



PLANNING PERMISSION APPEAL DECISION WITH REGARD TO APPLICATION 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 (PART RETROSPECTIVE) AT UNIT9, RAMSAY COLLIERY, ENGINE ROAD, LOANHEAD.

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a planning permission appeal decision with regard to a part retrospective 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 (planning application 22/00878/DPP) at land at Unit 9, Ramsay Colliery, Engine Road, Loanhead.

2 BACKGROUND

- 2.1 Planning application 22/00878/DPP was considered by the Committee at its meeting of 12 March 2024. The application was refused for the following reasons:
1. *Increased vehicle movements on Engine Road will discourage walking, wheeling and cycling by local residents and school pupils. The proposal is therefore contrary to Policy 13 of National Planning Framework 4.*
 2. *The proposed use raises unacceptable noise issues and will have significant adverse effects on air quality, due to dust from processing and from vehicle movements. The proposal is therefore contrary to Policy 23 of National Planning Framework 4.*
 3. *The proposed use is not compatible with the business character of the nearby town centre. The proposal is therefore contrary to Policy 26 of National Planning Framework 4.*
 4. *It has not been satisfactorily demonstrated that the proposed use can be accommodated without having a detrimental impact on*

parking on Engine Road. The proposal is therefore contrary to Policy DEV2 of the Midlothian Local Development Plan 2017.

- 2.2 The decision notice was issued on 1 April 2024 and the applicant submitted an appeal on 28 June 2024. A Scottish Government Reporter was appointed to determine the appeal and following a site visit, attended by the applicant and his agents, the planning authority, the community council and local residents, the appeal was granted on 20 September 2024. A copy of the appeal decision is attached to this report as Appendix A. The appeal has been granted subject to 26 conditions. The final condition restricts the scope of the permission and states that:

No permission is granted for the siting and use of shipping containers for leasing to contractors and tradespeople.

3 THE DECISION

- 3.1 In considering the appeal the Reporter reached the following conclusions:

“Although active travel has been raised as a concern, a safe route for school children to access Loanhead Primary School and St Margaret’s Roman Catholic Primary School is clearly signposted to avoid the busier part of Engine Road and involves little extra distance. For residents of Engine Road, the footways on both sides of the carriageway between the site and Clerk Street are subject to parking pressure such that this is sometimes obstructed in places by parked vehicles. That appears to relate to businesses adjacent to Engine Road rather than to those on the Ramsay Colliery site. Moreover, as the length of Engine Road which would be affected by increased traffic is less than 100 metres, it is unlikely that this would discourage walking, wheeling and cycling by local residents; school children are encourage to use the signposted route.”

“The conditions include: requirements for decontaminating the land; surface water drainage; noise control; dust control; litter control; restrictions on stacking materials; and control of lighting, operating hours, vermin, insects, odour, leaks, spillage, and fires. They also seek to enforce measures to deal with the above matters which are set out in the submitted site working plan and management plans. The appellant claims that the replacement trommel plant, picking station and associated plant are designed to offer improved noise reduction and dust suppression, although this has not been verified. I am satisfied that the above concerns have been satisfactorily addressed.”

“The predicted increase in traffic would be within the capacity of the surrounding road network. As the whole of Ramsay Colliery Industrial Estate is allocated for general industry, the nature of traffic for any use on the appeal site is likely to be dominated by heavy goods vehicles.

Consequently, I am not persuaded that the development is inappropriate in relation to the town centre.”

“Since there is ample space within the site for vehicles associated with Enviroworx operations to park within the yard, and on-site parking would be more secure, it is unlikely that the development proposals would result in any increase to on-street parking on Engine Road. However, as I saw at my site inspection and in submitted photographs, the road tends to be subject to existing high levels of vehicle parking, including from adjacent businesses, mostly along the southern side, but also by parking on some parts of the northern footway. I must assume that the above highway assessments have taken this into account, and note that where parking issues are regarded as problematic they may potentially be ameliorated by traffic management measures and by enforcement action. Indeed, the council’s statement refers to some improvement in the parking situation due to more recent pavement parking enforcement.”

“Overall, I consider that the proposal is for development located within an industrial estate allocated for general industry and which supports the circular economy, provides local employment, and (particularly through the imposition of planning conditions and other controls) would mitigate its impacts on the local area. This sufficiently addresses the matters raised in the council’s reasons for refusal and the concerns raised in representations.”

“I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.”

4 RECOMMENDATION

- 4.1 It is recommended that the Committee notes the planning permission appeal decision with regard to a part retrospective 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 at land at Unit 9, Ramsay Colliery, Engine Road, Loanhead.

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Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by Malcolm Mahony, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-290-2073
- Site address: Unit 9, Ramsay Colliery, Engine Road, Loanhead, EH20 9RF
- Appeal by Enviworx Ltd against the decision by Midlothian Council
- Application for planning permission 22/00878/DPP dated 5 December 2022, registered 13 January 2023, refused by notice dated 1 April 2024
- The development proposed: 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)
- Application drawings: listed in schedule below
- Date of site visit by reporter: 22 August 2024

Date of appeal decision: 20 September 2024

Decision

I allow the appeal and grant planning permission subject to the 26 conditions listed at the end of the decision notice. Attention is drawn to the three advisory notes at the end of the notice.

Preliminary matters

1. The scale and nature of this proposed development is such that it comes within the description of development set out in class 11(b) of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was the subject of a screening opinion issued by the council on 26 January 2023 (reference 22/00878/DPP) to the effect that environmental impact assessment was not required. I have no reason to question that decision.

Reasoning

Background

2. Ramsay Colliery Industrial Estate stands on the site of a former colliery to the north-east of Loanhead town centre and covers an area of some 2.8 hectares. It is now in use by a number of businesses, mainly relating to vehicle repairs and sales, as well as the Enviworx operation at Unit 9, subject of this appeal. The latter occupies some 1.7 hectares of the estate. The appeal site is screened by trees and existing buildings on all sides. Uses in the wider area include the restored and landscaped former colliery bing, industrial, housing, two primary schools, shops, local services, and the Millerhill-Loanhead-Roslin cycleway.

3. Businesses on the former colliery site share a private access track to Engine Road, which is a public road leading to Clerk Street, where there are town centre facilities. Engine Road serves residential properties as well as businesses including a scrap yard, scaffolding yard, car dealership and local services. It is subject to a 20mph speed limit. The planning officer's report acknowledges that "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."

4. Former uses of the appeal site included as a scrap yard (between 1968 and about 2020) and for skip hire (between 2008 and the mid-2010s). Permissions on the site have included for industrial processes, commercial vehicle and transport businesses, and storage and dismantling of motor vehicles. In 2010, retrospective planning permission (08/00777/FUL) was granted for change of use from scrap yard to waste transfer station on a 715 square metre area at the southern corner of the appeal site. The permission was implemented. I note that the council's planning service considers that the site could revert to its former use as a scrap yard were the appealed use not to proceed.

5. For over three years, Enviroworx has been operating a waste transfer station at the appeal site engaged in recycling of inert waste into commercial products. The operation does not have planning permission. At my site inspection, I observed that a modular site office building stands at the entrance to the Enviroworx yard. At the northern end of the site, waste is tipped into a 25 metre by 45 metre concrete block processing bay from where it is fed into a trommel and picking station and the reusable material is separated out, processed and formed into products. These are then stored prior to delivery to an end-user. Non-recyclable material is disposed of appropriately. The company focusses on recycling of building materials. On the southern and eastern sides of the site are located full and empty skips, shipping containers, stacks of tyres, a compound enclosed by a new palisade security fence, and stockpiles of stone, earth, tar planings and similar materials.

6. What I found on my site inspection differs in a number of respects from the Existing Site Plan drawing submitted with the planning application. For example, that drawing shows most of the southern and eastern sides of the site to be occupied by 18 shipping containers arranged in rows, which is not what I found. On the other hand, it does not show the fenced compound and skip storage area on the western side of the site. It is apparent that changes have been made since the application was submitted.

7. Retrospective permission is being sought, effectively, for those works and uses detailed on the Proposed Site Plan drawing which have already taken place.

8. Consent is also being sought for new works (indicated in the application statement and on the Proposed Site Plan drawing), namely: creation of welfare and storage facilities in association with the site office; replacement of the existing trommel screen and picking station with a larger second hand version of the same equipment (currently stored on the site); site drainage including a surface water sewer, oil interceptor and silt settlement lagoon; construction of dust suppression tanks and a fines thickener plant; erection of perimeter netting to stop wind-blown litter; construction of additional concrete walled processing bays with concrete bases; a skip storage area near the site office which is for specified contractors to deposit their waste; construction of fenced storage yards with surfaces formed from road planings, and siting of shipping containers, intended for leasing to contractors and tradespeople; surfacing of the access track with concrete and brick; surfacing of the area opposite the office with rubble; and repairing and, where necessary, replacing and enhancing the corrugated metal fencing surrounding the site. The application

form, referring to the recycling operation, states that the annual capacity of the site would not exceed 25,000 tonnes of waste materials.

9. The Loanhead and District Community Council has referred in its representations to two more recent planning applications at Ramsay Colliery Industrial Estate, namely 24/00310/DPP and 24/24/00201/DPP. These are not before me. The first has since been withdrawn and the other relates to an adjoining site. I have not taken them into account. The community council argues that there are alternative designated industrial estates on the outskirts of Loanhead and in the wider Midlothian district more suited for the proposed industrial uses. However, my remit is not to compare the suitability of potential sites, but to assess the acceptability of the site for which application has been made. Some representations complain that the recycling business has been allowed to operate for several years beyond the scope of the 2010 permission. However, it is within the discretion of planning authorities when to seek applications in relation to unauthorised activities and not a matter within my remit. I must therefore assess the application on its own merits.

Main issues

10. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this appeal are: annual capacity of waste to be processed; impact on residential amenity of traffic generation, parking, noise, dust and vermin; road safety; impact on town centre uses; economic development; the reuse economy; and sufficiency of information on one element of the proposal.

Processing capacity, traffic generation, parking, road safety, and associated noise and dust

11. In addendum 3 to its supporting statement, the appellant company advises that the business currently processes approximately 6,000 tonnes of waste per annum. The planning application is for the capacity to process up to 25,000 tonnes of waste per annum. Consequently, calculations regarding impact, including traffic generation, must be based on that figure, rather than any incremental or intermediate capacity figure (as suggested in the addendum). That impact therefore relates to a proposed increase in processing capacity of roughly fourfold.

12. The transport consultant for the appellant uses figures, which seem to be broadly accepted, to estimate that the proposed increase in recycling activity could result in up to 5 to 6 additional heavy goods vehicle traffic movements per hour over the 10 hour working day, or one every 10 to 12 minutes or so, describing this as a very low level of activity. These figures are not dissimilar to Loanhead and District Community Council's estimate of 60 to 80 additional movements per day. In this respect, I have received no contrary professional judgement to that of the highway engineers within the council's highways service and those acting for the appellants that the stretch of Engine Road between the site entrance and Clerk Street has the capacity to accommodate those levels of traffic and therefore would not give rise to issues including unacceptable traffic congestion.

13. However, as the community council points out, there is no indication that these assessments take account of the additional vehicle journeys which would result from the use of 18 shipping containers, intended for leasing to contractors and tradespeople.

14. Clerk Street, with its town centre uses, is a class B road carrying through traffic, including bus services; the relevant stretch is subject to a 20mph speed restriction and

some traffic calming measures. I have no evidence to support the contention that the additional traffic would result in loss of trade in the centre.

15. Since there is ample space within the site for vehicles associated with Enviroworx operations to park within the yard, and on-site parking would be more secure, it is unlikely that the development proposals would result in any increase to on-street parking on Engine Road. However, as I saw at my site inspection and in submitted photographs, the road tends to be subject to existing high levels of vehicle parking, including from adjacent businesses, mostly along the southern side, but also by parking on some parts of the northern footway. I must assume that the above highway assessments have taken this into account, and note that where parking issues are regarded as problematic they may potentially be ameliorated by traffic management measures and by enforcement action. Indeed, the council's statement refers to some improvement in the parking situation due to more recent pavement parking enforcement.

16. With respect to road safety, the Enviroworx recycling business has been operating for several years, albeit at a lower level of throughput, and a search of accident statistics has shown that there have been no reportable road traffic accidents in and around the site or on Engine Road over the last five years. Accidents on nearby roads have not involved heavy goods vehicle traffic. I have no evidence that the predicted increase in traffic would have a significant effect on road safety.

17. Although active travel has been raised as a concern, a safe route for school children to access Loanhead Primary School and St Margaret's Roman Catholic Primary School is clearly signposted to avoid the busier part of Engine Road and involves little extra distance. For residents of Engine Road, the footways on both sides of the carriageway between the site and Clerk Street are subject to parking pressure such that this is sometimes obstructed in places by parked vehicles. That appears to relate to businesses adjacent to Engine Road rather than to those on the Ramsay Colliery site. Moreover, as the length of Engine Road which would be affected by increased traffic is less than 100 metres, it is unlikely that this would discourage walking, wheeling and cycling by local residents; school children are encourage to use the signposted route.

18. In terms of other environmental impacts, trucks accessing the site would be subject to a dust management plan which includes covering their loads to minimise dust emissions. The additional traffic would lead to some noise increase. But when assessing standards, it has to be recognised that this is a central urban location within a mixed industrial, commercial and residential area, and a history of general industrial uses following the end of mining. Consequently, levels of background noise will inevitably be higher than, for example, in predominantly residential areas. That said, a condition limiting operational hours has been proposed, which would prevent noise at unsocial times.

Recycling and other operations

19. In relation to the proposed recycling operations, concerns have been raised with regard to dust, noise, wind-blown litter, vermin and disturbance of contaminated land. These issues relate to impact on the nearby housing, primary schools, and cycle track. All of these features are set back from the site and screened from it variously by landform, trees, woodland, high fences, and industrial and commercial buildings, which help to reduce the impact of operations.

20. The issues have all been assessed by the relevant council services and statutory consultees as being manageable and are the subject of proposed conditions. The

conditions include: requirements for decontaminating the land; surface water drainage; noise control; dust control; litter control; restrictions on stacking materials; and control of lighting, operating hours, vermin, insects, odour, leaks, spillage, and fires. They also seek to enforce measures to deal with the above matters which are set out in the submitted site working plan and management plans. The appellant claims that the replacement trommel plant, picking station and associated plant are designed to offer improved noise reduction and dust suppression, although this has not been verified. I am satisfied that the above concerns have been satisfactorily addressed.

21. The waste transfer station would serve an important role in the circular economy whereby secondary materials are circulated back into the economy (for example as construction aggregates) to minimise the use of virgin materials and reduce greenhouse gas emissions.

22. The site operations are expected to result in the employment of six staff (one of whom would be part-time), with indirect employment of up to 10 personnel in the collection and haulage sector.

23. The planning officer's report states that 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 former colliery site. It points out that there is a demand for such facilities within Midlothian and that they can play a significant role in assisting business start-ups. Whilst I accept these points in general terms, the community council has drawn attention to the lack of information regarding the proposed use of shipping containers. This includes lack of information about the nature of activities, parking, utility services and traffic generation. I agree that insufficient information has been provided about this element of the proposal. It would require to be the subject of a separate planning application and therefore to be excluded from the current proposal.

Compatibility with the character of Loanhead and its town centre

24. The reasons for refusal state that the proposed use is not compatible with the business character of the nearby town centre, but without specifying how the proposal would harm its vibrancy. The appeal site operations lie some 200 metres from Clerk Street and are separated from it by other general industrial and business operations including their associated buildings. The predicted increase in traffic would be within the capacity of the surrounding road network. As the whole of Ramsay Colliery Industrial Estate is allocated for general industry, the nature of traffic for any use on the appeal site is likely to be dominated by heavy goods vehicles. Consequently, I am not persuaded that the development is inappropriate in relation to the town centre.

25. The council also argues that the character of Loanhead has changed over the last 35 years, since the cessation of the local mining industry, and that the town centre is no longer a suitable location for uses such as that proposed. However, that stance is not reflected in the Midlothian Local Development Plan 2017, which allocates the appeal site for general industry with access solely available via Engine Road and Clerk Street.

Development plan

26. The community council argues that the appeal site is not an appropriate location for the waste transfer station, and that the land should be decontaminated and brought back into public use. That is essentially a dispute over the allocation of this land for industry in the local development plan. Whilst that is a matter which could be considered in a future

local development plan review, I must address this appeal in the context of its industrial allocation in the current development plan.

27. The appeal proposal attracts support from policies ECON 1, STRAT 1 and WAST 1 of the local development plan as applied to allocated site e6 Engine Road. In relation to these policies, the site forms part of the established economic land supply where there is a presumption in favour of appropriate economic development. Both the waste transfer use and the formation of yards and facilities for small business contractors and tradespeople fall within General Industry (class 5) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The facilities for small businesses and tradespeople would help to meet a demand within Midlothian, including for business start-ups. The proposal would contribute to employment density and provision of a recycling facility. Its impact on amenity and compatibility with neighbouring uses is acceptable in the context of long-established industrial uses in this locality.

28. National Planning Framework 4 (NPF4) policy 12: Zero Waste supports the delivery of infrastructure for zero waste and to develop Scotland's circular economy in appropriate locations. Policy 26: Business and Industry supports business and industry uses on sites allocated in the local development plan, and the provision of a suitable range of sites to meet current market demand. Policy 33: Minerals supports the sustainable management of minerals resources and seeks to conserve and recycle assets. All of these policies therefore favour the proposal.

29. The community council draws attention to policy 14: Design, Quality and Place of NPF4, which expects that development proposals will be designed to improve an area relative to the six qualities of successful places. In this case, the proposed working and management plans and planning conditions are designed to improve conditions in the locality relative to the six place qualities. The community council also refers to policy 27: City, Town and Commercial Centres. This encourages living in town centres which are vibrant, healthy and enterprising. The challenge in relation to this appeal proposal is to promote enterprise, in the form of business and industrial uses, whose impact is mitigated sufficiently to maintain the vibrancy and health of the centre. That is the purpose of the working and management plans and proposed planning conditions as proposed. I have no reason to find that they would not serve that purpose.

Planning conditions

30. The list of conditions proposed by the council includes one which would alter the maximum annual capacity of waste brought onto the site from the 25,000 tonnes applied for to 10,000 tonnes. That alteration was not agreed with the applicant, and the planning officer's report, which recommended approval subject to conditions, was based on the higher figure. My assessment, which has been carried out on the basis of the higher tonnage, is that the higher capacity applied for is acceptable. Consequently, I have used that figure in the relevant condition below.

31. The community council objects to a proposed increase in the hours of business. The hours suggested by the planning authority, should I grant permission, have been reduced from those described in the objection, and I have no clear basis on which to differ from the authority's view.

32. Because insufficient information has been provided on the works, activities and impacts regarding siting of shipping containers intended for leasing to contractors and

tradespeople, I have added a condition excluding this element of the proposal from the grant of permission. Otherwise, I have adopted the conditions proposed by the council.

Decision

33. Overall, I consider that the proposal is for development located within an industrial estate allocated for general industry and which supports the circular economy, provides local employment, and (particularly through the imposition of planning conditions and other controls) would mitigate its impacts on the local area. This sufficiently addresses the matters raised in the council's reasons for refusal and the concerns raised in representations.

34. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission.

Malcolm Mahony

Reporter

Schedule of application drawings, statements, etc

Document/Drawing	Drawing Number/Scale	Dated
Location Plan	RAM 1A 1:5000	November 2022
Existing Site Plan	RAM 2A 1:1500	29.11.2022
Proposed Site Plan	RAM 3A 1:1500	13.06.2023
Trommel Screen and Picking Station, plan and elevation	RAM 4 1:200	22.12.2022
Drainage Plan	RAM 5 1:150	11.01.2023
Site Section	RAM 6 1:500/1:125	10.01.2023
Container Floor Plan and Elevations	RAM 7 1:50	22.12.2022
Fines Thickener Floor Plan and Elevation	RAM 8 2:100	11.01.2023
3D Image of Trommel Screen and Picking Station		
Drainage Statement		23.08.2023
Site Working Plan, including dust and noise monitoring record templates		June 2023
Planning Application Supporting Statement		November 2022
Supporting Statement Addendum 1 Engine Road Site Entrance Photos		13.02.2023
Supplementary Statement (Addendum 2)		June 2023
Supplementary Statement (Addendum 3)		

Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of grant of this permission.

Reason: section 58 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to permissions limiting their duration. Three years is the default period set by law and there is no material reason indicating that a different period should be set.

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

Reason for conditions 2 and 3: to ensure that the scale of the operations is compatible with the character of the surrounding area.

- 4) 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:
 - a) the nature, extent and types of contamination on the site;
 - b) 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;
 - c) measures to deal with contamination encountered during construction work; and
 - d) the condition of the site on completion of the specified decontamination measures.
- 5) On completion of any required decontamination/ remediation works, referred to in condition 4, 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.

Reasons for conditions 4 and 5: 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.

- 6) Unless otherwise approved in writing by the planning authority, the surface water drainage measures detailed in the approved Drainage Statement, dated 23 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.

- 7) For an assessment position 3.5 metres from the facade of any residential property (1 metre 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 LA90 and shall be demonstrated as being representative of the background noise levels for the relevant assessment period of the day and night.
- 8) The free-field equivalent noise level (LAeq, 1 hour) due to the operations shall not exceed 50dBA as recorded at any existing noise sensitive property.

Reason for conditions 7 and 8: to ensure that noise levels are controlled in a manner that is precise and enforceable.

- 9) Operation of the site shall comply with the approved Dust Management Plan (Appendix B of the approved Supplementary Statement (Addendum 2), dated 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.

- 10) Unless otherwise approved in writing by the planning authority, within 2 months of the date of this permission, a 4 metre 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.
- 11) 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 bing. 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 10 and 11: to ensure that wind-blown litter from the site is controlled.

- 12) 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.

- 13) 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.
- 14) 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).
- 15) No HGVs 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.
- 16) 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.
- 17) 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.
- 18) Operation of the site shall comply with the bird 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.

- 19) 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.
- 20) 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.
- 21) 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.
- 22) 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 13 to 22: in the interest of safeguarding the amenity of local residents.

- 23) 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.
- 24) Any palisade fencing erected within the site shall have a maximum height of 2 metres.

Reason for conditions 23 to 24: in the interest of visual amenity.

- 25) Within one 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 interest of pedestrian safety for school users.

- 26) No permission is granted for the siting and use of shipping containers for leasing to contractors and tradespeople.

Reason: insufficient information has been provided to support this element of the proposal.

Advisory notes

1. **Notice of the start of development.** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the completion of the development.** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)

Reason: to accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

3. **Display of notice.** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (see section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

4. **SEPA advises** 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.