



SECTION 42 APPLICATION 21/00101/S42 TO AMEND CONDITION 10 AND 11 (TO AMEND THE LANDFILL RESTORATION DETAILS) IMPOSED ON A GRANT OF PLANNING PERMISSION 13/00681/DPP FOR THE CONTINUATION OF LANDFILL OPERATIONS WITHOUT ERECTION OF WASTE MANAGEMENT COMPLEX AT DRUMMOND MOOR LANDFILL SITE, ROSEWELL

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 Planning permission 13/00681/DPP for the removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL, 10/00474/DPP) to allow continuation of landfill operations without erection of waste management complex was granted in November 2013 subject to conditions. This Section 42 application seeks to amend the wording of Conditions 10 and 11 attached to planning permission 13/00681/DPP to amend the approved landfill restoration masterplan. Specifically, amend the restoration masterplan contours to provide a development platform, amended surface water drainage management /sustainable urban drainage system (SUDS) approach and amended restoration planting. These amendments are sought to accommodate a proposal for tourist accommodation (planning application 20/00268/DPP) due to be determined by the Planning Committee at its meeting on 31 August 2021.**
- 1.2 There have been no representations received and consultation responses from; the Coal Authority, Scottish Water, Scottish Environment Protection Agency (SEPA), the Council's Flooding Officer and the Council's Environmental Health Manager.**
- 1.3 The relevant development plan policies are DEV5, DEV7, ECON4, VIS2, RD1, MIN1, MIN2, ENV2, ENV7, ENV9, ENV10, ENV11, ENV14, ENV15, ENV16, ENV17, ENV18 and IMP3 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 The site is located approximately 2km north-east of Howgate within the Drummond Moor Landfill site in Rosewell.
- 2.2 Vehicular access to the site is provided via an existing access to the A6094 on the site's eastern boundary.
- 2.3 The site comprises an irregular shaped parcel of land measuring approximately 32.2 hectares and covering the full extent of the Drummond Moor Landfill site. The northern part of the site comprises previous putrescible landfill cells filled with municipal waste (now completed and within the 'restoration' stage) and surface water management SUDS ponds. It also includes existing plantation and coniferous woodland, including 'Badger Wood' within the centre of the landfill site. The southern part of the site is currently subject to ongoing filling with 'cleanfill' material. As such, there are substantial level changes within the site - reflecting the nature of previous mineral extraction/restoration and ongoing landfilling. Ground levels are therefore continually changing, particularly within the southern part of the site, to facilitate the creation of the approved landfill restoration masterplan landform approved by planning application 13/00681/DPP. Land within the south-western corner of the site includes the remainder of the capped putrescible/municipal landfilling cells.
- 2.4 To the west of the site lie agricultural fields whilst land to the south of the site contains Drummond Moor Wood. Further plantation and coniferous woodland is located to the east of the site, with a public right of way and agricultural fields located to the north. There are partial views from the site to the north towards the Pentland Hills.
- 2.5 The surrounding area is characterised by agricultural fields, individual farm holdings and single residential properties. A series of woodland copses are present within the wider area alongside other countryside/recreational uses. This includes a trout fishery located to the south-east of the site. Areas to the south of the A6094 also include other countryside uses and various land holdings subject to previous mining and quarrying activities.

3 PROPOSAL

- 3.1 This 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), is to amend conditions 10 and 11 on planning permission 13/00681/DPP to amend the approved landfill restoration masterplan to reflect changes sought by planning application 20/00268/DPP for tourist accommodation within the southern part of the site (elsewhere on the Committee agenda). Proposed amendments include amended restoration contours to create a development platform and updated surface water drainage

management/SUDS approach. Changes to the restoration masterplan planting area also proposed.

- 3.2 A Section 42 application, is in itself, a planning application - a particular kind of planning application for development without complying with or amending the 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 if implemented. Therefore, if planning permission is granted for this application it will supersede planning permission 13/00681/DPP if implemented.
- 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, layout and form 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 The bold text below is the proposed amendment (additions) to conditions 10 and 11 of planning permission 13/00681/DPP and the strikethrough text is the original text (deletions).

10. *Unless otherwise approved in writing by the Planning Authority, the ~~progress of landfilling and site restoration shall be carried out strictly in accordance with the details contained in the approved drawings~~ **WR7360/05/03 Rev 2.** ~~and documents submitted with the application; and in particular the phasing shown on Drawing 451A123A.~~ Restoration of each phase shall be undertaken in accordance with approved proposals **on drawing WR7360/5/06 Rev B** on completion of the infilling ~~that phase to the approved levels.~~*
11. *At no time during the course of the operations shall the levels of waste material, including all capping and soil materials, exceed the **restoration levels shown on Drawing WR7360/05/03 Rev 2.** ~~pre-settlement levels shown on Drawing 451A123A;~~ Following the completion of **infilling Phase 2,** any part of the site which lies below the approved restoration contours, ~~as shown on Drawing 451A123A,~~ shall be upfilled with appropriate materials to **the Drummond Moor Landfill Site 10 levels** ~~the levels to be agreed in writing with the Planning Authority.~~ On completion of the restoration of the whole site, no part shall exceed the approved restoration levels.*

- 3.5 The application is accompanied by the following:
- Planning Statement;
 - Flood Risk Assessment;
 - Scheme of Surface Water Management

- Arboricultural Assessment;
- Landscape and Visual Appraisal;
- Proposed Restoration Contours;
- Proposed Restoration Masterplan; and
- Updated Site Sections.

4 BACKGROUND

- 4.1 The following provides a summary of the relevant planning history for the site.
- 4.2 The Drummond Moor landfill site has been in operation for a number of years. Midlothian Council operated the first phase of the landfill (Drummond Moor 1) which has now been completed and restored. In May 2000 planning permission 99/00509/FUL was granted for the disposal of 2.15 million cubic metres of waste material at land adjacent to Drummond Moor Wood, referred to as Drummond Moor 2 Landfill site. Operations were to cease by 31st December 2026. The permission included a condition requiring the provision of a waste management complex (WMC) that would facilitate pre-treatment of the incoming non-hazardous waste stream to encourage improvements in recycling and recovery rates. Subsequently, there have been a number of applications seeking to vary permission 99/00509/FUL. The most relevant (13/00681/DPP) which granted planning permission to remove Condition 1 of planning permission 99/00509/FUL to allow the continuation of the landfill operations without the erection of a WMC. Planning Application 16/00690/S42 was granted in February 2017 to amend Condition 6 of planning permission 13/00681/DPP, to extend the operational hours of the landfill to receive waste - this planning permission was not implemented.
- 4.3 A detailed review of the respective planning permissions covering the site is presented below.
- 4.4 99/00509/FUL - Construction of a WMC and extension of landfill site. (Accompanied by an Environmental Statement prepared under the Environmental Impact Assessment (Scotland) Regulations 1999). Planning permission was granted in May 2000.
- 4.5 01/00172/FUL - Amendment to conditions of Planning Permission 99/00509/FUL relating to the timescale of the development and associated operations. Planning permission was granted in August 2001 subject to the following relevant conditions: permission for the use of the former quarry and adjacent land at Drummond Moor Wood for the disposal of waste material, and for the erection of a WMC, was granted for a limited period expiring on 31 December 2026. It noted that the deposit of waste material on the existing landfill site shall cease by 31 December 2002 and no waste material shall be deposited in the new landfill site until construction has been commenced on the WMC; in the event that the WMC is not completed and operational by

31 December 2004, all depositing of waste on the site shall cease from that date, and the area of landfilling shall be restored within one year from that date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2005. Except as amended in accordance with this permission, it was noted in this planning permission that the development and operation of the landfill site and WMC shall be carried out strictly in accordance with the terms and conditions of planning permission no 99/00509/FUL, dated 11 May 2000.

- 4.6 03/00802/FUL - Removal of Condition 6 of planning permission 01/00172/FUL, to allow the continuation of landfill in the event of the WMC not being constructed. Planning permission was granted in January 2004 subject to: requiring that in the event that work had not commenced on the construction of the WMC by 31 December 2007, all depositing of waste on the site shall cease from that date; and the area of land filling shall be restored within one year from that date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2008. Except as amended in accordance with that permission, the development and operation of the landfill site shall be carried out strictly in accordance with the terms and conditions of planning permission 99/00509/FUL, as amended.
- 4.7 04/00811/FUL - Amendment to existing planning permission 99/00509/FUL to alter the location of gas flaring equipment and to install electricity generating equipment. This application was granted in December 2004.
- 4.8 07/00895/FUL - Amendment of condition 1 of planning permission 03/00802/FUL, to allow continuation of landfill in the event of the WMC not being constructed. This application was granted planning permission in February 2008 subject to: requiring that, in the event that work had not commenced on the construction of the WMC at Drummond Moor, (for which planning permission was granted 11 May 2000), by 31 December 2010, all depositing of waste on the site shall cease from that date; and the area of landfilling shall be restored within one year from the date in accordance with a detailed scheme to be submitted for the approval of the planning authority by 31 March 2011.
- 4.9 10/00474/DPP - Amendment to Condition 1 of planning permission 07/00895/FUL to allow continuation of landfill operations in the event of the WMC not being completed. This application was granted in June 2011.
- 4.10 13/00513/SCR – Environmental Impact Assessment (EIA) screening opinion for infilling of land. A screening decision was issued on 17 July 2013 concluding that the application did not require to be the subject of a further EIA.

- 4.11 13/00681/DPP - Removal of condition 1 of planning permission 99/00509/FUL (as amended by planning permissions 03/00802/FUL, 07/00895/FUL and 10/00474/DPP) to allow continuation of landfill operations without erection of WMC. This application was granted in November 2013. This is the application subject to this S42 amendment application (21/00101/S42).
- 4.12 16/00690/S42 - Section 42 Application to amend condition 6 of planning permission 13/00681/DPP. This application was granted in Feb 2017 but not implemented.
- 4.13 19/00437/SCR - EIA screening opinion for amendment to the approved scheme of restoration/masterplan of the landfill site. Confirmation that the proposed development was not considered to be EIA development and that any forthcoming planning application would not require to be accompanied by an EIA was confirmed in June 2019.
- 4.14 20/00268/DPP - Application for up the Erection of up to 64 holiday lodges and associated reception and amenity building; formation of access roads, footpaths, SUDS features and associated works. This application is an agenda item proposed to be determined by the Planning Committee's August 2021 meeting.
- 4.15 20/00269/S42 - Section 42 application to amend conditions 2, 9 and 10 of planning permission 16/00690/S42 to allow for a revision to the approved restoration contours to create a development platform. This application was withdrawn and replaced with 21/00101/S42.

5 CONSULTATIONS

- 5.1 **The Coal Authority** does not object to the application as the restoration works are to take place entirely outside the Development High Risk area and do not relate to coal mining legacy matters. They advise that whilst a small part of the site's eastern access road is located within a Development High Risk Area, the proposed restoration works would not impact this nor result in risk to this area.
- 5.2 **Scottish Water** does not object to the application. However, it is advised that water nor waste water infrastructure is within the vicinity of the site and as such the applicant should explore private options for private water provision and waste water treatment. There are no records of drinking catchments nor water abstraction sources within the nearby area that could be affected by the proposed development.
- 5.3 **The Scottish Environment Protection Agency (SEPA)** does not object to the application on flooding grounds. They advise that their previous position on the previous S42 application (20/00268/S42 - now withdrawn) still apply. Specifically, that the proposed amendments result in minimal changes to the approved restoration contours and final site levels. SEPA also outline that an amendment to the

restoration controls would not compromise the Pollution Prevention Control Regulations (PPC) Permit on the site and that environmental controls within the site's PPC permit would be retained. They note that surfacewater run-off from the site to the existing permitted surface water discharge point would be acceptable. SEPA also outline that surface water management approaches should be agreed with Midlothian Council as Flood Prevention Authority. In addition SEPA note that authorisation will be required under the Water Environment (Controlled Activities) Scotland Regulations 2011 (CAR) to carry out engineering works in the vicinity of inland surface water and that this can be undertake via separate regulatory approval.

5.4 The **Council's Flooding Officer** does not object to the application.

5.5 The **Council's Environmental Health Manager** does not object to the application.

6 REPRESENTATIONS

6.1 No representations have been received.

7 PLANNING POLICY

7.1 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan June 2013 (SESPlan 1) and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

7.2 Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

7.3 Policy **DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.

7.4 **Policy ECON4: Economic Development Outwith Established Business and Industrial Sites** states that business and industrial proposals (class 4 and 5) within the defined urban area but outwith existing or allocated business and industrial sites will be supported if:

- a. it is demonstrated that there is no suitable alternative site available within established economic sites;
- b. the site is not identified for alternative use;
- c. the proposed development would be compatible with surrounding uses and there would be no adverse impact on local and, in particular, residential amenity as a result of development;

- d. the layout and design of buildings would be appropriate to the character of the site and surrounding area; and
- e. the transport impact of the proposal would be acceptable.

The Council will give support to proposals that reuse brownfield or vacant or derelict land as opposed to greenfield locations.

7.5 Policy **VIS2: Tourist Accommodation** supports the development of hotels or self-catering tourist accommodation provided the proposal is:

- A. is in scale and in keeping with the character of the local area;
- B. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
- C. is well located in terms of the strategic road network and maximises public transport access; and
- D. is in accordance with one of the sections below.

Hotels in built-up areas will be supported, provided residential amenity is protected.

Hotels in business areas and at key gateway locations with ease of access to the major junctions on the A720 City Bypass, may be supported where it can be demonstrated that:

there are no suitable alternative sites elsewhere in the urban envelope; and the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

Self-catering tourist accommodation including touring caravan/camping sites, will be permitted where:

- the proposal is not in the Green Belt unless linked to some related existing development;
- the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and
- the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

7.6 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, MIN1, NRG1 or NRG2; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.

7.7 Policy **MIN1: Areas of Search for Surface Extraction** identifies Upper Dalhousie as being an area for the extraction of sand and gravel where surface mineral extraction may be acceptable in principle. The policy states that the identification of an area of search does not indicate the Council's acceptance of any particular proposal for the winning and

working of a surface mineral resource within any or all of that area of search. Outwith the areas of search there is a presumption against surface mineral extraction. In addition the policy safeguards mineral resources from sterilisation, in specific circumstances.

7.8 Policy **MIN2: Surface Mineral Extraction** requires proposals for mineral extraction to meet the criteria set out in the Supplementary Guidance on Resource Extraction. They will not be permitted where they would have a significant adverse effect on communities, sensitive uses or the environment and will only be supported if the Council is satisfied that they are acceptable in relation to the following matters:

- effect on the health and amenity of settlements, communities and housing groups or other sensitive uses;
- effect on the landscape, in particular that of the Green Belt, Pentland Hills Regional Park, and Special Landscape Areas;
- effect on soils, in particular prime agricultural land, and peatland;
- effect on the water environment;
- effect on nature conservation and biodiversity, in particular sites of international, national or local nature conservation value;
- effect on the historic environment, in particular: Conservation areas, scheduled monuments, listed buildings, historic gardens and designed landscapes, historic battlefields, significant archaeological sites (and, where relevant, the settings of the aforementioned designated areas or buildings)
- effect on the road network, particularly local roads;
- cumulative effects of the proposal when combined with other consented or operational mineral extraction or landfill activities;
- effect on the local economy in terms of tourism, leisure or recreation; and,
- robustness and suitability of proposals for restoration and aftercare.

7.9 In determining applications for surface coal extraction, the Council will also consider any beneficial impacts from extraction in terms of site remediation and stabilisation and/or other permanent physical benefits to the community.

7.10 Policy **ENV2: Midlothian Green Networks** supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.

7.11 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.

- 7.12 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.
- 7.13 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 environmental.
- 7.14 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.
- 7.15 Policy **ENV14: Regionally and Locally Important Nature Conservation Sites** states that development will not be permitted where it could adversely affect the nature conservation interest of such sites, unless it can be demonstrated that appropriate mitigation measures are in place.
- 7.16 Policy **ENV15: Species and Habitat Protection and Enhancement** presumes against development that would affect a species protected by European or UK law.
- 7.17 Policy **ENV16: Vacant, Derelict and Contaminated Land** states that the Council requires to be satisfied that any proposed use of land is suitable in relation to any potential risks from prior contamination and land instability.
- 7.18 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.
- 7.19 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.

- 7.20 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

National Policy

- 7.21 **SPP (Scottish Planning Policy)** sets out Government guidance for development proposals. All proposals should respect the scale, form and density of their surroundings and enhance the character and amenity of the locality.
- 7.22 A presumption in favour of development that contributes to sustainable development is introduced as a policy principle and paragraph 29 outlines principles required to achieve sustainable development. SPP also states that: *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*.
- 7.23 Paragraph 79, outlines that plans should *‘promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry..... while ensuring that the distinctive character of the area’*. Moreover, SPP paragraph 93 also outlines that the planning system should *‘give due weight to net economic benefit of proposed development’*.
- 7.24 Paragraph 192 outlines that planning authorities should: *‘secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities. It also seeks to ensure that: ‘landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.’*
- 7.25 Paragraph 235 outlines *‘the planning system should not only safeguard workable (minerals) resources and ensure that an adequate and steady supply’* but also *‘minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and secure the sustainable restoration of sites to beneficial after-use after working has ceased.’*
- 7.26 The Scottish Government policy statement **Creating Places** emphasises the importance of quality design in delivering quality places. These are communities which are safe, socially stable and resilient.
- 7.27 The Scottish Government publishes various Planning Advice Notes to provide guidance and good practice on various planning matters. In this instance, **PAN 64** - Reclamation of surface mineral workings is

relevant. It outlines that sufficient reclamation and restoration of previous workings is undertaken and that this process is integrated into the planning process.

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.

The Principle of Development

- 8.2 The land is allocated as 'countryside' land within the MLDP under Policy RD1 - Development in the Countryside, with a small linear strip of prime agricultural land within the southern corner of the site. Proposals for landfilling (including restoration) within the site are not specifically contemplated by Policy RD1 as the proposed development is not located within a Minerals 'Areas of search to surface material extraction' within MLDP Policy MIN1. Despite this, the principle of development for restoration of the former landfill is established by the various historic planning permissions for material extraction, landfilling and restoration of the site. The most relevant being Planning Permission 13/00681/DPP - which currently approves the existing landfill restoration masterplan for the site. Accordingly, the key determining factor in the assessing the proposed development is does not relate to the principle of development, which is established and acceptable, but the extent to which the proposed amendments to the landfill restoration contours/masterplan are acceptable. This is discussed within the following sections.

Siting, Design, Layout and Form

- 8.3 Planning Permission 13/00681/DPP allows for landfill operations within the site to continue until the 31 December 2025. The approved masterplan identifies the creation of a series of suitably contoured mounds for over the putrescible/municipal landfill cells with adjacent areas suitably graded to minimise visual impacts and facilitate overland flows. The south-eastern part of the site, not subject to putrescible waste, is proposed to be filled with cleanfill, graded to create a development platform and SUDS lagoons.
- 8.4 The proposed restoration contours generally follow a similar approach for the existing putrescible landfill cells within the northern and western parts of the site. A contour height of up to approximately 250m AOD is proposed within the north of the site (the same as approved) and 234m AOD in the south west of the site (1m higher than the approved masterplan). The amended landscaping scheme seeks to retain 'Badger Wood' and other landscaping copses within the site alongside the repositioning of proposed planting around different parts of the

landfill cells. Some of the plantation and coniferous woodland within the south-eastern corner of the site is now proposed to be removed, with new planting proposed within north of the site to compensate for this loss.

- 8.5 Accordingly, the amended restoration contours create a slightly higher landform, primarily within the central and southern parts of the site (by up to a maximum of 3.4m), however, the final contours are significantly lower than this within some parts of the site. This translates into an additional infilling requirement of approximately 147,000m³ of cleanfill material within the site. To achieve this, suitable re-grading is proposed to create a 'level' development platform in areas that were previously sloped. It also creates suitable landforms to direct amended overland flows within the site.
- 8.6 The accompany Site Sections show the extent of the proposed changes in level – comparing approved versus proposed restoration contours and showing areas that would be both 'higher' and 'lower'. It shows that the marginal height increases would be relatively modest in comparison the overall heights associated with the approved restoration scheme. Cumulatively, this results in an appropriate landform that takes cognisance of existing site constraints (including landscape and visual impacts and contamination requirements) and environmental requirements relating to drainage, landscaping and ecology. The proposed development therefore facilitates the creation of an appropriate, graded, and well-contained landform that should not result in unacceptable environmental or amenity impacts to the surrounding areas - as presented within the following assessment of technical requirements below.

Existing Landfill and Environmental Requirements

- 8.7 MLDP Policy MIN 2: Surface Mineral Extraction and Midlothian Council's Resource Extraction Supplementary Guidance seek to ensure appropriate environmental mitigation and landfill restoration requirements for operational landfills. The existing planning permission (13/00681/DPP) includes provisions to secure the delivery of these respective controls for both the operation and restoration of the approved landfill. This includes a series of conditions controlling emissions (noise and dust), construction management, ecology/protected species, landfill capping amongst other issues. An Environmental Impact Assessment and other documentation also form part of the approved planning permission. Following receipt of an EIA Screening Opinion (19/00437/SCR) it was confirmed that an amendment to the approved restoration masterplan would not be classified as 'EIA Development' (and would therefore not require to be accompanied by an EIA Report). Accordingly, the applicant has submitted a series of standalone environmental/technical documents to consider potential environmental impacts including an Arboricultural Assessment, Flood Risk Assessment and Landscape and Visual Appraisal. The appropriateness of the above documentation is

considered within the sections below. It is considered that the remaining/approved environmental and landfill restoration requirements are sufficient to ensure sufficient environmental mitigation and landfill restoration within the site. In this regard, the majority of controls already in place (via conditions/approved documentation associated with Planning Permission 13/00681/DPP) to would ensure compliance with the Policy MIN 2 and the corresponding Resource Extraction SG.

- 8.8 The aftercare requirements within the above SG (Section 10 page 22-23) seek to ensure that environmental and other important features are restored to the previous or better condition and that safety is promoted to avoid dangerous voids or drowning hazards. The amended restoration plans include graded slopes to avoid drowning hazards (noting that a future use may also include tourist accommodation that would include natural surveillance of the corresponding SUDS lagoons). Remediation and capping specifications are required to be provided under Conditions 26 to 29 of Planning Permission 13/00681/DPP and the proposed amendment does not seek to change this. Moreover, amended woodland/landscape planting will be required to be planted within a suitable topical depth or avoid any respective capping layers. Corresponding monitoring requirements are already in place and separate permitting from SEPA also provide additional Regulatory controls for existing and amended landfill restoration within the site. A guarantee has already been required via Condition 5.g of Planning Permission 13/00681/DPP to ensure the appropriate provision of restoration requirements should the land owner go into liquidation or not be able to undertake these requirements. Additionally, the amended landfill contours do not change the approved mechanisms to secure the delivery of the restoration requirements. A requirement to ensure best practice water quality outcomes would be addressed and the amended surface water scheme has been supported by both the Council's Flooding Officer and SEPA in this regard. Overall, the above approach would ensure sufficient environmental mitigation and landfill restoration/aftercare within the site in accordance with MLDP Policy MIN 2 and Midlothian's Resource Extraction SG.

Landscape and Visual Impact

- 8.9 The potential landscape and visual impacts associated with the proposed development are assessed within the accompanying Landscape and Visual Appraisal (LVA). The assessment methodology for the LVA accords with the Guidelines for LVIAs, Third edition (Landscape Institute and IEMA 2013). The conclusions of the LVA outline that the proposed development could be successfully integrated into the surrounding landscape without any significant adverse impacts on the existing landscape character and visual amenity. It outlines that sensitive receptors within 500m of the site would not have visibility of the proposed development, given that they would generally be restricted by the elevated landfill and the mature perimeter woodland. Moreover, landform features have been suitably profiled to avoid

excessive slopes that may appear unnatural in the wider landscape. The steepest slopes relate to the boundaries of the proposed SUDS lagoons which would be suitably screened and contained by corresponding landscaping/woodland.

- 8.10 The primary changes to the potential visual appearance of the site is restricted to views from Viewpoint 3 (elevated road corridor) and Viewpoint 4 (public footpath to the north-west of the site). Despite this, due to the scale of the proposed development, the separation distance involved and the angle of view, the visual effects at each viewpoint is not found to be significant. As such, following the residential receptor and viewpoint assessment, the overall degree of potential landscape impact would be minor to moderate impact. Accordingly, there would be no significant impacts on landscape character nor visual amenity to the surrounding area. The proposed development would not introduce any significantly visible character elements within long views to/from the site, with any perceptibility limited to selected localised views (i.e. viewpoints 3 and 4).
- 8.11 In this regard, to ensure enhancement of the existing perimeter planting around the site's southern/south-eastern boundary, a 15m wide structure planting buffer would be planted. This will ensure provide further screening opportunities and further containment of the site from this direction. This additional planting, combined within the existing landscape offer within/surrounding the site, would ensure that the proposed development is suitably integrated into the established landscape character and would not result in any unacceptable landscape and visual impacts.

Contamination, Remediation & Previous Mining Activity

- 8.12 With respect to mining, whilst a small part of the site falls marginally within the Development High Risk Area this relates to the eastern extent of the existing site access. As such, the proposed amendment to the restoration contours falls entirely outside the mining high risk area and would not result in any unacceptable impacts to previous mining activity. The Coal Authority agree with this position and do not object to the proposed development.
- 8.13 Amendments to the revised restoration contours would also be located outwith the approved existing putrescible/municipal landfill cells. This would avoid potential intrusion into landfill cells and avoid any potential unacceptable gas migration and/or or other contamination risks to employees/future visitors. In this regard, Council's Group Manager Environmental Health does not object to the proposed development. They assert that control over potential assessment and remediation of any potential contamination is not relevant to this application and could be controlled by conditions on any grant of planning permission associated with the corresponding holiday lodge application (20/00268/DPP). As such, overall, the proposed development should not result in unacceptable risk from previous mining nor contamination.

Landscape and Arboriculture

- 8.14 The site benefits from an extensive mature landscape setting which includes a series of existing plantation and coniferous perimeter woodland. Other coniferous woodland copses are also located within the site itself. The accompanying Arboricultural Implications Assessment outlines the proposed removal of a small part of the coniferous and plantation woodland (Woodland 1B) within the south-eastern corner of the site. The majority of this woodland has already been removed as part of existing, authorised, landfill operations or its removal has been approved via the approved landfill restoration masterplan for this part of the site. This woodland has been identified as having limited biodiversity and landscape value within the ecology report accompany the holiday lodge application (20/00268/DPP).
- 8.15 The remainder of the existing trees, and the majority of the existing plantation woodland within this location, to the eastern and south-eastern boundary of the site, would be retained. This woodland provides suitable screening around this part of the site. Additional compensatory planting is also proposed within the site on land controlled by the applicant. This would ensure that the approved landscaping framework for the landfill restoration masterplan is suitably compensated, commensurate with the scale of the proposed restoration approach and the anticipated tree removal. A 15m wide landscaping buffer is also included along the site's south-eastern boundary to complement the existing planting in this location. Moreover, the restoration landscape strategy also includes the retention of the 'Established Scots Pine Copse' referenced within Condition 13 of 13/00681/DPP (i.e. Badger Wood). Accordingly, the amended restoration landscaping scheme is considered to be acceptable in this instance.

Ecological Matters

- 8.16 The proposed development considers the existing ecological habitats within/nearby the site to minimise potential significance adverse impacts and/or harm to protected species. The varied restoration contours are based on a development platform that required to appropriately site the proposed holiday lodges, road and drainage infrastructure. The holiday lodge application was, itself, guided by a series of ecological reports and protected species surveys that dictated their location. As such, the revised restoration masterplan approach appropriately responds to and takes cognisance of these ecological requirements in order to avoid potential unacceptable adverse impacts to protected species. The amended landscaping restoration scheme includes additional native broadleaf planting within the northern part of the site which will result in additional habitat creation and enhancement in this location. The loss of the plantation and coniferous woodland within the south-eastern corner of the site relates to densely planted spruce which have limited botanical interest and low habitat value. As

such, their loss is not considered to be significant in ecological terms. Moreover, the loss of this woodland is proposed to be offset by compensatory planting of new native woodland with a similar area to the woodland 'lost' by the proposed development. This would result in an overall biodiversity gain within the site given the biodiversity enhancement opportunities associated with the provision of the proposed native compensatory woodland within the site.

Flood Risk and Surface Water Drainage

- 8.17 The accompanying FRA outlines that the site is not located with areas at high risk of flooding. It also notes that the revised restoration contours would result in minimal risk to flooding within the site and elsewhere. It notes that the development platform would facilitate holiday accommodation which is considered to be the 'most vulnerable' use in flood risk terms, with a requirement to avoid a 1 in 1,000 risk of flooding. These requirements would be met. Additionally, the site is not located within the 1 in 200 year functional floodplain. The proposed Scheme of Surface Water Management includes various SUDS treatment levels (including swales and grit drains) to attenuate surface water discharge within the site. The proposed restoration contours are suitably graded to maximise surface water flows within the site into three connected SUDs lagoons. Staged discharge at pre-development run-off rates (including allowances for climate change) is proposed into the existing approved discharge point at the north-western corner of the site. A separate Pollution Prevention Control Permit will be undertaken with SEPA to consider this arrangement, if applicable. The Council's Flooding Officer does not object to the proposed development on flooding grounds and supports the proposed drainage arrangements. Moreover, SEPA do not object to the proposed development. Accordingly, the proposed development is not considered to be at high risk of flooding and the proposed Surface Water Management Scheme for the amended restoration masterplan would result in the effective management of surface water within the site without detriment/risk to the nearby area.

Transportation

- 8.18 The proposed increase in clean fill material to accommodate the revised restoration contours would result in a relatively small number additional daily HGV movements (i.e. up to eight per day) based on the expiry of the extant planning permission expiry of 31 December 2025. The applicant has correctly identified that the existing planning permission does not restrict the number of HGV movements to/from the site but that Condition 6 of 13/00681/DPP does restrict the timing of deliveries (7.30am to 6pm Monday to Friday and 07.30am to 2pm on Saturday and Sunday). The applicant has outlined that any additional deliveries would accord with this requirement. The proposed increase in HGV trip generation is not considered to result in significant adverse impacts to the surrounding road network, particularly as the applicant

could already undertake these trips under the remit of the current planning permission if they decided to increase their existing filling rate.

9 RECOMMENDATION

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

The proposed development accords with the Midlothian Local Development Plan (2017). The proposed development does not have significant adverse environmental impacts subject to detailed/technical matters being agreed via condition. This presumption in favour of development is not outweighed by any other material considerations.

Subject to the following conditions:

1. Permission for the use of the land at Drummond Moor Wood (as outlined in red on Drawing 451A123A) for the disposal of inert non-biodegradable material is granted for a limited period expiring on 31 December 2025, and all landfilling operations and use of the land hereby approved shall cease at that date.
2. The final restoration of the whole site shall be completed in accordance with the terms and conditions of this permission and no later than 31 December 2026, or within one year of the disposal operations being completed, whichever is the earlier date, unless otherwise agreed in writing by the planning authority.

Reason for conditions 1 & 2: to enable the planning authority to retain control over the life of the waste disposal operations at this site, and to ensure that its final restoration is completed within a reasonable timescale.

3. Before any further infilling of material on any part of the site, the following shall be submitted to and approved by the planning authority:
 - a. A revised restoration plan showing the final restoration proposals including levels and a detailed schedule of all planting, and this plan shall show detailed contour levels of the site and this topographical information shall extend at least 200 metres beyond the boundary of the site to show the existing topography of surrounding land to be designed in consultation with Scottish Natural Heritage (SNH), and including details of the numbers, sizes, species, positions and planting densities of all new trees and shrubs to be planted, and a detailed cross-section of the capping of the landfill;
 - b. a detailed management plan for all the restored land, drawn up in association with SNH, indicating the programme of maintenance and management of the land in order to enable the establishment and retention of the habitats created;

- c. detailed proposals for the formation and landscaping of ponds on the existing landfill site, together with details of the timing and method for the translocation of newts from the existing flooded quarry, as previously agreed with SNH;
- d. details of the results of a full badger survey and bait marking exercise, to be designed and carried out to the satisfaction of SNH;
- e. details of the location and design of an artificial sett for the badgers, and the programme and method of exclusion of the badgers from their existing setts, as agreed with SNH;
- f. a formal legal agreement between the applicants, or their successors, and the owners of the areas of woodland outlined in yellow on the plan referred to as Figure 1, and attached to this permission, requiring the retention of these areas of woodland until the restoration of the application site has been completed in accordance with condition 2. This agreement must be legally binding on the owners of the identified woodland areas, and their successors;
- g. the provision of a guarantee, including a bond, that the site operators will make adequate financial resources available to ensure the full implementation of the site restoration in accordance with the approved proposals. In the event of the current applicants ceasing to operate the site before the restoration work has been completed, the bond shall make provision for the transfer of the necessary financial resources to the planning authority in order to enable completion of the restoration work, unless the site is transferred to another operator, in which case that operator will need to comply with the requirements of this condition;
- h. details of a noise monitoring protocol to be followed by the applicants or their successors throughout the life of the operations on the site, including details of proposed measurement locations, instrumentation, measurement parameters, duration of sampling and reporting of results
- i. details of a dust monitoring protocol to be followed by the applicants or their successors throughout the life of the operations on the site, including details of dust sampling, collection, analysis and reporting of results; and
- j. details of an emergency action plan to be followed by the applicants or their successors throughout the life of the operations on the site, including details of the procedures proposed to prevent or minimise the probability of plant failure, and details of the procedures for responding to any failure of the extraction, odour abatement, dust abatement or noise suppression systems.

Reason: 3(a) & 3(b) - to ensure that the whole site is restored to an adequate standard, and that the land is then managed in such a manner as to allow the establishment and retention of the habitats created; 3(c) - to ensure that the ponds are designed to

provide appropriate habitats for the newts to be translocated from the existing flooded quarry, and that the translocation of the newts is carried out at an appropriate time and in an acceptable manner; 3(d) & 3(e) - to ensure that adequate information is available about the existing feeding areas of the badgers within the site, that an appropriate location and design is used for the new sett, and that acceptable measures are used to relocate the badgers; 3(f) - to ensure that the identified areas of woodland, which provide essential screening of operations on the site from surrounding viewpoints, are fully retained throughout the whole lifetime of those operations; 3(g) - to ensure that adequate financial resources are always available to complete the restoration of the whole site in accordance with the approved proposals; 3(h), 3(i) & 3(j) - to ensure that adequate measures are in place throughout the lifetime of the operations for the monitoring of noise and dust emissions from the site, and for responding to any problems arising from noise, dust or odour emissions.

4. The landfill site shall be open for the receipt of waste only between 07.30-18.00 hours on Mondays to Fridays inclusive and 7.30-14.00 hours on Saturdays and Sundays.

Reason: *to minimise the impact of the operation on the amenity of local residents.*

5. No work shall be commenced on the construction of the landfill site, as identified on Drawing 451A123A, dated 17 April 2013, until the following steps have been taken to the satisfaction of the planning authority:
 - a. the issuing of a Badger Licence by Scottish Natural Heritage (SNH) to exclude badgers from the existing setts, and the implementation of the approved programme for the relocation of the badgers to the new sett;
 - b. the fencing off and protection of the mature trees along the southern and western boundaries of the site in accordance with the guidance contained in BS5837 Trees in Relation to Construction; and
 - c. the submission and approval of a site management plan; and,
 - d. the carrying out of a minimum period of three months dust monitoring in accordance with the approved dust monitoring protocol.

Reason: 5(a) - to ensure that the measures for the relocation of the badgers have been approved by SNH, and that the work proceeds in accordance with the agreed timescale, in order to ensure minimum disturbance to the badgers and their successful relocation; 5(b) - to ensure that the trees which are to be retained around the edge of the landfill site, in order to provide visual screening, are protected from damage during both the

construction of the landfill site and subsequent waste disposal operations; 5(c) - to ensure that the construction of the landfill site is carried out in a manner which minimises any adverse impact on residents living in the vicinity of the site; 5(d) - to establish baseline conditions for dust monitoring.

6. Noise attributable to landfill site activity shall not exceed 50dB LAeq 1 hour at Newbigging Hill and Reservoir Cottage and 45 dB LAeq 1 hour at all other sensitive receptors. These limits shall apply at all times between 07:30 and 18:00 hours.
7. All limits specified by this permission which relate to external noise levels are free field, measured at least 3m from any vertical reflecting surface of a noise sensitive property.

Reason: for conditions 6 and 7: to minimise the impact of operations on the new landfill site on the amenity of residents living in the vicinity of the application site.

8. Unless otherwise approved in writing by the Planning Authority, the landfilling and site restoration shall be carried out strictly in accordance with the details contained in the approved drawings WR7360/05/03 Rev 2. Restoration shall be undertaken in accordance with approved proposals on drawing WR7360/5/06 Rev B on completion of the infilling to the approved levels.

Reason: To ensure the progressive working and restoration of the site, in the interests of minimising its overall visual impact at any point in time.

9. At no time during the course of the operations shall the levels of waste material, including all capping and soil materials, exceed the restoration levels shown on Drawing WR7360/05/03 Rev 2. Following the completion of infilling any part of the site which lies below the approved restoration contours shall be upfilled with appropriate materials to the Drummond Moor Landfill Site 10 levels to be agreed in writing with the planning authority. On completion of the restoration of the whole site, no part shall exceed the approved restoration levels.

Reason: to ensure that the agreed levels, both prior to and after settlement of the waste materials, are not exceeded in order to avoid any excessive visual impact.

10. Any new ponds shall be constructed on the existing landfill site in accordance with the details approved under the terms of condition 5(c) above at such time as will allow them to be established for two years prior to the translocation of the newts from the existing flooded quarry, in accordance with the approved programme; the

translocation of the newts shall take place before any work is carried out on that part of the site containing the flooded quarry.

Reason: *to ensure that the newts are translocated from the existing flooded quarry to the new ponds at the necessary time to prevent undue disturbance and to maximise the likelihood of the successful establishment of a new colony.*

11. The area designated as 'Established Scots Pine Copse' on Drawing 451A123A (Drummond Moor Wood) shall not be subject to any felling, and shall be protected at all times during the operation by appropriate fencing to accord with the provisions of BS5837: Trees in relation to design, demolition and construction.

Reason: *to preserve these trees which are sited on an area of ground that is no longer intended to be excavated as part of the landfill operation, and in order to retain their screening effect and contribution to the landscape of the area.*

12. All materials excavated from within the area of the landfill site shall continue to be stored in the locations, and to the maximum heights shown on the drawings AM3635/PA5 - AM3635/PA8 approved under 99/00509/FUL, and shall be used for the restoration of the existing landfill site, the lining and restoration of the new landfill site, and as daily cover material; none of this material shall be removed from the application site without the prior written consent of the planning authority.

Reason: *to ensure that the excavated material is used to the best advantage within the application site, and is not exported from the site without prior approval.*

13. The operator shall ensure that all the existing perimeter fences remain stock-proof and are maintained and protected from damage until the restoration is complete.
14. All weeds on the site, including those on the storage dumps for excavated materials and soils, shall be treated as often as necessary and as determined by the planning authority throughout the life of the site, at an early stage of growth to prevent spreading within the site or to adjoining agricultural land.
15. Throughout the period of the approved operations, restoration and aftercare, the operator shall protect and maintain any ditch, stream, watercourse or culvert passing through or adjoining the site and shall not impair the flow nor render less effective drainage on to and from adjoining land.
16. Alternative arrangements shall be made, where necessary, for any interruption of adjacent drainage systems. New interceptor

leaders shall be laid, or ditches cut where required around the perimeter of the site and bleed-in existing lateral drains from adjoining undisturbed land.

Reason: for conditions 13 - 16: to ensure that the development does not have an adverse impact on the continued productive agricultural or forestry use of the land adjoining the site.

17. The operator shall carry out at the direction of the planning authority any temporary drainage works, e.g. ditches, watercourses, settling lagoons, etc which are necessary to control ground and surface water and/or prevent erosion, after consultation with SEPA on measures to minimise the risk of water pollution.
18. The discharge and disposal of surface run-off from the site, including from buildings, hardstandings, roadways and from the wheel-cleaning facility shall be carried out in accordance with the advice in The SUDS Manual, CIRIA C697 (Scottish Environment Protection Agency, 2007).
19. Any fuel oils or lubricants stored on the site shall be stored in tanks with a bunded capacity of 110% of the storage tank volume, and with all equipment for filling and discharging from the tank contained within the bunded enclosure.

Reason: for conditions 17 - 19: to prevent the pollution of any watercourse from sediments washed from the site, and the pollution of groundwater resources or any surface watercourse from the spillage of fuels.

20. At all times during the operation of the site the existing wheel cleaning facilities shall be operational and shall be used by all road going HGV's leaving the site; and at all times the access road into the site from the public highway shall be kept sufficiently clean to ensure that no mud or other dirt is carried from the site onto the highway.

Reason: in the interests of the safety of road users on the A6094.

21. The applicants or their successors shall keep a formal record of all complaints received concerning emissions or alleged emissions to the environment from the landfill site and Waste Management Complex, including emissions of dust and odour. The record shall contain:
 - a) The time and date the complaint was received
 - b) If given, the time and date to which the complaint refers;
 - c) If given, the name and contact details of the complainant;
 - d) The name of the person receiving the complaint

- e) The medium by which the complaint was received (e.g. letter or telephone);
- f) The details of the complaint;
- g) The results of any investigation undertaken following the complaint; and
- h) A list of any actions undertaken following the investigation.

This record shall be made available for the inspection of the planning authority at its request.

- 22. As and when requested by the planning authority, the operator, or at their default the owners of the site, shall provide an accurate survey to a scale of 1:1,000 of the site showing contours of ground levels existing at the time, the extent of infilling, and the extent of restoration carried out.
- 23. The local planning authority shall, on request, be given copies of all monitoring results as a required by the Waste Management Licence.

Reason: for conditions 21 - 23: to enable the planning authority to be aware of the progress of operations on the site, any problems occurring, and any proposed changes to the methods or programming of operations, and to provide for a regular liaison mechanism, in order to resolve any difficulties in the most expedient manner.

- 24. The capping specification for all areas of landfill relating to domestic landfill carried out under planning permission 99/00509/FUL shall be as follows:
 - a. capping of the landfill shall be carried out on a phased basis for each cell within the four major phases;
 - b. temporary capping will be provided by compacted materials processed from within the site;
 - c. permanent capping will be provided by similar materials as employed for temporary capping, augmented, if necessary, by imported low permeability inert materials or lapped HDPE sheets;
 - d. above the low permeability layer, the capping shall consist of subsoil and topsoil, if necessary, imported onto the site for this purpose; and
 - e. the total depth of the capping layer shall be at least 1 metre beneath areas to be restored to grassland, and 1.5 metres where trees are to be planted, and of this depth, a minimum of 750 - 1250 mm shall consist of subsoil or soil-forming material, and 250 mm of topsoil or equivalent quality materials.
- 25. All operations to relocate soil materials from storage locations onto the the landfill site in accordance with the above specification

shall be carried out when the ground and soils are dry and conditions are favourable. Earth-moving machinery shall travel to and from storage dumps along clearly defined routes. These routes shall subsequently be rooted such that vehicles do not compromise the stability of newly relocated soils. On sloping land, the direction of travel of machines should, as far as is possible, be parallel to the contours to minimise soil erosion.

26. Compacted soils shall be rooted and cross-rooted to a depth of 750 mm with a heavy-duty winged ripper. Any large stones, boulders or other items which are encountered which might impede the subsequent cultivation or drainage of the land for its approved after-use shall be removed. The exposed surface of all soil layers shall be left in a roughened state to prevent subsequent compaction.

Reason: for conditions 24 - 26: to ensure that the waste material is covered with a sufficient depth of capping material, spread and prepared in an appropriate manner, to enable its cultivation and use for the purposes agreed in the approved restoration plan.

27. After replacement of soils in accordance with conditions 24 - 26, chemical analysis of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major nutrients required to promote the establishment and growth of appropriate plants for the agreed land use. These analyses shall be repeated at annual intervals throughout the aftercare period and a copy of the results submitted to the planning authority. The land shall then be cultivated in accordance with the approved restoration specification, including the application of the necessary fertilisers, lime and other plant nutrients as necessary for the agreed after-use.

28. Restoration shall not be considered to have been completed until all the operations referred to in conditions 24 - 27 above have been carried out and agreed in writing the planning authority.

Reason: for conditions 27 and 28: to ensure that restoration of the site is completed successfully and to the approved specifications.

29. Details of an aftercare scheme for the development shall be approved in writing by the planning authority within six months of completion of landfilling, and the aftercare scheme shall be ongoing for period of no less than five years from the date of completion of restoration.

Reason: to ensure that the land is adequately managed during the aftercare period to allow the successful establishment of the approved land uses for the restored areas.

30. In the event that the applicant or site operator requires to erect any additional plant, hardstanding or building for the treatment of waste prior to it being deposited into the landfill site, then detailed drawings of these shall be submitted to and approved in writing by the planning authority, and the location shall be chosen so as to have no impact upon existing trees or upon the completed restoration landscaping on the original landfill site to the north (restored area).

Reason: to enable the planning authority to consider these matters in detail and to ensure any additions are sensitively located within the development site.

31. Following the completion of the last phase of landfilling, all associated plant, buildings, facilities, hardstandings, roadways and foundations shall be demolished and removed from the site, and the land shall then be restored in accordance with the approved restoration plans and the conditions of this permission.

Reason: to ensure the complete cessation of waste management operations at this site once the approved capacity of the landfill site has been reached, and the complete restoration of the site to a rural condition.

Peter Arnsdorf
Planning Manager

Date: 20 August 2021

Application No: 21/00101/S42

Applicant: FCC Environment

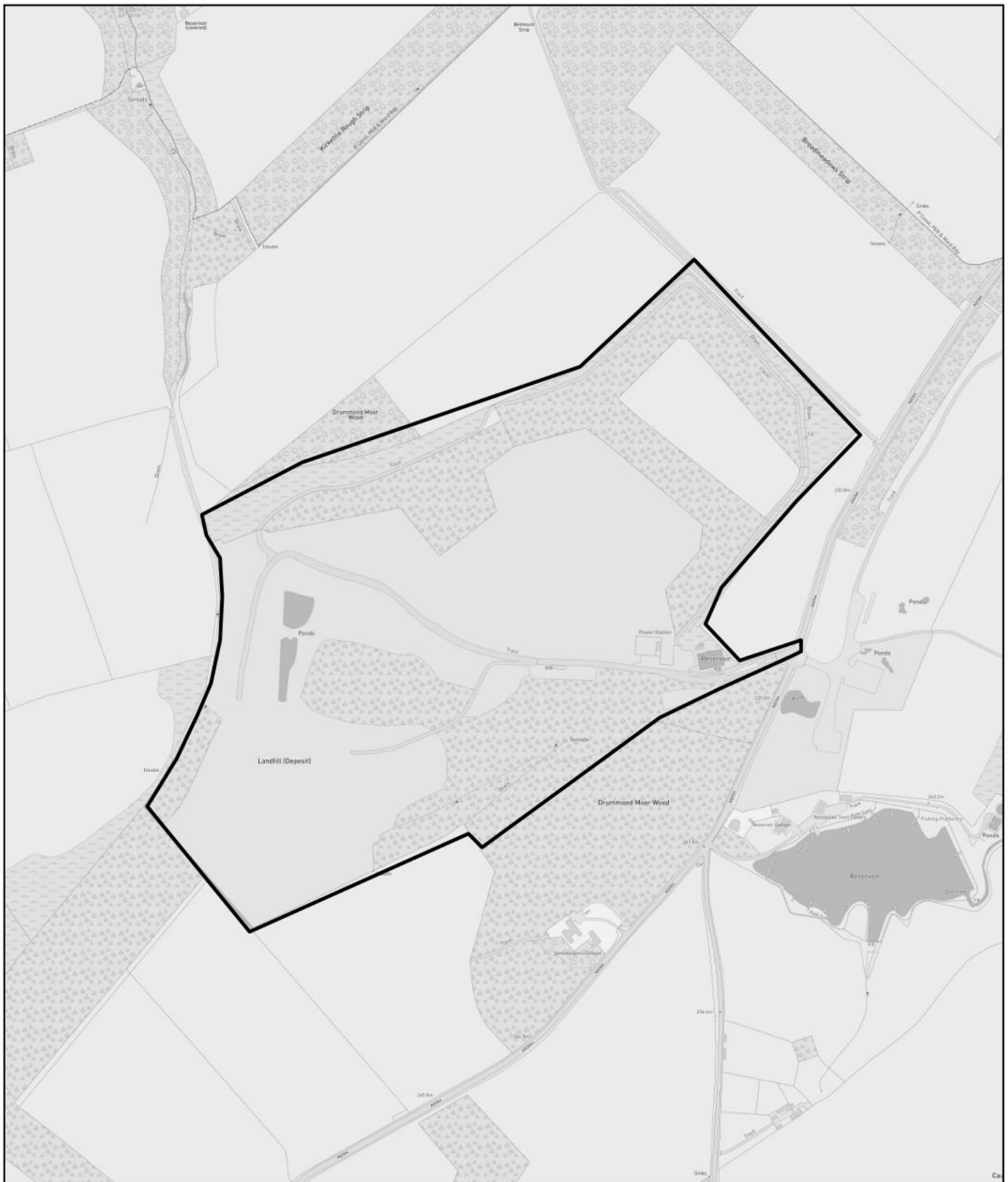
Agent: Stephenson Halliday

Validation Date: 1 March 2021

Contact Person: Steve Iannarelli

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Background Papers: 13/00681/DPP, 19/00437/SCR, 19/00438/SCR, 19/00626/PAC, 20/00268/DPP, 20/00269/DPP.



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

Section 42 application to amend conditions 10 and 11 of
planning permission 13/00681/DPP at Drummond Moor
Landfill Site, Rosewell,

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File No: 21/00101/S42

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NOTES

1. SEE DRAWING WR7360/01/08 FOR SECTIONS

KEY

- SITE BOUNDARY
- PROPOSED RESTORATION CONTOURS
- EXISTING WOODLAND (RESTORED LANDFILL)
- PROPOSED WOODLAND PLANTING (RESTORED LANDFILL)
- COMMON OAK FOCUS SPECIES
- SCOTS PINE FOCUS SPECIES
- RIPARIAN WOODLAND FOCUS SPECIES
- MEADOW GRASSLAND
- WATER BODIES
- SURFACE WATER DITCH
- PERMANENT ACCESS TRACK
- PROPOSED STOCK FENCE

REV	DESCRIPTION	DATE	BY
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CLIENT



Russel House, Mill Road, Langley Moor, Durham. DH7 8HJ. 0191 378 9972

JOB TITLE
AMENDED RESTORATION
PROFILE, DRUMMOND MOOR

DRAWING TITLE
RESTORATION
MASTERPLAN

DRAWN	DATE	APPROVED	DATE
S.T	4/2/2021	J.C	4/2/2021

SCALE	SHEET	DRAWING NUMBER	REVISION
1:4000	A2L	WR7360 5 06	B

Riparian Woodland Mix				
Species	Common Name	Specification	Density	% mix
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	20
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	2m centres	10
Cornus sanguinea	Dogwood	1+1, 60-80, BR, Branched	2m centres	5
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	15
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	10
Ilex aquifolium	Holly	2L, Branched	2m centres	5
Salix caprea	Goat Willow	1+1, 60-80, BR, Branched	2m centres	20

Oak Woodland Mix				
Species	Common Name	Specification	Density	% mix
Quercus robur	Oak	1+1, 60-80, BR, Branched	2m centres	35
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	15
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	10
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	10
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	10
Pinus sylvestris	Scots Pine	2L, 40-60, Branched	2m centres	5
Ilex aquifolium	Holly	2L, Branched	2m centres	5
Sorbus aucuparia	Rowan	1+1, 60-80, BR, Branched	2m centres	10

Pine Woodland Mix				
Species	Common Name	Specification	Density	% mix
Pinus sylvestris	Scots Pine	2L, 40-60, Branched	2m centres	40
Alnus glutinosa	Alder	1+1, 60-80, BR, Branched	2m centres	10
Betula pubescens	Birch	1+1, 60-80, BR, Branched	2m centres	10
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	2m centres	10
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	2m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	2m centres	5
Sorbus aucuparia	Rowan	1+1, 60-80, BR, Branched	2m centres	10

Native Scrub Mix				
Species	Common Name	Specification	Density	% mix
Crataegus monogyna	Hawthorn	1+1, 60-80, BR, Branched	1m centres	15
Corylus avellana	Hazel	1+1, 60-80, BR, Branched	1m centres	10
Ilex aquifolium	Holly	30-40, P9, Branched	1m centres	20
Rosa Canina	Dog Rose	1+1, 60-80, BR, Branched	1m centres	5
Prunus spinosa	Blackthorn	1+1, 60-80, BR, Branched	1m centres	10
Ulex europaeus	Gorse	30-40, P9, Branched	1m centres	20
Juniperus communis	Juniper	30-40, P9, Branched	1m centres	20

Standard Trees Mix				
Species	Common Name	Specification	Density	% mix
Pinus sylvestris	Scots Pine	RB, 125-150	as shown	40
Quercus robur	Oak	Select Standard, BR	as shown	30
Sorbus aucuparia	Rowan	Select Standard, BR	as shown	30