

Minute of Meeting

Planning Committee
Tuesday, 4 June 2024
Item 4.2



Special Planning Committee

Date	Time	Venue
Tuesday 21 May 2024	13:30	Council Chambers, Midlothian House/Hybrid

Present:

Councillor Alexander	Councillor Imrie (Chair)
Councillor Bowen (virtual)	Councillor McEwan
Councillor Curran	Councillor McKenzie
Councillor Drummond	Councillor Pottinger (virtual)

In Attendance:

Derek Oliver	Chief Officer Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
William Venters	Principal Solicitor
Kevin Anderson	Executive Director Place (virtual)
Gary Leadbetter	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

1. Welcome, Introductions and Apologies

The Chair welcomed everyone to the Special Planning Committee meeting. The Chair explained that this meeting was part of a three-part process, the first part of which was the site visit, the second part being this meeting and the third part being the Planning Committee meeting on 4 June 2024.

The Chair explained that the meeting was to allow representation from both the applicant and any objectors. The Chair highlighted that the third part of the process would be the determination of the application. The Chair noted that as this was a three-part process, any Elected Member that did not attend the site visit would not have the opportunity to participate on the basis of fairness.

The Chair asked the Planning, Sustainable Growth and Investment Manager to provide the Committee and attendees with a brief introduction. The Planning, Sustainable Growth and Investment Manager explained that the Council had received a planning application for the formation of a recycling facility and waste transfer station and the continuation of landfill operations and associated works at Middleton Lower Quarry, Gorebridge. The Planning, Sustainable Growth and Investment Manager stated that in terms of the scale and nature of the operation, under National Planning Framework 4, these works are defined as a national development. As a national development there are additional requirements, hence the pre-determination meeting. The Planning, Sustainable Growth and Investment Manager explained that the applicant and any other interested party are given the opportunity to make representations to the Planning Committee. The purpose of the meeting is for the Committee to hear these representations and seek clarification or ask questions so as to gather information. The purpose is not to determine the application.

Apologies were received from Councillor Virgo, Councillor McCall, Councillor Winchester, Councillor Curran and Councillor Smail.

Councillor Scott had also recused themselves from the meeting due to a conflict of interest.

2. Order of Business

The Chair explained the order of business and outlined that the representation for the applicant would have the opportunity to speak first, after which the objectors would also be given the opportunity to speak. Each party would then be given the opportunity to ask the other questions, before the Elected Members would also be given the opportunity to ask questions of either the officers, the representation for the applicant or the objectors.

3. Declarations of interest

None.

4. Minutes of Previous Meetings

None.

5. Reports

Agenda No	Report Title	Submitted by:
5.1	Application for Planning Permission 23/00595/DPP for Formation of Recycling Facility and Waste Transfer Station; Continuation of Landfill Operations and Associated Works at Middleton Limeworks, Gorebridge Procedures for a National Development – Holding a Hearing	Chief Officer Place
Outline of Report and Summary of Discussion		
<p>The representation for the applicant spoke to a presentation which was shared with the Committee.</p> <p>The first objector, a representative from the Moorfoot Community Council, provided their reasons for objecting the application. They stated that the Moorfoot Community Council strenuously objects the application and noted that they have gathered 150 signatures on a petition from Moorfoot residents in objection to the application. They stated that this had been shared with Midlothian Council and requested that this be considered.</p> <p>The second objector, a member of the public, spoke to a presentation which was shared with the Committee.</p> <p>It was agreed that the presentations would be shared with the Elected Members.</p> <p>The Chair provided an opportunity for the applicant to respond to the objectors.</p> <p>The representation for the applicant stated, in response to the claim the member of the public made about SEPA withdrawing the PPC, that this was not the case and that they could still tip in the site if they chose to. However, they noted that due to workload and work location they are in a different location. The representation also stated that with regard to the clean up of the tip, they would be undertaking this when they had the opportunity. They also stated they will use excavators to improve the roads and the infrastructure for the vehicles.</p> <p>The Chair provided an opportunity for the objectors to respond to the representation for the applicant.</p> <p>The representative from the Moorfoot Community Council stated that prior to this application the Community Council had experienced difficulties in engaging with NWH. However, once this application was made the representative noted that the communication had improved, although this had then again deteriorated. The</p>		

representative stated that engagement with the Community Council and the community was imperative.

The representative for the applicant stated that communications had dropped off during Covid-19, although noted that they had been in contact with the Community Council to offer their services and to query whether NWH's attendance at a Community Council's meeting was desired. The representative stated this offer had not been taken up.

The representative for the applicant, in relation to a query that had been raised about non-hazardous waste, explained that any waste that had been processed at the site was considered non-hazardous waste. The representative also stated that in respect of leachability the site will be subject to full lining which is CQA tested and that there will be full monitoring.

The Chair invited the Elected Members to ask questions of the Officers, representation of the Applicant and/or the Objectors.

The representative of the Moorfoot Community Council was asked whether there was ever an agreed form of liaison between NWH and the residents and the Community Council. The representative explained that when the Chair of the Community Council attended the meetings at the local town hall they had raised concerns about the inability to get NWH to engage with them. The representative stated that after these concerns were raised the communications, for a period of time, did improve. However, the representative explained that the Chair had since noted that it was difficult to engage with NWH, other than when doing so is beneficial for NWH, although they recognised that this was their perspective. It was noted that it would be useful to outline in the report to the Committee how this issue would be addressed.

In relation to the upgrade and maintenance of the road it was queried how this would work and who would determine if it was being maintained properly. It was asked that these aspects be incorporated into the report for the Planning Committee. The Chief Officer Place agreed that this could be included in the report.

A question was raised in relation to the infilling of the quarry and whether there is a timescale for this. The representation for the applicant explained that there was no bond on the upper quarry, which was infilled under a permit from SEPA. It was noted that SEPA changed how they addressed these matters which had led to the withdrawal of the permit to bring in soil. As such, the last part of the site does not have soil, although two thirds of the site does have soil and is well grassed. The representation for the applicant stated that NWH have confirmed that they would be willing to look at this with SEPA and plan out how to address the remainder of the site. The representation explained that there was a bond in place for the lower site and that a new bond would be put in place for the recycling operation. The Chair stated that it would be useful to have this information in the report to the Planning Committee.

It was queried about the footpath that had been requested and who would be responsible for both placing and maintaining this. The second objector explained that there had been a suggestion from the community that they would like a footpath. They noted that crash barriers had been put in but there is not enough of a gap currently for a footpath. It was asked if this could be looked at. The Chair stated that this could be put down to a community ask and perhaps be a condition, were the application to be approved.

A query was raised about the cleaning of vehicles. The representation for the applicant explained that there is a proposal for an extended concrete road and to put in a body wash and wheel wash with a rumble strip. It was noted that they believe this extra roadway and wash way will minimise the need for the road sweeper, however this would still be available on request. They explained they would prefer this rather than it being a condition, as at the moment it is a condition to have a road sweeper which is impacting on the community.

A question was raised as to the percentages of truck movements in terms of any increase at Middleton and a decrease at Mayfield, should the application be granted. The representation for the applicant explained that at Middleton there is an average of 27 HVGs entering and exiting the site when it is operating. In this respect they noted that there would not be a change from the current norm, which had been assessed as acceptable by the Roads Authority. With respect to Mayfield, the representation for the applicant noted they were not sure of the numbers but that they imagined it would be the same or slightly more. Although it was noted that this would drop down out of the Mayfield industrial estate as everything would be going in and out of the Middleton site.

It was queried whether traffic lights could be installed if speed was an issue. The Planning, Sustainable Growth and Investment Manager advised that in terms of assessing any application the highway implications would be considered and an assessment would be made. It was noted that the volume of traffic is unlikely to change, although this is part of an ongoing assessment.

In relation to traffic movement, it was asked how there would not be a change in the number of lorries entering and exiting the site at Middleton, if facilities are moved there. The representation for the applicant explained that they are planning on reworking a lot of the soil within the site, so a lot of the stock feed would come out and a lot of the vehicles would not be entering to drop this off.

It was queried how the A7 would be impacted by the potential for a line of vehicles outside the site. The representation for the applicant stated that they foresee no issues such as this, noting that there may be some vehicles querying before entering the site but this would be limited.

The Chair thanked both the representation for the applicant and both objectors for their submissions.

Decision

In the report to the Planning Committee regarding this application, include/consider:

- How communications between the Community Council, community and NWH are to be addressed.
- How the road will be upgraded and who will determine if it is being maintained properly.
- How the quarry will be infilled by NWH, with recognition of the role of SEPA, etc.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No items for discussion

7. Date of Next Meeting

The next meeting will be held on Tuesday 4 June at 1:00pm.

The meeting terminated at 14:44pm.