



APPLICATION FOR PLANNING PERMISSION (18/00155/DPP) FOR THE STORAGE OF SOIL (TOP SOIL AND SUB SOIL) FOR A TEMPORARY PERIOD OF 5 YEARS AT SHAWFAIR SITE F, MONKTONHALL COLLIERY ROAD, DALKEITH

Report by Head of Communities and Economy

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1** The application is for the storage of waste soils (topsoil and subsoil) for a period of 5 years. The material is to be reused on the Shawfair development area. There have been no representations. Consultation responses have been received from the Coal Authority, the Scottish Environment Protection Agency (SEPA), the Council's Policy and Road Safety Manager and the Council's Environmental Health Manager. The relevant development plan policies are STRAT1, ENV7, ENV11, ENV17, ENV18 and IMP3 of the Midlothian Local Development Plan 2017. The recommendation is to grant planning permission subject to conditions.

2 LOCATION AND SITE DESCRIPTION

- 2.1** The application site is a 9.48 hectare area of land formerly used as a coal depot, located to the west of Danderhall and adjacent to Shawfair railway station. The site is currently disused. It comprises two separate sections of concrete hard standing, one located in the centre-west of the site and the second located in the eastern part of the site. The majority of the site is overlain by coal blaes, reflecting its previous use for the storage of coal. Access to the site is via a minor road leading to Shawfair railway station off the A6106. The site is located within the wider Shawfair development area and is planned to be a mixed use plot incorporating housing.

3 PROPOSAL

- 3.1** The proposal is to store three stockpiles of waste soils (topsoil and subsoil) for a period of 5 years for reuse across the wider Shawfair development. The proposed two top soil stockpiles; which are referred to as stockpile A and stockpile B on the submitted layout plan will not exceed 3m in height. The third stockpile is for subsoils and will not exceed 8m in height.

- 3.2 As part of the wider Shawfair development a materials management plan is being produced to ensure that all soils generated during the development works are handled and used in an appropriate way. Due to the complex development timelines and phasing requirement a longer-term site storage facility is required for a period of 5 years.
- 3.3 The soils to be stored in the facility will be placed directly on the current site surface with the bottom 250mm designated as sacrificial. The soil stockpiles will be proactively managed to ensure the materials will be clearly identifiable and available for reuse when the phasing of the development areas require.
- 3.4 The soils will be delivered over a 5 year period and this will most likely be concentrated around the start of new phases of the development as preparatory works commence. The movement of materials out of the facility may be more gradual as the development works progress and materials are required. Overall the phasing of the works and the material management plan will dictate the flows of soils into and out of the facility. The facility will only be operational when required and as such supervisory staff and plant will be in attendance during times when imports or exports of materials is occurring.
- 3.5 In support of the application the applicant has submitted an Amenity Risk Assessment report on simple risk assessments for the identified hazards for the soil storage facility. The four main groups of amenity hazards included in the assessment are: noise; dust emissions; surface water and accidents. It concludes that the risk management procedures to be put in place for these hazards result in the risk as being low.

4 BACKGROUND

- 4.1 Outline planning Application 02/00660/OUT for residential, industrial and commercial floor space, community facilities (including new primary schools), associated landscaping with the provision for sport and recreation and new transport facilities at land bounded by A720, Old Dalkeith Road and The Wisp, Millerhill was granted permission in August 2014. The application site, Site F, is a component part of the wider Shawfair development.
- 4.2 Pre Application Consultation 17/00859/PAC regarding the use of Shawfair Site F, Monktonhall Colliery Road, Dalkeith for the storage of soil was reported to the Committee at its meeting in February 2017.

5 CONSULTATIONS

- 5.1 The **Coal Authority** informs that the site is within a defined Development High Risk Area. Therefore within the site and the surrounding area there are legacy coal mining features and hazards

which should be considered as part of the development proposals. There are four recorded mine entries within the site which have been identified and potential mitigation measures considered. A condition securing the mine entries needs to be imposed on any grant of planning permission to ensure they are secure and fenced off prior to site operations commencing.

- 5.2 The **Scottish Environment Protection Agency (SEPA)** does not object to the application; however the applicants will need a Waste Management License (WML) from SEPA. The applicant's agent has been in discussion with SEPA about an application for a WML, and from the information provided, it is likely a license can be issued – this is the regulatory responsibility of SEPA.
- 5.3 The **Council's Policy and Road Safety Manager** does not object to the application, but recommends that the following controls be secured by conditions imposed on a grant of planning permission: (i) details of measures to be taken to minimise loose material being carried onto the public road should be submitted for approval (a wheel washing facility would be the best option); and, (ii) details of the measures to control the flow of surface water run-off from the site should be submitted for approval.
- 5.4 **The Council's Environmental Health Manager** does not object to the application subject to the following controls being secured by conditions imposed on a grant of planning permission: (i) the mounds of topsoil are maintained at a height of no more than 3 metres; and, (ii) the mounds of subsoil are maintained at a height of no more than 8 metres.

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) and the Midlothian Local Development Plan 2017, adopted in November 2017. The following policies are relevant to the proposal:

Midlothian Local Development Plan 2017 (MLDP)

- 7.2 Policy **STRAT 1: Committed Development** seeks the early implementation of all committed development sites and related infrastructure, facilities and affordable housing, including sites in the established housing land supply. Committed development includes those sites allocated in previous development plans which are continued in the MLDP. The site is part of a larger site identified in the

MLDP as established strategic housing site h43 (Shawfair) with an indicative capacity of 3,500 dwellings.

- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 Policy **IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

8 PLANNING ISSUES

- 8.1 The main issue to be determined is whether the proposal accords with the development plan, unless material planning considerations indicate otherwise. The consultation responses received are material considerations.
- 8.2 The site forms part of the wider Shawfair development and is identified as committed housing site h43 in the MLDP. The proposed development is temporary and is required to facilitate the implementation of the committed development at Shawfair. This operational requirement for the facility on a temporary basis is acceptable in principle.

- 8.3 The proposed height of the subsoil stockpile is 8 metres and the proposed height of the two topsoil stockpiles is 3 metres. Public views of the proposed stockpiles would primarily be from long views and intermittent views. Existing trees along the eastern part of the northern boundary and along the eastern boundary of the site will provide some screening to the stockpiles helping to mitigate the visual impact of the material. The applicant has confirmed that no works would be undertaken which would disturb the mature trees around the boundaries of the site to undermine the landscape screening. Furthermore, the undulating land levels in the area further mitigate views into the site and thus limit the visual impact of the proposal. However, the scale of development is such that the stored material will be visible from some locations, although this will be temporary and seen in the wider context of a development site under construction.
- 8.4 The material to be stockpiled is inert soil and as such there is not a concern with regard pollution arising from the storage of the material, including from windblown dust/particles from the stockpiled material. The Council's Environmental Health Manager does not raise any concerns with the proposed development on grounds of environmental pollution.
- 8.5 Given, the distance of the site from existing dwellinghouses, the nature and scale of the proposed development, the use and operations on the site and the temporary nature of the use it is considered that it would not give rise to significant noise nuisance and disturbance to any residential properties.
- 8.6 The existing road network is of a standard to cope with the traffic generated by the proposed development. The proposed development is acceptable in road safety terms.

9 RECOMMENDATION

- 9.1 That planning permission be granted for the following reason:

The proposed development site is an integral part of a committed development site as allocated in the Midlothian Local Development Plan 2017 and the proposed temporary use is an operational requirement to facilitate the wider development of Shawfair which has a grant of planning permission. The distance of the site from existing dwellinghouses, the nature and scale of the proposed development, the use and operations on the site and the temporary nature of the use means the development would not give rise to an unacceptable impact on amenity. The proposed development does not conflict with adopted policies STRAT1, ENV7, ENV11, ENV17, ENV18 and IMP3 of the Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Planning permission for the storage of topsoil and subsoil on the site is granted for a temporary period of 5 years from the date of the grant of this planning permission. The use shall cease and any stored material on the land shall be removed by 10th October 2023.

Reason: *The temporary use is only acceptable on the site as it will facilitate the implementation of committed development sites at Shawfair including established strategic housing site h43 (Shawfair) of which the site lies within.*

2. No stockpile of topsoil shall exceed 3 metres in height above existing ground levels.
3. No stockpile of subsoil shall exceed 8 metres in height above existing ground levels.

Reason for 2 & 3: *In the interests of safeguarding the landscape character and visual amenity of the area.*

4. Development shall not commence until the four recorded mine entries located on the site are located, secured and fenced off in accordance with details to be submitted to and approved in writing by the planning authority.

Reason: *In the interest of safety.*

5. The development shall not commence until details of a formal wheel washing facility and/or other measures to be taken to minimise loose material being carried onto the public road have been submitted to and approved in writing by the planning authority. The approved wheel washing facility/other measures shall be in place prior to the operation first coming into use and shall remain in place, remaining operational, for the duration of the use hereby approved.

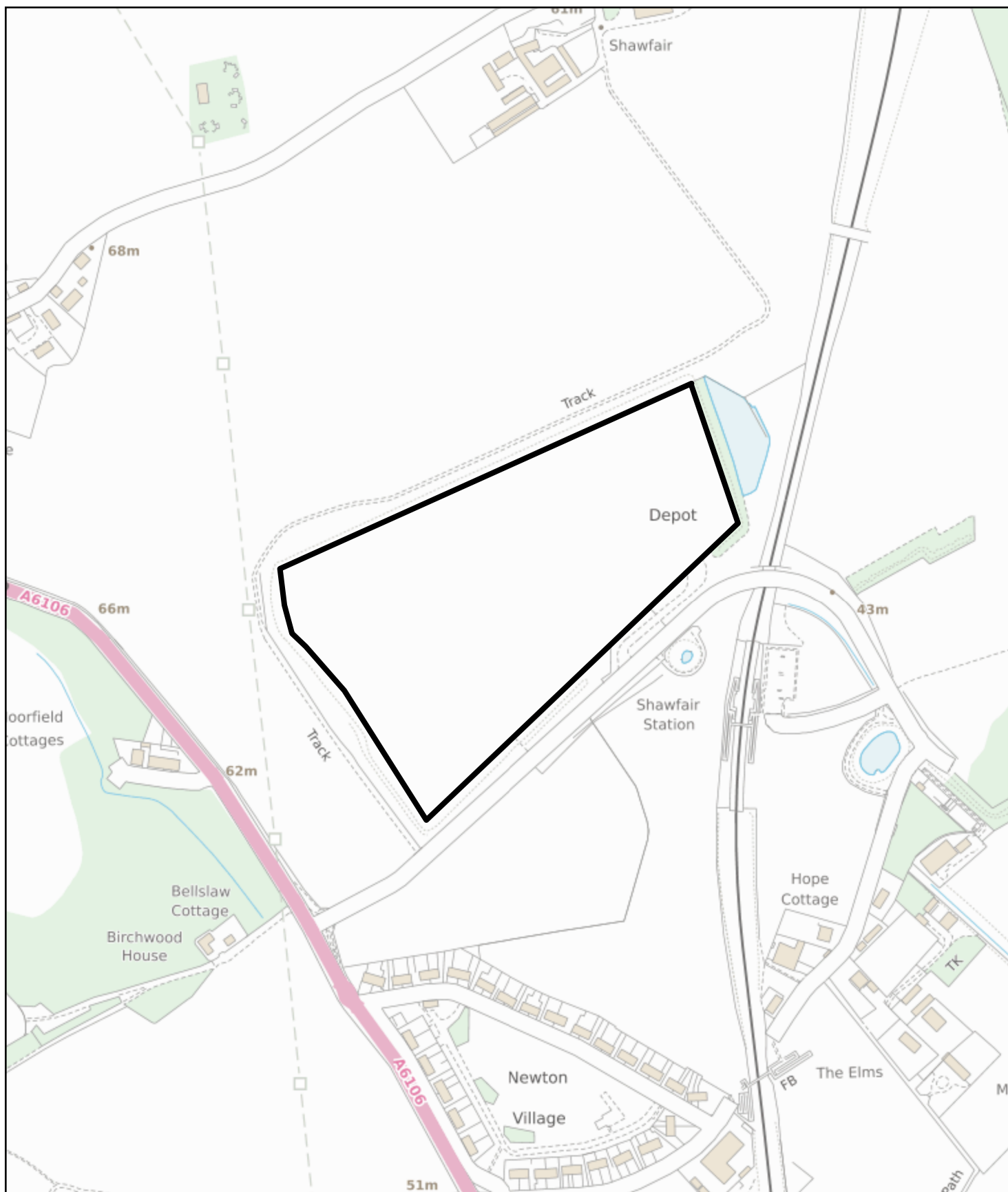
Reason: *In the interests of road safety.*

6. The development shall not commence until details of measures to control the flow of surface water run-off from the site have been submitted to and approved in writing by the planning authority. The approved mitigation measures shall be in place prior to the operation first coming into use and shall remain in place/remain operational for the duration of the use hereby approved.

Reason: *In the interests of road safety.*

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Date: 02 October 2018
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Background Papers: 02/00660/OUT and 17/00859/PAC



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**Storage of soil (top soil and sub soil) for a temporary
period of 5 years at Shawfair Site F, Monktonhall
Colliery Road, Dalkeith**

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