

MINUTES of SPECIAL MEETING of the MIDLOTHIAN COUNCIL PLANNING

COMMITTEE held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 15 September 2015 at 1.30 pm.

Present:- Councillors Bryant (Chair), Baxter, Beattie, Bennett, Coventry, Imrie, Johnstone, Milligan, Rosie, de Vink, and Wallace.

Apologies for Absence:- Councillors Montgomery, Muirhead, Pottinger, Russell and Young.

1. Declarations of Interest

No declarations of interest were intimated.

2. Application For Planning Permission 15/00285/Dpp, Erection Of Waste Recycling and Treatment Facility Including Combined Heat and Power Plant Facility, Comprising Treatment Buildings; Office Building and Visitor Centre, Formation Of Access; Internal Circulation Roads; Hardstanding Areas; Weighbridge; Car Parking and Associated Infrastructure at Former Millerhill Marshalling Yards, Dalkeith

There was submitted report, dated 18 August 2015 by the Head of Communities and Economy, concerning the above application.

The Principal Planning Officer was heard in amplification of the report.

Decision

- (a) To welcome the report which signalled the culmination of the work to bring forward a combined waste and heating facility, for the benefit of the environment and the local economy; and, longer term, in providing the option of a sustainable source of heat and power for future residential and other developments at Shawfair; and
- (b) Subject, in view of the relative remoteness of the site and in order to facilitate progress, to the amendment of Condition 8 to secure flexibility in the proposed core working time during which construction works and decommissioning works could take place, to grant planning permission for the reasons and subject to the conditions contained in the **Appendix** hereto ie on the basis that the precise wording be as determined by the Head of Communities and Economy.

(Action: Head of Communities and Economy)

The meeting terminated at 1.45 pm.

APPENDIX

(relative to paragraph 2)

That planning permission be granted for the following reasons:

The proposals accord with the relevant provisions of the statutory development plan.

The proposed development is considered to support sustainable waste management by providing a facility that treats the waste further up the waste hierarchy, by recycling and reprocessing the waste and diverting it from landfill. This is in compliance with the Zero Waste Plan for Scotland.

The proposal would lead to carbon emission reduction generated as a result of waste disposal and therefore is compliant with policies contained with the Scottish Planning Policy.

The proposal could contribute to the decentralisation of power supply, providing heat from waste to supply nearby proposed (and existing) development.

The site is identified in the Strategic Development Plan as a Safeguarded site for waste treatment facilities.

The proposed development is not considered to have an unacceptable impact on the environment, subject to mitigation contained within the Environmental Statement submitted with the application and appropriate conditions.

The design of the building is considered to be acceptable.

Access to the site, subject to conditions relating to road improvements, is considered to be acceptable.

subject to the following conditions the precise wording of which shall be determined by the Head of Communities and Economy:

Notification to the Planning Authority

1. The developer shall notify the planning authority in writing of both the commencement of development on the site and the date on which the development is brought into use.

Community Liaison Group

2. Within 3 months of the date of this planning consent being granted details of a Community Liaison Group, including their terms of reference (which shall include a complaints scheme), shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved details shall be implemented and adhered to in full.

CONSTRUCTION PHASE CONTROLS

Finish Materials

3. The external finish building materials shall be those detailed on plans reference numbers Fig 4.5 Rev. A, Fig 4.6 Rev. A, Fig 4.7 Rev. A and Fig 4.8 Rev. A. The colour of the materials shall be as shown on the plan unless otherwise agreed in writing with the planning authority.

Construction Environmental Management Plan

4. No development hereby approved shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in full and shall be adhered to throughout the construction phase of the development.
5. The CEMP shall include:

Construction Traffic Management Plan

- a. The Construction Traffic Management Plan shall:
 - specify the type and number of vehicles expected to be on site on a regular basis;
 - specify routing of equipment and vehicles to the site and the means by which drivers will comply with the routing;
 - specify the vehicle delivery hours and the means by which delivery vehicle drivers comply with those hours;
 - provide for the parking and manoeuvring of vehicles of site operatives and visitors;
 - provide for the loading and unloading of plant and materials;
 - provide for the storage of plant and materials used in constructing the development;
 - specify details of supporting staff/operative travel management initiatives;
 - specify details for the management of and procedures for the delivery of abnormal loads;
 - specify measures to be adopted to mitigate construction impacts in the pursuance of the CIRIA Environmental Good Practice on Site (C692) or its successor; and
 - include a scheme to encourage the use of Public Transport amongst contractors.

Ecology

- b. A scheme to minimise and mitigate potential impacts on ecological interests during construction, in particular in relation to breeding birds and the common lizard.

Dust and Odour

- c. A scheme to minimise and mitigate the impacts of dust and odour on local air quality from construction operations during the construction of the development.

Noise and Vibration Management

- d. A scheme detailing the following:
- The likely maximum construction related noise and vibration levels at identified residential properties;
 - The measures that will be undertaken to measure and monitor construction related noise and vibration;
 - Mitigation measures that will be used to reduce noise and vibration levels; and
 - Actions that will be taken to respond to noise and vibration complaints.
 - Choice of piling rigs in order to minimise noise

Management of Hazardous and Polluting Substances

- e. A scheme to manage and mitigate potential impacts from the storage of fuels, oils, chemicals and other hazardous and polluting substances based on the contents of JP/CEMP/4/1

Surface Waters and Flood Risk

- f. A scheme outlining the measures to be adopted at the site to reduce the potential for adverse water quality impacts during the construction phase (including the washing-out of vehicles) in accordance with JP/CEMP/3/1.

Lighting

- g. A scheme for lighting during the construction phase. The scheme shall include the following details:
- The position, height and type of all lighting;
 - The intensity of lighting and the spread of lighting (Lux plans); and
 - The periods of day and night when such lighting will be used for construction and emergency needs.

Temporary Site Fencing

- h. A scheme setting out the arrangements for securing the site boundary and any spaces within the site that require isolation during works including specifying the types, height and method of installation of site fencing/hoarding throughout the construction phase.

Waste Minimisation

6. With the exception of survey works, no excavations shall commence on the site until a detailed strategy and method statement for minimising the amount of construction waste resulting from the development has been submitted to and approved in writing by the Waste Planning Authority. The statement shall include details of the extent to which waste materials arising from the construction activities will be re-used on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal in accordance with the waste hierarchy. All waste materials from demolition and construction associated with the development shall be re-used, recycled or dealt with in accordance with the approved strategy and method statement.

Soil Management

7. No development hereby permitted shall commence until a soil management plan covering all the areas of proposed soft landscaping has been submitted to and approved in writing by the Waste Planning Authority. The soil management plan shall include details of the soil materials to be used, including their source, temporary stockpiling, depth of application and suitability as a growing medium. The soil management plan shall be implemented in accordance with the approved details.

Construction Times

8. Construction works and any decommissioning works shall only take place between 08.00 – 19.00 Monday to Friday and 08.00 – 12.00 on Saturdays and not at any time on Sundays, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the construction of the development

Retention of Trees

9. Unless otherwise agreed in writing, all existing trees shown to be retained on the submitted plans shall be retained and protected during the construction operations (in accordance with BS5837:2012) with protective fencing erected and retained until construction of the development is complete.

Imported Construction Materials

10. The applicant or his contractor shall ensure that records are kept and made available for inspection by the planning authority for the duration of the construction phases of the works, to demonstrate that only material appropriate for the end use of the site has been imported and used as infill material.

Provision of Vehicular Access

11. Unless otherwise agreed in writing, vehicular access during the construction period shall be in accordance with the figures contained within ES Appendix 6-1 the Transport Assessment.
12. Prior to the development hereby permitted being brought into use, improvements to the Whitehill Road as detailed in paragraphs 6.3.2 of the ES and 3.1.2 of the Transport Assessment Appendix 6.1 submitted in support of this application, shall be carried out in full. Details of the proposed road improvements, including plans were necessary, shall be submitted to and approved in writing by the Planning Authority, prior to the work being carried out. The approved plans shall be adhered to and implemented in full.

Landscape Scheme

11. Within 12 months of the commencement of the development the plans and full details of hard and soft landscaping works based on the Proposed Landscape Plan Drawing Number 1488-01.01 (REV F) and Chapter 7.0 of the Environmental Statement shall have been submitted for the written approval of the Waste Planning Authority. These details shall include a detailed scheme for the landscaping of the site including details of:
- i) Hard landscaping, including:
 - a. Surface treatment finishes and colours;
 - b. Proposed finished levels or contours
 - c. Car parking layouts
 - d. Other vehicle and pedestrian access and circulation areas
 - e. Hard surfacing materials
 - f. Water attenuation measures and wetland areas, and associated drainage scheme
 - ii) Proposed finished levels or contours;
 - iii) Soft Landscaping (including cultivation and other operations associated with plant and grass establishment) including planting plans covering the position, species, density and initial sizes of all new trees and shrubs; and
 - iv) Proposals for the maintenance of the landscaping.

The landscape works shall be implemented in accordance with the approved details and maintained for the duration of the development.

The approved soft landscaping scheme shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) following completion of the construction phase of the development. All planting and seeding undertaken in accordance with this condition shall be maintained and any plants which within five years of planting or seeding die, are removed, damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

PRE-OPERATIONAL CONTROLS

Provision of on-site Facilities

Cycle Facilities

12. Prior to the development hereby permitted being brought into use, secure bicycle and motorbike parking shall be provided in accordance with Appendix 6-1 of the ES. The approved facilities shall be provided within three months of approval and retained for the duration of the development.

Electrical Connection

13. The operation of the development hereby approved shall not commence until the operator has submitted details in writing of facilities to enable connection to the electricity distribution network and supply of generated electricity for approval by the waste planning authority. The connection to the electricity distribution network shall be by means of underground connections as detailed in the ES submitted in relation to this planning application and shall be carried out in accordance with the approved details.

Heat Exporting

14. That prior to the EfW plant becoming operational a study detailing the feasibility and commercial viability of exporting heat from the EfW plant for use by local domestic, commercial and or industrial users (together with the demand for such heat) shall be submitted to and approved by the Planning Authority. If at the time the EfW plant becomes operational the study concludes that exporting heat from the EfW plant is not feasible or commercially viable then a timetable for the review of the study shall be agreed in writing with the Planning Authority.
15. Prior to the acceptance of any waste for thermal treatment at the facility (including first operation to begin commissioning) the operator shall have written permission from the relevant competent authority to export electricity to the National Electrical Grid and shall have all necessary equipment and facilities in place and operational such that electrical energy can be exported to the National Electrical Grid from commencement of operations.

Lighting Details

15. Within 12 months of the commencement of the development hereby approved details of all operational external lighting and any operational internal lighting that would result in light spill from the buildings, shall be submitted to the Waste Planning Authority for approval in writing. The Scheme shall include the following details:
 - a. The position, height and type of all lighting;
 - b. The intensity of lighting and spread of light (Lux plans); and
 - c. The periods of day and night when such lighting will be used for operational, maintenance and emergency needs.

The lighting scheme shall be carried out in accordance with the approved details.

Operational Surface Water Drainage

16. Within 6 months of the commencement of construction a detailed scheme for surface water run-off control, surface water drainage (including the use of interceptors) and foul water drainage shall be submitted to and approved in writing by the waste planning authority. The detailed scheme for the provision of surface water drainage or a sustainable containment drainage scheme to the operational development shall be based on the schematic drainage layout contained within T/15-1580CL(19)01P8 of the Regulation 23 and the Proposed Drainage Strategy included in Chapter 10.0 of the Environmental Statement. The submitted scheme

shall show how the rate of run-off from the development site, is to be managed and drained, with all clean roof and surface water being kept separate from foul water (including site drainage) with drainage from areas identified as high risk, e.g. loading bays and waste storage areas, not being discharged to any watercourse, surface water sewer or soakaways.

The scheme shall be implemented in full as approved prior to the date the development becomes fully operational and maintained for the duration of the development.

Travel Plan

17. Prior to the full operation of the development hereby approved, an Operational Travel Plan covering all elements of the development, shall be submitted to and approved in writing by the waste planning authority. The Travel Plan shall be adhered to and monitored in accordance with the approved details.

The Travel Plan shall be prepared in line with current best practice and shall include as a minimum:

- a. The identification of targets for trip reduction and modal shift;
- b. The method to be employed to meet these targets;
- c. The mechanisms for monitoring and review;
- d. The mechanisms for reporting;
- e. Mechanisms for mitigation;
- f. Mechanisms to seek variations to the Travel Plan following monitoring and reviews; and

GENERAL CONTROLS OVER DEVELOPMENT

Dust Control

18. Prior to the commencement of the operation of the development hereby approved a scheme for the management and mitigation of dust shall be submitted for the written approval of the Waste Planning Authority. The scheme shall be adhered to fully in accordance with the approved scheme.

Pollution Prevention

19. There shall be no discharge of foul or contaminated drainage from the development hereby permitted into either the groundwater or any surface waters, whether direct or via soakaways, with all areas where non-inert waste is stored, handled or transferred underlain by impervious hardstanding with dedicated drainage to foul sewer or a sealed tank / sump.

Waste Throughput

20. The amount of waste received for treatment by the Energy from Waste Facility in any one calendar year shall not exceed its nominal capacity of 195,000 tonnes. For the avoidance of doubt the nominal capacity is the processing capacity of the plant under normal operating conditions, taking account of its annual average availability, due to planned maintenance events and other plant shutdowns.

Securing of Loads

21. All loads of waste materials carried on HGV into and out of the development hereby approved shall be enclosed or covered so as to prevent spillage or loss of material at the site or on to the public highway.

Waste Delivery Times

22. Heavy goods vehicles delivering any waste material, process consumables (such as lime etc) or removing material or residues (including processed incinerator bottom ash) associated with the operational phase of the development hereby approved shall only enter or exit the site between 0800 hours and 2000 hours on Monday to Sunday inclusive.

Operational Daytime Noise

23. The noise levels contained in the Criteria and Development/Operating Standards Table below shall be met at the nearest noise sensitive properties.

Assessment location	Source	Criterion not to exceed / Requirement	Operating hours 24/7 (import/export materials restricted Mon-Fri 08:00-20:00)
Whitehill Farm	Fixed & mobile plant (incl. site vehicles)	$L_{Aeq(1hr)}$ (free-field) - 41 dB	08:00 – 21:00 hrs
		$L_{Aeq(1hr)}$ (free-field) - 39 dB	21:00 – 23:00 hrs
		$L_{Aeq(5min)}$ (free-field) - 39 dB	23:00 – 07:00 hrs
		$L_{Aeq(15min)}$ (free-field) - 39 dB	07:00 – 08:00 hrs
	Fixed plant only	$L_{Leq(5min)}$ (internal ⁴ , open window) - NR25	23:00 – 08:00 hrs
Shawfair	Fixed & mobile plant (incl. site vehicles)	$L_{Aeq(1hr)}$ (free-field) - 40 dB	08:00 – 21:00 hrs
		$L_{Aeq(1hr)}$ (free-field) - 39 dB	21:00 – 23:00 hrs
		$L_{Aeq(5min)}$ (free-field) - 39 dB	23:00 – 07:00 hrs
		$L_{Aeq(15min)}$ (free-field) - 39 dB	07:00 – 08:00 hrs
	Fixed plant only	$L_{Leq(5min)}$ (internal ⁴ , open window) - NR25	23:00 – 08:00 hrs

All sensitive receptor locations	Vehicles (on site) with reversing alarms	All reversing alarms to be of the broad-band type *	
	Construction (all site operations)	L _{Aeq(12hr)} (façade) 70 dB BPM ⁵ at all times in accordance with BS5228 guidance	Restricted to Mon – Fri 08:00 – 20:00 hrs Saturday 08:00 – 12:00 hrs or such other hours as may be agreed in writing with Midlothian Council
	Construction (piling)	L _{Aeq(1hr)} (façade) 75 dB L _{A01(1hr)} (façade) 80 dB BPM ⁵ at all times in accordance with BS5228 guidance	
	Construction (Community Relations)	A community liaison representative will be appointed to: ensure (a) availability of information and (b) complaints are dealt with expeditiously.	
Notes: <ol style="list-style-type: none"> 1. Day is considered 08:00 - 23:00 hrs; and Night 23:00 - 08:00 hrs 2. Assessment reference time periods are 1 hr for daytime and 5 min for night-time, unless otherwise stated 3. External assessment measurement setup as per BS4142 and BS5228 as appropriate 4. Internal assessment measurement setup as per BS7445 5. BPM – best practicable means 			

24. Within three months of the date when the development hereby approved becomes fully operational a noise report shall be submitted for approval to the Waste Planning Authority, demonstrating compliance with the requirements of Condition 23 above. The report shall include:
- a. A schedule of all plant and equipment installed or used during the operation of the facility;
 - b. Locations of fixed plant and machinery and associated ducting, attenuation and damping equipment;
 - c. Manufacturer specifications of sound emissions in octave or third octave detail;
 - d. Comparison of plant noise levels with the established pre-commencement background noise levels.
 - e. Relevant noise monitoring data gathered over a minimum of 24 hours during the normal working of the facility
 - f. A list of remedial measures and timescales that shall be implemented in the event of non-compliance

Noise Monitoring Complaints

25. In the event of a complaint being received by the Waste Planning Authority regarding operational noise emissions from the development hereby approved the operator shall undertake a noise survey within 2 weeks of a written request of the Waste Planning Authority for such a survey to be undertaken. The noise survey shall be undertaken in accordance with BS 4142 (2015) and shall be carried out under the supervision of the Waste Planning Authority. The results of the noise survey shall be provided to the Waste Planning Authority for its written approval within 1 month of the survey being undertaken. Should the results of the noise survey suggest that further mitigation measures are necessary these shall be identified within the report and implemented within 1 month following their approval by the Waste Planning Authority

Acoustic Fence

26. The dimension and design specification of the proposed acoustic barrier at the west of the site shall be submitted to and approved by the planning authority prior to its erection on the site and prior to the development hereby approved being completed or brought into use, whichever is the earlier. The acoustic fence hereby approved shall be erected on the site.

Fork Lift Truck reversing Beepers

27. Fork Lift Truck reversing beepers shall be non-tonal broad band reversing alarms with adjustable volume control. NOTE RE H&S NOT ATTACHED.

Double Door System

28. Details of the acoustic performance specification of the double door system at the exit from the main building to the west of the site and the bale store, shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site. The approved specified double door system shall thereafter be implemented at the site.

Odour and Dust Containment

26. With the exception of the transfer of baled waste between the main RERC building and the Bale storage building no handling, deposit or processing of waste material shall take place outside the confines of the buildings / structures hereby approved.
27. No recyclable materials or reject materials from the processing of incinerator bottom ash shall be stored outside on the ground.
28. The containers of reject materials from the processing of incinerator bottom ash shall not be left outside the confines of the building outside of the agreed HGV delivery / export hours as defined by Condition 29.
29. To maintain negative air pressure within the Tipping Hall all doors to the waste tipping hall shall be kept closed unless vehicles are entering or leaving the Hall.

Use of Machinery and Mobile Plant

30. All vehicles, plant and machinery operated solely within the site shall be maintained in accordance with the manufacturer's specification at all times, this shall include the fitting and use of effective silencers, and on all mobile wheeled plant used at the site the fitting and operation of a 'smart' or white noise reversing device, or similar non intrusive reversing device.

Site Car Parking

31. Unless otherwise agreed in writing, once the development hereby approved becomes fully operational the site shall provide no more than 32 car parking spaces and one coach parking bay including 3 car parking spaces for disabled drivers in accordance with drawing Proposed Site Plan reference 1309_PL110 REV A.

Removal of Permitted Development Rights

32. Notwithstanding the provisions of Schedule 1 of the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Order 1992](#), (as amended) or any order revoking and re-enacting that Order with or without modification no buildings, fixed plant or fixed machinery shall be installed, erected or operated in, on or over this site except as authorised by this planning permission.

Management of Residues

33. Three years from the date when the development hereby approved becomes fully operational a review of APC (fly ash) residue management options shall be submitted for the written approval of the Waste Planning Authority, and on a three yearly basis thereafter.

Site Decommissioning

34. The operator shall inform the Planning Authority in writing within 30 days of final cessation of operation of the development hereby permitted that all operations have ceased. Thereafter, the site shall be restored within a period of 24 months in accordance with a scheme to be submitted for the written approval of the Waste Planning Authority not less than 6 months prior to the final cessation of operation of the development hereby permitted. The scheme shall include the removal of all buildings, chimney stack, associated plant, machinery, waste and processed materials from the site.

Contamination and/or Previous Mine Workings

35. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on site;

- ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for the use proposed, the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Lighting

- 36. There shall be no direct illumination of any neighbouring sensitive property and light emissions from the site shall comply with Appendix 2 of the Scottish Government document 'Guidance to accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008.