



SECTION 42 APPLICATION 22/00546/S42 TO AMEND CONDITION 1 OF PLANNING PERMISSION 15/00503/DPP (INFILLING OF QUARRY) TO CONFIRM THE DURATION OF THE TEMPORARY PERMISSION AND CONDITION 3 TO ALLOW THE ACCEPTANCE OF NON-HAZARDOUS WASTE AT MIDDLETON LIMeworks, GOREBRIDGE

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 At its meeting on 17 November 2015 the Committee granted planning permission for the infilling and restoration of the former Middleton Limeworks Quarry. This section 42 application seeks to amend the wording of conditions 1 and 3 attached to the grant of planning permission (15/00503/DPP) to confirm the duration of the temporary planning permission and to allow the acceptance of non-hazardous waste as an infill material.**
- 1.2 There has been one representation and consultation responses from the Scottish Environment Protection Agency (SEPA), Transport Scotland, Moorfoot Community Council, the Council's Senior Manager Neighbourhood Services (Roads) and the Council's Senior Manager Protective Services.**
- 1.3 The relevant development plan policies are policy 14 of the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) and policies RD1, ENV7, ENV10, ENV15 and WAST3 of the Midlothian Local Development Plan 2017. Policy 12 of the draft National Planning Framework 4 (NPF4) is also a material consideration.**
- 1.4 The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site relates to the lower quarry also known as quarry 1; the quarry is a former Limestone Quarry, located in the countryside in close proximity to the south of North Middleton.**
- 2.2 The site measures approximately 7.7 hectares with the proposed infill area being approximately 5.15 hectares. The site comprises the quarry**

void with quarry faces, soil storage bunds on the periphery of the void and areas of quarry spoil within the void. The quarry has been partially filled.

- 2.3 The quarry is accessed from a point off an unclassified road that runs in an east to west orientation and which bounds the site to the north. The unclassified road is accessed off Guildiehowes Road, which in turn is accessed off the A7 which is located nearby to the north of the site.

3 PROPOSAL

- 3.1 The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (hereafter referred to as the Act), seeks to amend two conditions attached to the grant of planning permission for the infilling of a disused quarry.
- 3.2 A Section 42 application is in itself a planning application, a particular kind of planning application, for development without complying with a condition(s) previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the original permission(s) if implemented. Therefore if planning permission is granted for this application it will replace planning consent 15/00503/DPP.
- 3.3 Although a Section 42 application is a new planning application in law the Act states *“on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*. The principle of development are not subject to assessment. Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply.
- 3.4 Condition 1 of planning permission 15/00503/DPP states:
- Planning permission for the infilling of the quarry with inert material and restoration of the site is granted for a limited period of seven years from the date when operations commence on the site (such date to be advised by the applicant or their successors).
- Reason:*** *To make clear the extent and specifications of the development for which planning permission is granted, and to ensure the full implementation of all the identified measures for mitigating its environmental impact.*
- 3.5 Condition 3 of planning permission 15/00503/DPP states:
- Only truly inert material, as specified in the table at Schedule 2, Paragraph 4 of the Landfill (Scotland) Regulations 2004, shall be used

for infilling purposes and the material shall arrive at the site in a condition suitable for purpose.

Reason: *To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment.*

- 3.6 The applicant is seeking to amend condition 1 to set a clear end date to the operations of 31 March 2024 and to provide clarity on the infill materials that can be used.
- 3.7 With regard condition 3 the applicant is seeking to allow non-hazardous waste in accordance with code 19 12 09 (minerals including sand and stone) and code 19 12 12 (crushed bricks, tiles, concrete and ceramics, including a mixture of these materials) as defined by the Landfill (Scotland) Regulations 2003 as amended, to be added to the existing list of materials that are acceptable for the infilling of the quarry and would be in addition to the existing inert waste.

4 BACKGROUND

- 4.1 In March 1982 planning permission ref.198/81 was granted for the extraction and working of limestone on both Middleton Quarry No.1 (the lower quarry) and No.2 (the upper quarry). Planning permission 198/81 was implemented.
- 4.2 In December 2012 a Breach of Condition Notice was served on Leiths (Scotland) Limited; who were the operator of the Middleton Quarry. The notice required them to take action in relation to conditions attached to planning permission 198/81, in particular those conditions requiring the infilling of the quarry and its restoration to an agricultural use by the 19 December 2016. The Breach of Condition Notice only required the reinstatement of No.2 quarry. No.2 quarry (also known as the upper quarry) is presently being infilled in compliance with the Breach of Condition Notice.
- 4.3 Planning permission 15/00503/DPP for the infilling of quarry 1 (the lower quarry) was granted subject to conditions (this application was accompanied by an environmental statement prepared under the environmental impact assessment (Scotland) Regulations 2011). The consent was subject to a time limitation condition which required the works to be completed within seven years of commencement.

5 CONSULTATIONS

- 5.1 The **Scottish Environment Protection Agency (SEPA)** does not object to the application and confirmed that the applicant currently has a Pollution Prevention and Control (PPC) Permit for the landfilling of inert waste at the site and this process is being regulated by SEPA. The site is classified as an 'inert' site, in accordance with the provisions of the Landfill (Scotland) Regulations 2003 as amended. Currently,

only the restricted inert waste types set out in Schedule 2 of those regulations and included in a condition of the current permit can be accepted. SEPA confirmed that the current permit does not currently allow general 'non-hazardous' wastes to be accepted at the site, however the applicant may be able to vary the permit to allow specific non-hazardous waste types to be accepted, provided those wastes fall within the definition of 'inert' waste. The applicant would be required to demonstrate those wastes fully meet the inert Waste Acceptance Criteria before acceptance at the site. SEPA also advised that landfill sites that are classified as non-hazardous and permitted to accept all such wastes must comply with specific engineering and environmental requirements as set out in the Landfill (Scotland) Regulations 2003 as amended. The requirements for each classification of landfill, as specified in these regulations, and the standards relating to inert, non-hazardous and hazardous classified landfills are significantly different in order to ensure the correct level of protection of soil and the water environment is in place from the wastes being landfilled. The requirements for inert sites being less onerous than the requirements for non-hazardous sites.

5.2 **Transport Scotland** does not object to the application.

5.3 **Moorfoot Community Council (MCC)** objects to the planning application for the following reasons:

- Lack of consultation/discussion between the applicant and MCC and the Midlothian Federation of Community Councils;
- There has been an adverse impact from the development carried out to date - this will be amplified further by the proposed extension of time and the acceptance of additional waste products without any form of Environmental Impact Assessment, in particular no form of hydrological risk assessment;
- The vehicle access arrangements are not appropriate for the significant amount of HGV traffic (50-60 round trips a day rather than the original 33) which operates from 7am to 6pm, 6 days a week;
- The number of accidents that have nearly occurred at the junction as HGVs join or leave the A7;
- Mud and dust on the local roads, particularly the A7 and Guildiehowes Road generated by HGV site traffic;
- Potholes and other forms of damage to the roads which have not been fully repaired by Midlothian's Roads department;
- No hydrological risk assessment relating to the infill of the quarry with inert materials;
- No landscaping schedule has been initiated to restore the site as originally intended once the project has been complete;
- There is no complete record of the volume of material deposited in the quarry and therefore no monitoring of the composition of the infill to ensure it is what it is meant to be;

- The prominent visibility of the rubble from ground level - this raises concerns over the site exceeding the original infill capacity stated within the previous application submission;
- The application to extend the timeframe of development, as well as expand the capacity of the site to accept non-hazardous waste, only confirms the original intentions of the applicant;
- Acceptance of non-hazardous waste as infill material at the quarry does not address SEPA's original objection to planning application 15/00503/DPP (this was later withdrawn);
- There are no records of site inspections having taken place since planning application 15/00503/DPP was granted. It is therefore impossible to know whether these conditions have been met and whether the material used for infill at the quarry has been fully inert;
- There are no mitigation measures to limit the risk of pollution and excess surface water in the area close to the site, apart from mud bars and a wheel wash having been installed in 2016;
- Sets an unfortunate precedent providing unregulated disposal of a wide range of materials; and
- The original plans for restoration of the site have been delayed.

5.4 The **Senior Manager Neighbourhood Services (Roads)** does not object to the application.

5.5 The **Senior Manager Protective Services** does not object to the application. In reviewing the supporting information submitted with the application, in terms of the infill materials currently used at the site and the additional non-hazardous infill materials proposed, it is considered the current landfill site has a geological liner that is inspected by an independent Construction Quality Assurance Engineer and that regular environmental monitoring is undertaken (as part of the SEPA licensing regime). The following points should be considered if a new grant of planning permission is issued:

- 1) *Protective Services would recommend that the amended Condition 3 is specific about the waste types that can be accepted and that no other waste can be disposed of without the written authorisation of the planning authority.*
- 2) *Additionally, it is recommended that the applicant undertake regular sampling and analysis of the filter cake to ensure that it meets the requirements of the required waste codes on an ongoing basis.*

5.6 The consultation responses are available to view in full on the online planning application case file.

6 REPRESENTATIONS

6.1 One representation has been received objecting to the planning application. The representation raises concerns which mirror those presented by the MCC as noted in section 5.3 on the report. The

objection representation is available to view in full on the online planning application case file.

7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (at the time of drafting the report).
- 7.2 SESplan June 2013 is older than five years. A replacement SESplan was prepared but rejected by Scottish Ministers in May 2019. The Planning etc. (Scotland) Act 2019 removed the duty to prepare Strategic Development Plans, placing strategic planning matters within a National Planning Framework 4 (NPF4) to be prepared by Scottish Ministers. Once approved, NPF4 will form part of the development plan alongside local development plans. Until NPF4 is approved, SESplan remains part of the development plan albeit increasing out of date and of diminishing weight in the assessment of planning applications.
- 7.3 On 8 November 2022 a Revised Draft NPF4, along with an Explanatory Report that outlines the changes from the original draft NPF4, was laid before the Scottish Parliament for a six week period of final scrutiny with an expectation that it will be adopted in late 2022 or January 2023. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the provisions in the Planning Act will make NPF4 part of the statutory development plan (SESplan will become superseded policy at this point). The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers, but don't have the status of being part of the development plan which NPF4 will. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application.
- 7.4 The following policies are relevant to the proposal:
- Edinburgh South East Scotland Strategic Development Plan 2013 (SESPlan)
- 7.5 Policy **14: Waste Management and Disposal** states that Local Development Plans will consider proposals for landfill development where the need for the facility is supported after taking into account relevant economic, social, environmental and transport considerations.
- Midlothian Local Development Plan 2017 (MLDP)
- 7.7 Policy **RD1: Development in the Countryside** states that development in the countryside will only be permitted if it is required

for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with policies RD2 (low density rural housing), MIN1 (mineral extraction), NRG1 (renewable and low carbon energy projects) or NRG2 (wind energy); or it accords with the Council's Supplementary Guidance on *Development in the Countryside and Green Belt*. For housing, this is limited to homes required to support an established countryside activity.

With regard to business in the countryside policy **RD1** states that development opportunities that will enhance rural economic development opportunities will be permitted if:

- They are of a scale and character appropriate to the rural area and well integrated into the rural landscape; and
- They are capable of being serviced with an adequate and appropriate access; and
- They are capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, unacceptable discharge to watercourses; and
- They are accessible by public transport and services (where appropriate); and
- They are not primarily of a retail nature; and
- They do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic.

- 7.8 Policy **ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.
- 7.9 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.
- 7.10 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.11 Policy **WAST3 (Landfill)** presumes against new landfill development other than as part of a site restoration project. Proposals will only be allowed if there are no significant negative environmental impacts, including from traffic movements. A buffer of 250 metres will be required between a landfill site and any sensitive receptors (primarily

residential properties). Applicants will be required to submit proposals for site restoration and aftercare and demonstrate that robust financial arrangements are in place to ensure site restoration.

National Policy

- 7.9 The **SPP (Scottish Planning Policy)** sets out Government guidance for waste management including landfill. SPP states that restoration should be designed and implemented to the highest standards and that planning authorities should ensure that consents are associated with an appropriate financial bond unless the operator can satisfactorily demonstrate that their programme of restoration, including the necessary financing phasing and aftercare of the sites, is sufficient.
- 7.10 Policy **12 of the NPF4 (Revised Draft)** seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. In particular Policy 12 Part e) is relevant to the application as it states that *development proposals for new or extended landfill sites will only be supported if:*
- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and*
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.*
- 7.11 Also material to the consideration of the application is **Scottish Government's Planning Advice Note 64: Reclamation of Surface Mineral Workings**. Pan 64 also states that the then Scottish Executive (now Scottish Government) considered that financial guarantees are an appropriate means of reassuring local communities of operators' commitment and ability to meet their restoration and aftercare obligations.
- 7.12 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.

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 representation and consultation responses received are material considerations.

The Principle of Development

- 8.2 As the proposal is a 'Section 42' application the principle of development is not subject to consideration as set out in paragraph 3.3 of the report. The land is allocated as 'countryside' within the MLDP under Policy RD1 - Development in the Countryside. Proposals for landfill (including restoration) within the site are not specifically contemplated by Policy RD1 as the proposed development is not located within an area of search for surface mineral extraction. The principle of development for infilling and restoration of the former quarry is established by the previous grant of planning permission for material extraction, landfilling and restoration of the site under planning permission 15/00503/DPP.

Conditions 1 and 3 of Planning Permission 15/00503/DPP

- 8.3 Planning condition 1 of planning permission 15/00503/DPP states that *'Planning permission for the infilling of the quarry with inert material and restoration of the site is granted for a limited period of seven years from the date when operations commence on the site (such date to be advised by the applicant or their successors).'*
- 8.4 The applicant is seeking to amend condition 1 to set a clear end date to the operations and to provide clarity on the infill materials that can be used. The acceptability of the infilling of the quarry has already been established for a limited time period (seven years from the commencement of operations). The applicant is not seeking to extend the time period of the planning permission, but wants clarity on end date of operations and the use of the word 'inert' in the original condition. Inert waste is that which does not undergo any significant physical, chemical or biological transformation and is unlikely to adversely affect other matter with which it comes into contact, whereas non-hazardous waste is material that can contain a limited concentration of harmful substances such as heavy metals or chemicals. Any non-hazardous material needs to be disposed of in a site that has a specific landfill cell that prevents contact with the natural ground and pollution of groundwater – a list of exact items/materials is more appropriately set by the SEPA licensing regime than a grant of planning permission.
- 8.5 Works associated with planning permission 15/00503/DPP commenced on site in March 2017. Furthermore, it is noted that a bond to ensure that there is sufficient funds for the restoration of the quarry expires on the 31 March 2024, aligning with the seven year period set by condition 1. Therefore, for the sake of clarification, it would be prudent to amend condition 1 to set an expiry date of 31 March 2024 for the infilling and restoration of the site.

- 8.6 Planning condition 3 of planning permission 15/00503/DPP states that *'Only truly inert material, as specified in the table at Schedule 2, Paragraph 4 of the Landfill (Scotland) Regulations 2004, shall be used for infilling purposes and the material shall arrive at the site in a condition suitable for purpose.'*
- 8.7 The applicant is also seeking to amend condition 3 of planning permission 15/00503/DPP to allow non-hazardous waste in accordance with codes 19 12 09 and 19 12 12 as defined by the Landfill (Scotland) Regulations 2003 as amended, to be added to the list of materials that are acceptable for the infilling of the quarry.
- 8.8 In terms of acceptable materials for infilling, SEPA and the Council's Senior Manager Protective Services have not objected to the inclusion of non-hazardous waste codes 19 12 09 and 19 12 12 to the list of acceptable materials that can be used for infilling of the quarry. The inclusion of the non-hazardous waste codes 19 12 09 and 19 12 12 does not raise any issues in land use planning terms and is commensurate to inert material, but does enable the Council's and SEPA's regulatory regimes to align. Therefore, condition 3 will be amended so as to include all acceptable infill materials covered by the stated codes.

Other Conditions

- 8.9 Conditions 4 (implementation of a SUDS strategy), 6 (details of the site layout) and 15 (implementation of bat protection measures) attached to planning permission 15/00503/DPP were pre-commencement conditions which have been complied with and therefore there is no requirement to re-attach these conditions to this application if approved.
- 8.10 The remaining conditions relate to; the approved environmental statement, restoration material details and plan, securing a bond for site restoration, transportation assessment, road maintenance and hours of operation, dust management and noise mitigation. These conditions are still relevant and it is proposed to attach them to the new permission if granted. However, some of the conditions are required to be modified to ensure they are relevant to the current permission.

Other Matters

- 8.11 No road safety concerns as a consequence of the proposed revised conditions, or from the existing development have been identified by Transport Scotland or the Council's Senior Manager Neighbourhood Services (Roads). Although the MCC and one representor have expressed concerns in this regard, it is considered that the level of transportation movements is acceptable without detriment to highway safety – based on the upper volume/worst case scenario of vehicular

movements set out by the MCC (60) it is estimated that there is less than one round trip every 10 minutes Monday to Friday, this volume of traffic can be absorbed into the existing flows of traffic on the network.

- 8.12 With regards to the concerns raised by the representor and MCC, it is noted that the applicant provided a supporting statement on 21 October 2022 to address the concerns raised. All material planning considerations, relevant to the current application, raised within the representation and the consultations received have been addressed. Concerns raised with regard the principle of development are not material in this assessment, which is primarily about 1) clarifying the end date of operations (not extending them); and 2) seeking clarification with regard what material can be deposited in relation to 'inert' non-hazardous material.
- 8.13 With regards to concerns relating to the lack of engagement between the applicant and Moorfoot Community Council, it is noted that this is not a material consideration in the assessment of the current planning application.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted for the following reason:

The proposed amendments to conditions does not fundamentally change the development which is being implemented under a previous grant of planning permission. The proposed development does not have adverse environmental impacts subject to detailed/technical matters being agreed/secured by condition. This presumption in favour of development is not outweighed by any other material considerations. The proposed development accords with the Midlothian Local Development Plan (2017).

Subject to the following conditions:

1. Planning permission for the infilling of the quarry with the materials stated within condition 3 of planning permission 22/00546/S42 and the restoration of the site shall be completed by 31 March 2024. This planning permission expires on the 31 March 2024.
2. Except as subsequently amended, or as otherwise required by the terms of this permission, the development hereby approved shall be carried out in accordance with the application plans, and the details contained in the accompanying Environmental Statement, dated June 2015, including the implementation of all the measures contained in that document for the mitigation of the environmental impact of the operations.

Reason: for conditions 1 & 2: To make clear the extent and specifications of the development for which planning permission is granted, and to ensure the full implementation of all the identified measures for mitigating its environmental impact.

3. Only inert material, as specified in the table at Schedule 2, Paragraph 4 of the Landfill (Scotland) Regulations 2003 and non-hazardous waste codes 19 12 09 and 19 12 12 as defined by the Landfill (Scotland) Regulations 2003, shall be used for infilling purposes and the material shall arrive at the site in a condition suitable for purpose.

Reason: To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment.

4. At the end of the month during which infilling commences and at the end of each month thereafter until the site is fully restored, the developer shall send to the planning authority a written record of where each load of material being used to infill the site has come from, the type of material and the tonnage.

Reason: To ensure that only appropriate materials are used for infilling and to ensure adequate protection of the water environment and so that the planning authority can monitor progress with the infilling.

5. Within one month from the date of this planning permission, the applicants or their successors shall submit for the approval of the planning authority a detailed restoration plan for the whole site, including the haul road, showing the final contours to be achieved in the restoration and the location of any hedges, fences, gates, walls and access points on the restored site, together with a written specification where such details are not shown on the plan; the plan shall also include proposals for the removal or other treatment of areas of hardstanding, areas occupied by plant or buildings, and the full length of the haul road, together with detailed landscaping proposals for the whole site, including the haul road, indicating the numbers, sizes, species, positions and planting densities of all trees and shrubs to be planted. If the restoration plan is not approved in writing by the planning authority within two months from the date of this planning permission all works and operations on site shall cease.
6. Notwithstanding the information contained within the Environmental Statement the restoration and landscaping of the site shall be completed in accordance with the restoration; including levels, approved under the terms of condition 7 of planning permission 15/00503/DPP, prior to the expiration of this consent as detailed in condition 1 of planning permission 22/00546/S42. The approved

landscaping shall be maintained to the satisfaction of the planning authority for a period of five years after 31 March 2024 (31 March 2029). Maintenance shall include the replacement of any trees, shrubs or hedgerow plants which die, are removed, become seriously diseased or are severely damaged within that period, by others of a similar size and species to those originally required to be planted.

Reason for conditions 5 and 6: To ensure that all restored land is properly managed for a sufficient period to ensure its effective return to permanent agricultural/forestry use.

7. The developer shall ensure that the approved bond or other financial provision associated with planning permission 15/00503/DPP is maintained through the duration of, and linked to, this planning permission. A copy of the bond/financial provision securing the restoration of the site shall be submitted to planning authority within three months of this grant of planning permission. The bond will only be considered acceptable if approved in writing by the planning authority. Development shall cease within 6 months of this grant of planning permission if the bond/financial provision securing the restoration of the site is not approved in writing by the planning authority.

Reason: To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site.

8. Notwithstanding that specified in the transportation assessment (TA), the first 40 metres (not 20 metres as stated in the TA) of private access road into the site; measured back from the site access, shall be surfaced in non-loose material within three months of this grant of planning permission.

Reason: To ensure that the public roads including the access road leading to the quarry and the A7 are kept free from loose material being deposited from vehicles entering or exiting the site in the interest of road safety.

9. Any identified damage to the highway during infilling and restoration works shall be repaired within three months of the operator being notified of the required works.

Reasons: Various sections of the road carriageway / verge have suffered damage over the years and they require to be repaired prior to the intensification of the use of the road in the interests of road and pedestrian safety.

10. The access and egress of vehicles into and out of the site shall only take place during the hours of 08.00 to 19.00 Mondays to Fridays

and 08.00 to 12.00 Saturdays with no working on Sunday. In addition, no work, no work on the construction of the access road, or site preparation works, shall take place out with the hours of 08.00 to 19.00 Mondays to Fridays and 08.00 to 12.00 Saturdays inclusive. There shall be no variation there from unless with the prior written approval of the planning authority.

Reason: *In the interests of safeguarding the amenity of nearby noise sensitive properties and the character and amenity of the countryside.*

11. The approved Dust Management Plan that was approved in writing by the planning authority under condition 13 of planning permission 15/00503/DPP shall be adhered to. Additionally, following any substantiated complaints about dust, or where visual inspection indicates significant dust emissions or dust tracked out of the site onto public roads, a programme of monitoring at the sensitive receptor(s) shall be undertaken by the operator over a period of time agreed in writing by the planning authority and steps taken, as agreed with the planning authority, to clean the public highway, reduce dust emissions and any other steps to mitigate the impact from dust.

Reason: *To mitigate the potential impact of the development on air quality in the interest of safeguarding the amenity of neighbouring properties and the amenity of the area.*

12. A daytime limit of 55 dB LAeq, 1 h (free field) shall be met at noise sensitive properties, with the exception of Halkerston Cottages where a daytime limit of 45 dB LAeq, 1 h (free field) shall be met.

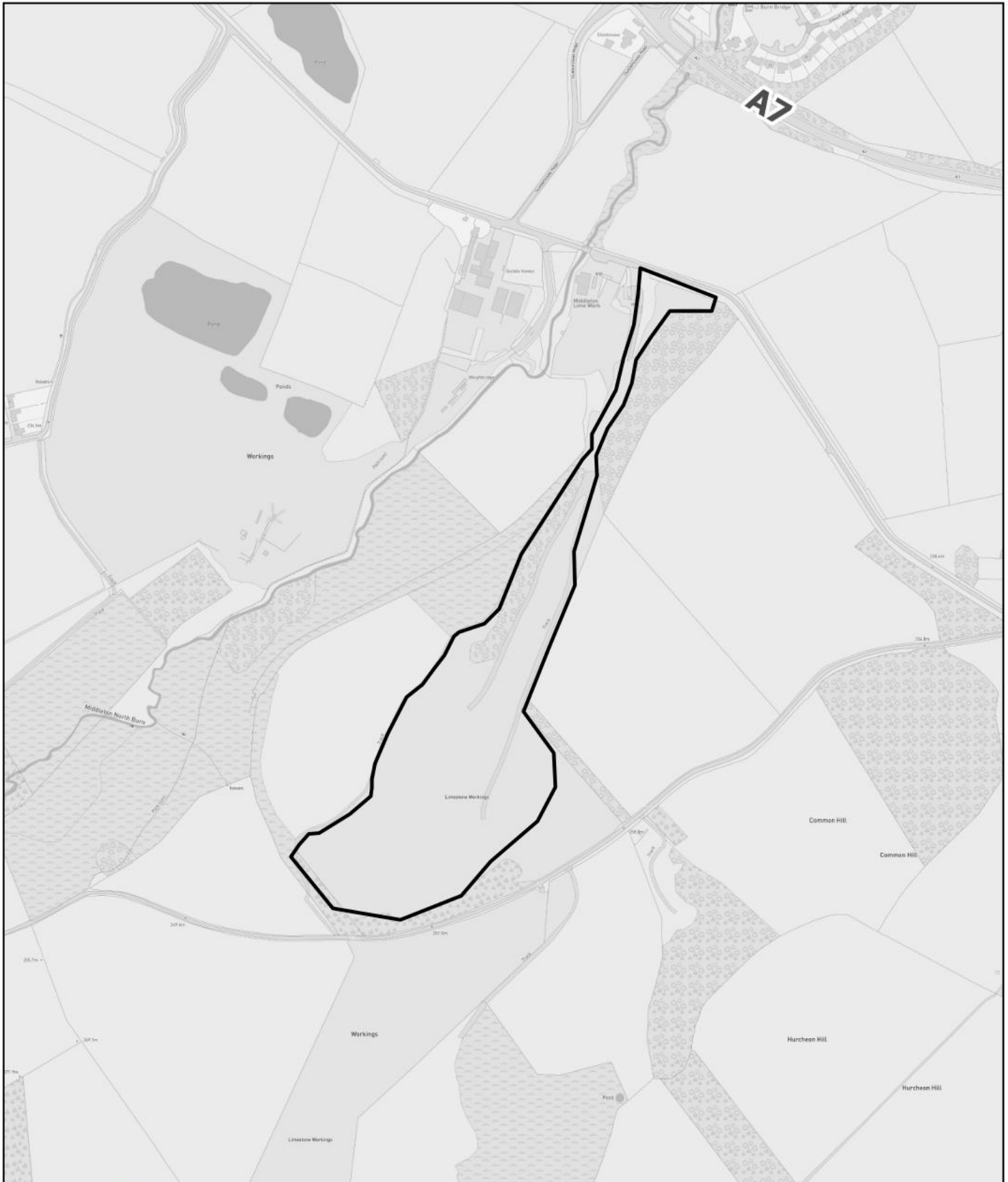
Reason: *To mitigate the potential noise impact of the development in the interest of safeguarding the amenity of neighbouring noise sensitive properties.*

13. No mud, soil or debris shall be deposited on the public highway by vehicles entering or leaving the site. Any mud, soil or debris deposited on the public highway shall be removed and the highway cleaned. The applicant shall retain an operational road sweeper on site whilst infilling operations and restoration works are taking place to ensure the highway is cleaned within one hour of the operator being notified by the local authority, the Police or any other Government Agency or Public Body.

Reason: *In the interests of highway safety.*

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 20 December 2022
Application No: 22/00546/S42
Applicant: The NWH Group
Agent: William Booth, Dalgleish Associates Ltd.
Validation Date: 14 July 2022
Contact Person: Whitney Lindsay
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Background Papers: Planning Application 15/00503/DPP



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Section 42 Application to amend condition 1 of planning permission 15/00503/DPP (infilling of quarry) to confirm the duration of temporary permission and condition 3 to allow the acceptance of non-hazardous waste; Middleton Limeworks, Gorebridge

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