



APPLICATION FOR PLANNING PERMISSION 22/00878/DPP FOR CHANGE OF USE FROM SCRAP YARD (SUI GENERIS) TO WASTE TRANSFER SITE (CLASS 5 GENERAL INDUSTRY) AND CONTRACTORS YARD (SUI GENERIS); AND ASSOCIATED GROUNDWORKS AND CONSTRUCTION WORKS (PART RETROSPECTIVE) AT UNIT 9 RAMSAY COLLIERY, ENGINE ROAD, LOANHEAD

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for a change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors' yard (sui generis); and associated groundworks and construction works. The application is part retrospective. The application site is an open yard at the site of the former Ramsay Colliery in the centre of Loanhead.**
- 1.2 There have been 28 representations and consultation responses received from the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), the Loanhead and District Community Council, the Council's Ecological Advisor (TWIC), the Council's Senior Manager Neighbourhood Services (Roads) and the Council's Senior Manager Protective Services.**
- 1.3 The relevant development plan policies are policies 1, 2, 3, 9, 12, 13, 22, 23 and 26 of the National Planning Framework 4 (NPF4) and policies STRAT1, DEV2, DEV8, ECON1, ECON5, TRAN2, ENV9, ENV10, ENV11, ENV15, ENV16, ENV17, ENV18 and WAST1 of the Midlothian Local Development Plan 2017 (MLDP).**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 Ramsay Colliery is situated to the northeast of the centre of Loanhead. The colliery commenced production in circa 1850 and closed in 1965. The colliery site measures 2.8 hectares and includes seven former pithead buildings. Within the colliery site there are a number of businesses. In addition to the application business there are car repair businesses, a car sales business and a scaffolding yard.**

- 2.2 The application site measures 1.7 hectares and consists of an open yard and a shared access track. The majority of the site is situated to the northeast of the pithead buildings. The site is mostly surfaced with a mix of type 1 hardcore, shale, coal spoil and gravel, with the remaining areas surfaced with concrete, road planings and brick rubble. There is a modular office building at the entrance to the yard, various shipping containers, a concrete block bay used for tipping waste, various pieces of plant and two areas fenced off as storage areas. Access to the yard is via the shared access track which joins Engine Road from where vehicles can gain access to Clerk Street. An unrelated scrap yard business operates from a yard on Engine Road which is adjacent to the Ramsay Colliery site entrance.
- 2.3 The site was used as a scrap yard from 1968 until circa 2020. When used as a scrap yard the majority of the site was covered by scrap cars which were stored in piles of up to five vehicles high. From 2008 until the mid-2010s a skip hire business also operated from an area at the southwestern edge of the site. The waste from the skip hire business remained on the site and was processed circa 2021.
- 2.4 The application site is bounded to the north and northeast by the landscaped former colliery bing. The landscaping consists of woodland planting and an area of grass. The sides of the bing slope steeply downwards towards the application site. To the southeast the site is bounded by the Millerhill-Loanhead-Roslin cycleway which follows the line of a former railway. To the southwest the site is bounded by an adjoining yard area at Ramsay Colliery and by some of the pithead buildings. The edges of the site bounding the bing and cycleway are defined by a corrugated metal fence ranging in height from 2 to 4 metres. A number of stretches of the fencing are in poor condition. The boundary to the adjoining yard is defined by a galvanised steel palisade fence.
- 2.5 The site is identified in the Midlothian Local Development Plan 2017 as forming part of the established economic land supply. The site reference is e6 Engine Road and the indicative uses are Business (Class 4) and General Industry (Class 5).

3 PROPOSAL

- 3.1 The applicant started operating a skip hire business from the site in 2020. The cars associated with the scrap yard use have been gradually removed from the site. There are now no end-of-life vehicle activities carried out on the site. The waste associated with the former skip hire business has been sorted and cleared from the site. A processing bay measuring 25m wide and 45m long has been formed with a concrete base and enclosed with 3.2m high concrete block walls. Waste is tipped in the bay and fed into a trommel and picking station.

- 3.2 A fenced storage area comprising 18 shipping containers arranged in two rows 6m apart has been formed. A skip storage area has been formed and a series of skips are arranged opposite the site office to allow specified contractors to deposit their waste. Various stockpiles of waste and processed waste have been formed at the eastern end of the site.
- 3.3 Retrospective consent is being sought for all of the above works and uses. In addition, further works are proposed which will create additional concrete walled processing bays with concrete bases and storage yards with shipping containers and surfaces formed from road planings. The storage yards and shipping containers are intended for leasing to contractors and tradespeople. The access track will be surfaced with concrete and brick rubble will be used to surface the area opposite the office. The fencing surrounding the site will be repaired and, where necessary, replaced and enhanced. The application form states that the annual capacity of the site will not exceed 25,000 tonnes.
- 3.4 The application is accompanied by:
- Supporting Statement;
 - A statement addressing consultee comments;
 - Two statements addressing points raised in representations;
 - Drainage Statement; and
 - Working Plan.

4 BACKGROUND

Application Site

- 4.1 Planning application 272/1968 granted planning permission for a change of use from vacant colliery premises. The consented uses were a 0.74 hectare area to be used for industrial processes and a 2.58 hectare area to be used for commercial vehicle and transport businesses. A 1.3 hectare area, including the majority of the current application site, was to be used for the storage of motor vehicles, the dismantling thereof and the storage of dismantled parts of such vehicles. The permission was implemented.
- 4.2 Planning application 08/00777/FUL granted retrospective planning permission for a change of use from scrap yard to waste transfer station. The consent relates to a 715sqm area at the southwestern edge of the application site. The permission was implemented.
- 4.3 As part of the assessment of the current application the planning authority issued a screening opinion for the current proposals on 26 January 2023. The screening opinion confirmed that an Environmental Impact Assessment (EIA) was not required.

Engine Road Scrap Yard

- 4.4 Planning application 18/00065/DPP for a change of use of land to car breakers' yard at 17-29 Engine Road, Loanhead was granted planning permission by the Local Review Body at its meeting of 20 June 2018.

Procedural matters

- 4.5 The application is a local development as defined by Class 4 (Waste Management Facilities) of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This is due to the fact that the supporting statements state that the annual tonnage of waste processed will be less than 25,000 tonnes per annum.
- 4.6 The application has been called to committee for determination by Councillor Parry. The planning reason for call-in is as follows:
- Due to the number of objections to this application, I wish for the committee to consider and decide.

5 CONSULTATIONS

- 5.1 The **Coal Authority** has confirmed that due to the nature of development the proposal is exempt from the need to consult the Coal Authority. The response notes that Coal Authority records indicate the presence of five recorded mine entries (shafts and adits) within close proximity of the planning application site boundary. The applicant should be made aware of this by way of an informative note attached to any permission granted.
- 5.2 **Scottish Water** does not object to the application. The response advises that Scottish Water records indicate that there is live infrastructure in the proximity of the development area and that the applicant must identify any potential conflicts with Scottish Water assets and contact the Scottish Water Asset Impact Team for an appraisal of the proposal.
- 5.3 The **Scottish Environment Protection Agency (SEPA)** does not object to the application. The initial consultation response, received in February 2023, was a holding objection which requested additional information - following the submission of additional information, in June 2023, a further holding objection was received in August 2023. The second holding objection confirmed that the majority of queries raised in the February 2023 response had been satisfactorily addressed, however additional information on surface water drainage was still required. The additional information was submitted and SEPA removed their holding objection on 8 September 2023.

5.4 The September 2023 response confirmed that SEPA were satisfied that greater information and clarity had been provided in relation to the drainage. The response requests that that *“Midlothian Council determines to its satisfaction that the drainage systems mentioned in the statement are adequately sized, verifying the calculations provided by the consultant”*. The response also states that the *applicant must ensure that (when required) effluent is removed by a registered carrier of waste and transferred to an appropriately authorised site. Maintenance checks should also be carried out in line with the manufacturer’s recommendations for the drainage system.*

5.5 Following receipt of the consultation response from the Council’s Senior Manager Protective Services the case officer prepared a first draft of conditions and asked SEPA for comments on the interaction of the conditions with the Waste Management Licence (WML) process. SEPA confirmed the following:

- The lead authority for contaminated land is the Council’s own Contaminated Land Officer.
- The conditions would not create a conflict with a WML.
- The controls required by a WML would be very limited in regard to vermin control, insect control, bird control or odour control. They would only cover activities specifically licensed by the WML and covered by the Waste Management Regulations.

5.6 The **Loanhead and District Community Council** has objected to the proposal. The Community Council has submitted two responses. The first was submitted in February 2023. The grounds for objection in that response were as follows:

- The centre of Loanhead is not suitable for this proposal as it is close to a primary school, new housing developments, Ramsay Law Park and a core path. Midlothian Council should be striving to move heavy industries away from town centres and offer these businesses incentives to relocate to nearby industrial estates which have suitable roads and infrastructure. Relocating the waste transfer station to an industrial estate would allow for the decommissioning of contaminated land at the former Ramsay Colliery and enable regeneration of the site.
- A waste transfer site with a capacity of 25,000 tonnes per annum will result in 80 single skip vehicle journeys per day. This will create an increase in air pollution, traffic congestion, parking issues and road safety issues, on a road which is an unofficial school route and, historically, had a weight restriction limit and has recently been approved for a disabled parking bay.
- The proposed hours of operation are unacceptable.

- The provision of containers and yards for small start-up businesses would be better located at an industrial estate rather than in the centre of Loanhead.
- The proposal will have a detrimental impact on Loanhead residents and will result in an increase in dust pollution, particulate (vehicle emissions) pollution, noise pollution and vermin. The site has generated complaints in the past due to the burning of rubbish and wind blown litter landing on the cycleway.
- Loanhead & District Community Council would like the Planning Committee to take into consideration that this particular waste transfer site is located in the centre of our town and we feel this is not an appropriate place for this type of business and, as stated above, it should be relocated to an industrial estate which will allow this land to be decontaminated and brought back into public use.

5.7 The second response was submitted in January 2024 and included comments on the draft conditions. The grounds for objection in that response were as follows:

- Permitting an annual capacity of 25,000 tonnes of waste into the centre of our town is unacceptable. Engine Road is not suitable for the proposed 80 single skip vehicle journeys per day. Allowing this change of use, will increase air pollution, traffic congestion, parking issues and road safety issues, along with litter and vermin, all of which are detrimental to residents and are contrary to the overarching aims of NPF4, which states to support local living, improve community health and wellbeing and empower people to shape their places.
- A condition requiring quarterly returns is unworkable.
- The site encompasses two shafts of the former Ramsay Colliery and is an area of high contamination. This planning application does not comply with NPF4 Policy 14: development should improve the quality of an area. LDCC insists this site undergoes a scheme of decontamination, which would comply with NPF4 Strategies: to protect people from environmental harm, thus improving the environment and human health. The current business, licenced as a scrap yard, should be relocated out with the centre of our town. NPF4 Policy 27 states, to encourage town centre living, where centres are vibrant and healthy. Having a waste transfer site in any town centre is contrary to this policy.
- The site is contaminated, and this contamination needs to be

addressed as a matter of urgency to protect the health of Loanhead residents. Midlothian Council needs to inform rate-payers in Loanhead about this known contamination and the dangers associated with allowing a waste transfer site to operate on this highly contaminated site in the centre of their town. It is unimaginable that Midlothian Council Planning Department is seriously considering permitting a waste transfer site to operate on a seriously contaminated site, fully knowing that **any** disturbance to the ground surface area could and probably would, disturb underground gases and have very serious implications to the known levels of contamination resulting in disastrous consequences for human health.

5.8 The **Council's Ecological Advisor – The Wildlife Information Centre (TWIC)** does not object to the application. The screening process has identified the biodiversity protections that apply to the site. Due to the nature of the application the proposal will not have any effect on the biodiversity issues highlighted.

5.9 The **Council's Senior Manager Neighbourhood Services (Roads)** does not object to the application. The following comments were provided in relation to surface water drainage:

The proposed treatment and containment of the surface water run-off outlined in the Drainage Statement would appear to reduce the risk of any surface water flooding arising from the new works.

The following comments were provided in relation to trip generation and road safety:

I'm satisfied that this change of use will not significantly increase any road safety risks or cause any traffic congestion in the area.

5.10 The **Council's Senior Manager Protective Services** does not object to the application but recommend that any planning permission includes conditions to ensure compliance with working methods specified in supporting statements and the working plan. Conditions should be attached to control noise, hours of operation, dust and litter. Conditions should be attached to secure site investigations to assess contaminated land and, if required, to secure remediation or mitigation works.

6 REPRESENTATIONS

6.1 The application has received 26 objections from individual households and a further objection that included a petition with the names and addresses of a further 19 households. The grounds for objection are as follows:

- Access through Engine Road is currently difficult due to large trucks parking and manoeuvring. The proposal will exacerbate this;
- The increase in traffic will threaten the safety of children walking to Loanhead Primary School;
- The proposal will have a negative impact on the environment and will generate noise and dust;
- The local chapel car park is accessed via Engine Road and the proposal will make access more difficult;
- Access to Canmore Court is already difficult because of the existing scrap yard on Engine Road and the proposal will exacerbate this;
- The smell from the site will be terrible;
- Engine Road is not suitable for HGVs;
- The proposal will have a detrimental impact on the health of children at Loanhead Primary School;
- The proposal will create a poor learning environment at Loanhead Primary School;
- The proposal will create unacceptable air pollution;
- The proposal will result in an increased rodent presence in the area;
- Parking in the area is already difficult;
- Uses like this should be sited on the outskirts of towns and not in the centre of towns;
- The proposal will have a detrimental impact on the viability of Loanhead town centre;
- Engine Road is already covered in dust from vehicles and the proposal will exacerbate this;
- Engine Road already serves three car repair businesses, a scrap yard, a car wash, a scaffolding firm, the existing skip yard and houses on Engine Road and Canmore Court;
- Employees of the businesses throw rubbish and food waste on the street;
- Employees of the businesses regularly drive along Engine Road at excessive speeds;
- The proposal will devalue local properties;
- The proposal will be a fire hazard;
- Vibration from vehicles and machinery will have a detrimental impact on the amenity of local residents; and
- The proposal will result in leakage of toxic waste.

7 PLANNING POLICY

- 7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.
- 7.2 The following policies are relevant to the proposal:

National Planning Framework 4 (NPF4)

- 7.3 **Policy 1 Tackling the climate and nature crisis.** The intent of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- 7.4 **Policy 2 Climate mitigation and adaptation.** The intent of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- 7.5 **Policy 3 Biodiversity.** The intent of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 7.6 **Policy 9 Brownfield, vacant and derelict land and empty buildings.** The intent of this policy is to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.
- 7.7 **Policy 12 Zero waste.** The intent of this policy is to encourage, promote and facilitate development that is consistent with the waste hierarchy.
- 7.8 **Policy 13 Sustainable transport.** The intent of this policy is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel sustainably.
- 7.9 **Policy 22 Flood risk and water management.** The intent of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- 7.10 **Policy 23 Health and safety.** The intent of this policy is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 7.11 **Policy 26 Business and industry.** The intent of this policy is to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

Other National Policy

- 7.12 The Scottish Government's **Planning Advice Note 51: planning, environmental protection and regulation** (PAN51) sets out how the planning system should interact with other environmental protection regimes. To minimise overlap or duplication of controls it is essential

that planning authorities and other protection agencies work together so that controls are applied in a complementary way. Whilst many environmental protection decisions are based on quantitative standards planning decisions have to take into account a much wider range of material considerations and the weight accorded to them.

- 7.13 The Scottish Government's **Planning Advice Note 1/2011: planning and noise** (PAN 1/2011) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.
- 7.14 The Scottish Government's **Assessment of noise: technical advice note** (TAN) provides guidance on the technical evaluation of noise assessment and mitigation.
- 7.15 The Scottish Government's **Planning and Waste Management Advice** provides advice on how development planning and development management can assist in the delivery of Scotland's Zero Waste Plan.
- 7.16 Scottish Government advice Circular 4/1998 (The use of conditions **in planning permissions**) sets out six tests which planning conditions must comply with:
- Necessary;
 - Relevant to planning;
 - Relevant to the development to be permitted;
 - Enforceable;
 - Precise; and
 - Reasonable in all other respects.

Midlothian Local Development Plan 2017 (MLDP)

- 7.17 Policy **STRAT1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP.
- 7.18 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.
- 7.19 Policy **DEV8: Open Spaces** states that the Council will seek to protect and enhance the open spaces identified on the Proposals Map. Development will not be permitted in these areas that would:
- A. Result in a permanent loss of the open space; and/or
 - B. Adversely affect the accessibility of the open space; and/or

- C. Diminish the quality, amenity or biodiversity of the open space; and/or
- D. Otherwise undermine the value of the open space as part of the Midlothian Green Network or the potential for the enhancement of the open space for this purpose.

- 7.20 Policy **ECON1: Existing Employment Locations** seeks to safeguard those sites allocated for economic land uses against loss to non-business or industrial uses. Alternative uses for such sites will only be permitted if there is no net detriment to the overall supply of economic land.
- 7.21 Policy **ECON5: Industries with Potentially Damaging Impacts** states proposals for industrial developments of a kind which may give rise to environmental problems will be assessed with regards to the relevant policies and proposals; to expected economic benefits; and to any benefits to the wider environment of locally harmful industrial operations. The Council will require to be satisfied that any such site is either uniquely suitable for technical reasons or has been selected with a view to minimising environmental impact, and not primarily because of the availability of the land to the intended developer or operator.
- 7.22 Policy **TRAN2: Transport Network Interventions** highlights the various transport interventions required across the Council area, including the safeguarding of the route of the Millerhill-Loanhead rail line.
- 7.23 Policy **ENV9: Flooding** presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.
- 7.24 Policy **ENV10: Water Environment** requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.
- 7.25 Policy **ENV11: Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature

conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

- 7.26 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.27 Policy **ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the proposed new use in terms of the risk posed by contamination and instability from historic uses.
- 7.28 Policy **ENV17: Air Quality** states that the Council may require further assessments to identify air quality impacts where considered requisite. It will refuse planning permission, or seek effective mitigation, where development proposals cause unacceptable air quality or dust impacts.
- 7.29 Policy **ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.
- 7.30 Policy **WAST1: New Waste Facilities** states that the Council will support the formation of new facilities for waste in principle, where they contribute to the sustainable treatment of waste set out in the waste hierarchy and the Zero Waste Plan. The location of waste facilities is supported on sites in the established economic land supply that are allocated for business, general industrial or storage and distribution uses, subject to the Council being satisfied that there is no adverse impact on sensitive uses, including from the transport movements associated with the development.

8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Principle of development

- 8.2 The site is part of an identified economic land supply site (site e6) in the MLDP and is located within the built up area of Loanhead where there is a presumption in favour of appropriate economic development. The MLDP identifies the indicative uses of site e6 as being Business (Class 4) and General Industry (Class 5), currently there are no Class 4 uses at Ramsay Colliery, with the current uses being a mix of Class 5 and *sui generis*. The current application would regularise an existing

situation that has been in operation for over 3 years. A waste transfer use falls within Class 5 and consequently the principle of such a use at this location is broadly acceptable.

- 8.3 The formation of yards and installation of shipping containers for use by small business contractors and tradespeople is compatible with the other uses at the Colliery site. There is a demand for such facilities within Midlothian and they can play a significant role in assisting business start-ups. Such a use is compatible with the MLDP allocation for the site.

Alternative uses for the site

- 8.4 Many of the representations received, and also the comments from the Community Council, have made reference to the possibility of alternative uses for the site. The colliery site has been consistently and intensively used for over 150 years. Whilst the location of the site in relation to the town centre does not reflect modern land allocation practices it is indicative of the long history of the site. The application relates to part of the colliery site with other parts of the site being in separate ownership and use. Refusal of the current application would not result in cessation of industrial uses at the site. Acquiring the site for remediation and redevelopment would be costly and time consuming and could potentially result in the loss of businesses from Midlothian.

Transportation and access

- 8.5 The access arrangements for the Ramsay Colliery site reflect the site's long history and are significantly below the standards expected for modern industrial estate developments. At present the business operates five vehicles – three skip trucks, one hook loader and one cage van. The applicant provided a statement on 6 February 2024 in response to representations and the response from the Community Council and advised that the business currently processes approximately 6,000 tonnes of waste per annum and averages 30 vehicle movements per day (one trip being a vehicle movement into the site and a second trip being a movement back out again). Any growth of the business would be incremental and any increase in vehicle movements would be likely to be in the region of an additional 14 to 26 movements per day.
- 8.6 The waste transfer element of the proposal is retrospective and since 2020 the applicant's business has maintained a Goods Vehicle Operator's Licence for five vehicles and two trailers to operate from the site. The Council's Senior Manager Neighbourhood Services (Roads) has considered the information supplied and has no objection to the proposal. As can be seen from the vehicle movements generated by the existing scrap yard business on Engine Road it is unlikely that

vehicle movements would decline if the application site reverted to its former use as a scrap yard.

Residential amenity

- 8.7 The waste transfer use has been operating since 2020 and other than queries about wind blown litter the planning authority has not received any complaints about the use. The use has not generated any planning enforcement enquiries. The Council's Senior Manager Protective Services has recommended that conditions should be attached to control noise, hours of operation, dust and litter. The draft conditions attached to this report reflect the comments provided by the Senior Manager and also seek to enforce the measures stated in the Site Working Plan submitted in support of the application.
- 8.8 Granting of planning permission will ensure that the site will be subject to enforceable conditions that will protect residential amenity. It will also enable SEPA to grant a Waste Management Licence. Holders of Waste Management Licences are obliged to provide quarterly returns to SEPA confirming the tonnage of waste processed. Attaching a condition requiring quarterly returns to be submitted to the planning authority will aid in monitoring of the site.

Contaminated land

- 8.9 The site's historic use as a colliery and the longstanding use as a scrapyards both pre-date modern environmental standards. The former uses are likely to have resulted in contaminants such as engine oil leaching into the ground. The majority of the ground surface within the site will remain undisturbed and no buildings are proposed as part of the application. The Council's Senior Manager Protective Services has recommended that conditions be used to secure site investigations to assess contaminated land and, if required, to secure remediation or mitigation works at locations within the site where any new areas of hard surface are to be formed.

Ground Stability

- 8.10 The consultation response from the Coal Authority notes that their records indicate that there are five recorded mine entries (shafts and adits) within close proximity of the planning boundary. As the proposal is a change of use that doesn't involve significant ground works it falls below the Coal Authority's consultation threshold and is exempt from the need to submit a Coal Mining Risk Assessment. Any issues relating to ground stability will be dealt with via an Informative Note attached to the decision notice.
- 8.11 Matters relating to mine gas emissions are not dealt with in Coal Authority responses, such matters fall within the remit of the Council's Environmental Health function and are assessed as part of

contaminated land site investigations. The proposal does not involve any grouting works or construction of buildings, any gas currently venting via the site will continue to do so.

9 RECOMMENDATION

9.1 That planning permission be granted for the following reason:

The site forms part of the established economic land supply and the proposed use is in keeping with the scale and character of the surrounding industrial site. Furthermore, the proposed waste transfer use seeks to be an integral part of the reuse of material economy. As such the development accords with National Planning Framework 4 and Midlothian Local Development Plan policies. Appropriate conditions will ensure that the amenity of residential properties in the surrounding area will be safeguarded.

Subject to the following conditions:

1. The annual capacity of waste brought onto the site shall be less than 25,000 tonnes.
2. Quarterly returns, detailing the waste brought onto the site in the relevant quarter, shall be submitted to the planning authority.

Reason for Conditions 1 and 2: *The application has been assessed as a Local Development with a capacity of less than 25,000 tonnes.*

3. Prior to the formation of any new areas of hard surface shown on the Proposed Site Plan (drawing number RAM 3A, dated 13/06/23) a scheme to deal with any contamination of the areas to be hard surfaced shall be submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:
 - i. the nature, extent and types of contamination on the site;
 - ii. measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
 - iii. measures to deal with contamination encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.

4. On completion of any required decontamination/ remediation works, referred to in Condition 3, and prior to the surfacing works being carried out, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the approved scheme.

Reason for conditions 3 and 4: To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site and the wider environment.

5. Unless otherwise approved in writing by the planning authority the surface water drainage measures detailed in the approved Drainage Statement, dated 25 August 2023, shall be installed and operational within six months of the date of this permission.

Reason: To ensure that surface water run-off is controlled within the application site.

6. For an assessment position 3.5 meters from the facade of any residential property (1 m from the facade in the case of upper floors) the Rating Level of the operations on site shall not exceed the background noise level by more than 5 dB when rated in accordance with BS 4142. The background noise levels shall be L_{A90} and shall be demonstrated as being representative of the background noise levels for the relevant assessment period of the day and night.

7. The free-field Equivalent Noise level ($L_{Aeq, 1 \text{ hour}}$) due to the operations shall not exceed 50dBA as recorded at any existing noise sensitive property.

Reason for conditions 6 and 7: To ensure that noise levels are controlled in a manner that is precise and enforceable.

8. Operation of the site shall comply with the approved Dust Management Plan (Appendix B of the approved Supplementary Statement, dated 16 June 2023) or such alternatives as may be agreed in writing by the planning authority.

Reason: To ensure that dust produced by site operations is effectively controlled in order to safeguard the amenity of sensitive properties in the surrounding area.

9. Unless otherwise approved in writing by the planning authority, within 2 months of the date of this permission a 4 metres high boundary fence shall be erected along the external boundaries of the site (i.e. boundaries adjoining land outwith Ramsay Colliery). The fence shall be either solid fencing panels (no slatted or

palisade fencing) or a combination of solid fencing and anti-litter netting with a mesh size of no more than 50mm.

10. For the duration of the site's use as a waste transfer station the applicant shall conduct a weekly litter pick of the neighbouring cycleway and bin. The litter pick shall include land within 20 metres of the boundary fence of the site and shall clear said land of any wind-blown litter from the application site.

Reason for conditions 9 and 10: *To ensure that wind-blown litter from the site is controlled.*

11. No materials (either unprocessed or processed) shall be stored at a height greater than 4 metres above the level of the ground adjoining any materials pile.

Reason: *In the interests of visual amenity and to control wind-blown litter.*

12. Any floodlights and security lights shall be designed and installed such that there is no direct illumination of any residential property, and the lamp design shall be such that the actual lamps and inner surface of the reflectors are not visible from any residential property. In addition, the lighting shall be designed to minimise the spillage of light up into the sky.

13. No operation of plant or machinery shall be carried out on any part of the site outwith the following hours unless otherwise approved in writing by the planning authority on a temporary basis:

Monday-Friday	08:00-18:00
Saturday	08:00-16:00
Sunday	08:00-16:00 (For the purposes of training and maintenance only)

14. No HGV's shall enter or leave the site outwith the following hours unless otherwise approved in writing by the planning authority on a temporary basis:

Monday-Friday	07:00-18:00
Saturday	08:00-16:00

15. Operation of the site shall comply with the Vermin Control measures detailed in Section 9.4 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

16. Operation of the site shall comply with the Insect Control measures detailed in Section 9.5 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

17. Operation of the site shall comply with the Odour Control measures detailed in Section 9.6 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
18. Operation of the site shall comply with the Odour Control measures detailed in Section 9.7 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
19. Odour emissions shall be controlled to ensure that they are free from any offensive odour, as defined by SEPA Odour guidance 2010 or any guidance amending or replacing said Guidance, when assessed by an authorised officer of Midlothian Council at the boundaries of the application site.
20. Operation of the site shall comply with the Leak and Spillage Control measures detailed in Section 9.10 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.
21. Operation of the site shall comply with the Burning Fires measures detailed in Section 9.11 of the approved Site Working Plan or such alternatives as may be agreed in writing by the planning authority.

Reason for conditions 12 to 21: In the interests of safeguarding the amenity of local residents.

22. Prior to the erection of any concrete block walls enclosing storage bays details of the location, design and dimensions of the walls shall be submitted to and approved in writing by the planning authority. Once approved, development thereafter shall comply with the approved details.
23. Any storage containers installed on the site shall have a maximum height of 2.59 metres and shall be single stacked.
24. Any palisade fencing erected within the site shall have a maximum height of 2 metres.

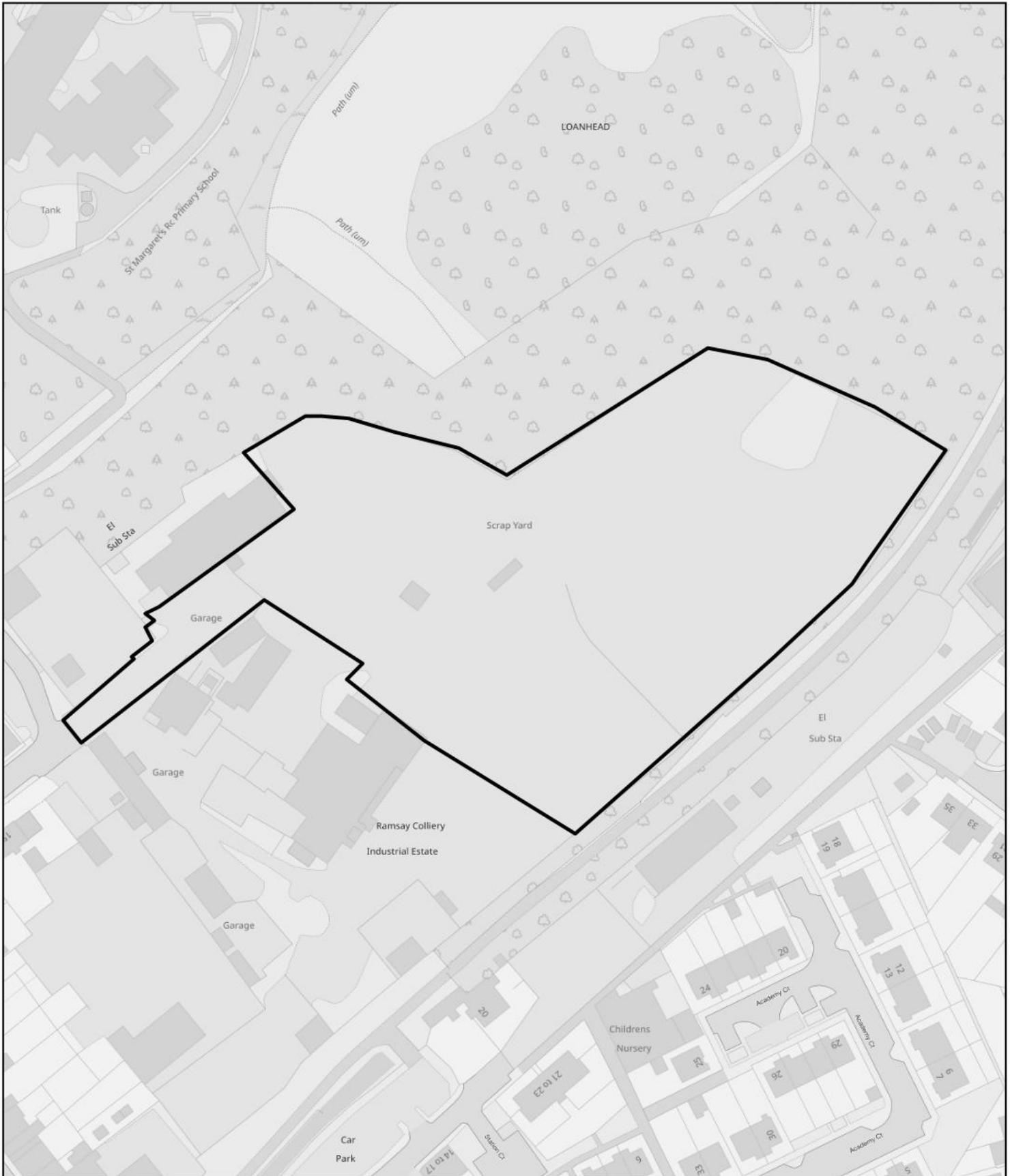
Reason for conditions 22 to 24: In the interests of visual amenity.

25. Within 1 month of the date of this permission details of a scheme of controls on the arrival and departure times for vehicles accessing and exiting the site (to minimise interaction with school arrival/departure times) shall be submitted to the planning authority for approval in writing. Once approved the scheme shall be implemented within one month of approval and the scheme, or such alternatives as may be agreed in writing by the planning authority, shall remain in operation for the duration of the approved use.

Reason: In the interests of pedestrian safety for school users.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 1 March 2024
Application No: 22/00878/DPP
Applicant: Enviroworx
Agent: AMS Associates Limited
Validation Date: 13 January 2023
Contact Person: Graeme King
Tel No: graeme.king@midlothian.gov.uk
Background Papers: 272/1068 and 08/00777/FUL
Attached Plans: Location plan and site plan.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Change of use from scrap yard (sui generis) to waste transfer site (Class 5 General Industry) and contractors yard (sui generis); and associated groundworks and construction (part retrospective) at Unit 9, Ramsay Colliery, Engine Road, Loanhead,

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File No: 22/00878/DPP

Scale: 1:1,500



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