EH15 1NP

Rose Thornton  
36 Hamilton Drive  
Edinburgh  
EH15 1NP

Ken And Cheryl Lindsay  
Pentland View  
Carberry  
Musselburgh  
EH21 8PZ

Inveresk Village Society  
Rowan House  
3 Inversek Village  
Musselburgh  
EH21 7UA

Jennifer And Doug Shinsato  
Jennilnshin@gmail.com

Michael And Fiona Guthrie  
Heathertops Farm House  
Scremerston  
Berwick-upon-Tweed

M And J Kirkness  
Glamis Cottage  
2 Springfield  
Carberry  
EH21 8PZ

Dr Linda Pollock  
Linda.pollock5@btinternet.com

Mr And Ms R Marshall  
Eden Cottage  
5c Crossgatehall  
Carberry  
Musselburgh  
EH21 8QA

Eva McRae  
Viale Anicio Galoo 145  
00174  
Rome  
Italy

Matthew E D Aitchison  
South Lodge  
Carberry  
EH21 8QB

Mr And Mrs M Aitchison  
18a Queen's Road  
Wooler  
Northumberland  
NE71 6DR

Sheena Irving And Douglas Bolton  
Sheena.irving@virgin.net

Cousland Village Hall Association  
Per Lorraine Chapman  
20 Hillside Cottages  
Cousland  
Midlothian  
EH22 2PA

Carberry Residents Group  
Per Raymond Weir  
C/o Pentland View  
Carberry  
EH21 8PZ

Tony Burgess  
Tonyburgess100@googlemail.com

Rhona Brankin  
Unknown

Ronald Weir  
Rweir@btinternet.com

Mr And Mr J Cardow  
49 Hadfast Road  
Cousland  
Dalkeith  
Midlothian  
EH22 2NZ

Judith Duncker  
Judithduncker@hotmail.com

Ross Robertson  
Smeaton House  
28 Carberry Road  
Inveresk  
Musselburgh  
EH21 8PR

Margaret McVitie  
Mnmcvitie@btopenworld.com

William Brown  
William@barnsdale.fsnet.co.uk

Ronald Weir  
Faraway Cottage  
Langside Head  
Dalkeith  
EH22 2NR

The Scottish Parliament  
95 High Street  
Dalkeith  
EH22 1AX

Professor Peter Hayes  
P.Hayes@ed.ac.uk

Paul Dunn  
Dunnp@loretto.com

Mike Thornton And Sheila Wilson  
Mike.thornton3@btinternet.com

Judith Dunn  
Jude.h@virgin.net

Dr Richard D Adam  
Rickadam@hotmail.co.uk

Dr John Munro And Mrs Elizabeth  
Munro  
Johnmunro440@btinternet.com

Mr K Dalgleish  
Kfc.dalgleish@virgin.net

John Rawlinson  
Jr@betima.com

June And Bill Cameron  
2 Crossgate Hall  
Carberry  
Musselburgh  
EH21 8QA

W G Douglas  
Carberry Gardens  
Carberry  
Musselburgh  
EH21 8PY

Henry Gibson  
Henry.gibson@btinternet.com

Euan Kennedy And Jenny Parsons  
J\_parsons@btopenworld.com

Carberry Residents Group  
C/o Richard And Jilly Adam  
North Lodge  
Carberry  
Musselburgh  
EH21 8PY

S W Hannah  
Carberry Farm Steading  
Carberry  
Musselburgh  
EH21 8PY

Brian Scott  
6 Crossgatehall  
Dalkeith  
Midlothian  
EH22 2NP

Ian Ross  
Lothian Recycling Ltd  
Cousland Limeworks  
By Dalkeith  
Midlothian  
EH22 2PJ

Cousland Village Hall Association  
Per Jennifer McDougall  
3 Hadfast Road  
Cousland  
Midlothian  
EH22 QW

