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**APPLICATION FOR PLANNING PERMISSION (13/00077/MSC) FOR THE ERECTION OF ANAEROBIC DIGESTION PLANT AND ASSOCIATED STORAGE AND DIGESTER TANKS; FORMATION OF ACCESS ROAD AND CAR PARKING; AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 2,3,4 AND 5 OF PLANNING PERMISSION 11/00174/PPP) LAND AT FORMER MILLERHILL MARSHALLING YARDS, WHITEHILL MAINS ROAD, MILLERHILL**

Report by Head of Planning and Development

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**1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION**

- 1.1** The application is for the erection of an anaerobic digestion plant as part of the larger waste recycling proposal which was granted permission in principle in 2012. The proposed development is for the approval of matters specified in conditions of planning permission 11/00174/PPP. One letter of representation and consultation responses from Scottish Natural Heritage, Scottish Environment Protection Agency, East Lothian Council and the Council's Policy and Road Safety Manager and Environmental Health Manager have been received. Policies RP7, RP20 and DP3 of the adopted Midlothian Local Plan are relevant to this application for matters specified in conditions. The recommendation is to grant planning permission subject to a condition.

**2 LOCATION AND SITE DESCRIPTION**

- 2.1** The site is located to the north east of the former Monktonhall Colliery at Millerhill. The site is bounded to the east by the Millerhill railway sidings and to the west by the tip/bing which was associated with the former colliery. The Borders Rail Line runs to the north and west of the site.
- 2.2** Whitehill Mains lies immediately to the west of the site boundary and adjacent to the site access on Whitehill Mains Road. This road runs between Newcraighall Retail Park and serves the existing railway sidings. The road crosses a railway line immediately to the east of the proposed access road. The A1 Trunk Road is located to the east and north of the application site. Access to the site from the A1 is through Newcraighall Retail Park.

- 2.3 The proposed anaerobic digestion plant is towards the northern end of the site which was granted planning permission in principle in January 2012 for a waste recycling facility. The site extends to 2.3 hectares, with the associated site for the larger recycling proposal extending to 20.3 hectares and located to the south of the current application boundary. The application site is planted with trees, many of which are self seeded. The site is predominantly level.
- 2.4 The proposed new settlement at Shawfair, is located to the south west of the site. The closest part of Shawfair is some 100m from the site boundary.

### **3 PROPOSAL**

- 3.1 The main site components include storage and digester tanks, a processing/sorting building, access road, car parking and hard and soft landscaping. The tallest structures on the site are the three stacks which are 20m high. The main building (where the waste is received, sorted and pre-treated prior to loading into the anaerobic digestion (AD) tanks) is 13.75m high and the largest storage tank is 17.3m high. A wall of variable height, 2.5m to 1.5m, surrounds the tanks. An 11m high, round gas holder is located to the west of the main building.
- 3.2 AD is a managed biological process in which biodegradable waste is broken down by naturally occurring micro-organisms in the absence of oxygen. The resulting compost will be used on local agricultural land as a soil improver and fertiliser replacement. Biogas collected from the process will be used to produce renewable heat and electricity, which will be used to power the plant and to feed into the local network.
- 3.3 The AD plant will process approximately 30,000 tonnes of waste per annum, operating between 7am and 9pm, Monday to Saturday with waste vehicles going into and out of the site between 8am and 8pm, Monday to Saturday. The applicant has confirmed that all vehicles will be unloaded inside the main building which is odour controlled and that no food waste will be handled outside.
- 3.4 The food waste storage capacity of the site is 140 tonnes. The facility will be operated to a 'clean floor policy', where all waste is processed at the end of each day. There are contingency plans related to a possible break down of plant to allow storage of up to 2 days incoming waste in the waste reception hall or up to 5 days pre-processed waste in the enclosed tanks. In cases of longer shutdowns the operator is working in partnership with SW Horizons, who operate a similar facility at Cumbernauld, and waste can be shipped to this facility.

### **4 BACKGROUND**

- 4.1 Planning application 11/00174/PPP for the construction of a waste recycling and treatment facility in principle was granted in January 2012. This application proposed three recycling elements at the site;

Mechanical and Biological Treatment (MBT), Anaerobic Digestion (AD) and Energy from Waste (EFW). The current matters specified in conditions application relates to the AD element and seeks to discharge conditions 2, 3, 4 and 5.

The conditions are as follows:

- 2 *Development shall not begin until an application for matters specified in condition regarding the phasing of the development has been submitted to and approved in writing by the planning authority. The phasing schedule shall include the construction of each proposed waste recycling facility of the development, implementation of landscaping and any bunds proposed, SUDS provision and transportation infrastructure. Development shall thereafter be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.*
- 3 *Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:*
  - i *existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;*
  - ii *existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;*
  - iii *proposed new planting, including trees, shrubs, hedging and grassed areas;*
  - iv *location and design of any proposed walls, fences and gates, including those surrounding any other ancillary structures;*
  - v *schedule of plants to comprise species, plant sizes and proposed numbers/density;*
  - vi *programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed within six months of the facility being operational;*
  - vii *drainage details and sustainable urban drainage systems to manage water runoff;*
  - viii *proposed car park configuration and surfacing;*
  - ix *proposed footpaths and cycle paths (designed to be unsuitable for motor bike use);and*
  - x *proposed cycle parking facilities.*

*All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any tree or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall*

*be replaces in the following planting season by trees/shrubs of a similar species to those originally required.*

*4 Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all buildings, including all external lighting, and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces, means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.*

*5 Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:*

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;*
- ii proposed vehicular, cycle and pedestrian access;*
- iii proposed roads (including turning facilities), footpaths and cycle ways;*
- iv proposed visibility splays, traffic calming measures, lighting and signage;*
- v proposed construction traffic access and haulage routes;*
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling and the use of public transport;*
- vii proposed car parking arrangements;*
- viii a programme for completion for the construction of access, roads, footpaths and cycle paths; and*
- ix proposed on and off site mitigation measures identified by the traffic assessment submitted with the application.*

*Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.*

- 4.2 Planning application 12/00060/DPP for the formation of an access road, bridge and associated infrastructure was granted in March 2012. This application addresses some elements of conditions 2, 3 and 5.
- 4.3 Planning application 12/00837/DPP for the erection of train maintenance, cleaning and stabling depot on land to the east of the site was granted permission in April 2013.
- 4.4 The land to the south west has been identified for the new settlement of Shawfair and the extension of Danderhall. This new development of

an indicative 3,990 dwellinghouses, associated town centre, train station and education and community facilities is committed development.

- 4.2 The land related to this site is owned by Midlothian Council and the City of Edinburgh Council. In addition the Council is considered to have a financial interest in the application. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications which relate to land which is owned by the Planning Authority or in which they have a financial interest to be considered by the Planning Committee.

## 5 CONSULTATIONS

- 5.1 **Scottish Natural Heritage (SNH)** notes the landscape strategy and indicative location of the SUDS basin and recommends that these are carried forward under detailed plans. They also note the resulting loss of the semi-natural broadleaf woodland.
- 5.2 **Scottish Environment Protection Agency (SEPA)** originally objected to this application on the grounds of a lack of information on surface water management. Following the submission of further information clarifying how the applicant proposes to deal with surface water the objection was withdrawn.
- 5.3 In addition it is advised that the works will require to be authorised by SEPA to control and prevent pollution. Based on the information submitted SEPA are satisfied that the proposal is capable of being granted consent in principle.
- 5.4 **East Lothian Council (ELC)** advises it reiterates its support for the principle of the development and it recognises the need for facilities of this type to meet the objectives of the Zero Waste Plan.
- 5.5 However, ELC is concerned that the landscaping scheme does not adequately mitigate the visual and landscape impacts of the proposal. ELC advise that because of the proposals' height and scale it will be highly visible from; the A1 north bound and from a number of rights of way within East Lothian. ELC describe the development as occupying a large proportion of the site area which in turn reduces the area available for landscape, particularly around the north eastern boundary because of the proximity of the digester tanks to the site boundary. ELC is of the opinion that the proposal would be improved if the buildings were lower on the site with excavated material mounded on the periphery of the site with planting on the mounding. If this is not possible then it is suggested that the embankment slopes to the main road outwith the site be tree planted and continued westward and southward to reinforce the proposed landscaping scheme. Alternative tree species are also suggested including an alternative to the Scots pine 'Gateway Canopy Trees'.

- 5.6 ELC also suggest using a lighter palette of materials for external cladding. In addition the use of 'green/living roofs' is suggested if appropriate from a functional perspective.
- 5.7 **The City of Edinburgh Council** has not commented on the application.
- 5.8 **The Council's Policy and Road Safety Manager** advises that there is no objection to the details submitted. To safeguard matters the external drainage system will require being in place prior to the site being brought into operation.
- 5.9 **The Council's Environmental Health Manager** has advised on air quality, noise and other environmental issues. However, these matters are for consideration in relation to condition 7 of planning application 11/00174/PPP and do not comprise a material consideration in the assessment of this application relating to conditions 2, 3, 4 and 5 (phasing, landscaping, building design and infrastructure).

## **6 REPRESENTATIONS**

- 6.1 One letter of representation has been received in relation to this planning application. The representor **objects** to the planning application on the following grounds:
- The potential impact upon the surrounding land uses, in particular the proposed new settlement of Shawfair;
  - The applicant has failed to define an appropriate buffer zone around the proposed development;
  - The representor states that 'Scottish Planning Policy (February 2010, paragraph 217) stipulates that Planning Authorities should consider buffer zones around certain types of waste management facilities. It also states that 'a 250m buffer may be appropriate for operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant'. The objector considers that the applicant should be required to demonstrate it can provide such a buffer zone (or even a reduced buffer zone of 100m) on land which is within the applicants' ownership;
  - If a buffer zone of 250m or greater is required then this would almost certainly impact upon land that is allocated for development as part of Shawfair;
  - The Shawfair application is in Outline but a great deal of information has been submitted with the application indicating how the development will take place. Of particular importance is the Masterplan, which expands on the basic land-use proposals. This document has been adopted by the Council as Supplementary Planning Guidance and therefore has weight as a material consideration and it shows residential development adjacent to the Western Boundary of the application site;

- The failure to provide a suitable buffer along the western edge, in particular at the northern end of the site, where there are no landscape proposals between the site and the adjoining land; and
- The piecemeal fashion in which the constituent parts of the proposed Zero Waste facility are being considered is not providing a need for an appropriate buffer to be provided and believe that detailed proposals should come forward for the whole site so that a comprehensive approach can be taken to the site's layout, including landscaping.

## 7 PLANNING POLICY

- 7.1 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan (MLP), adopted in December 2008. The following policies are relevant to the proposal:
- 7.2 Midlothian Local Plan Policy **RP7: Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;
- 7.3 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.
- 7.4 Midlothian Local Plan Policy **DP3: Protection of the Water Environment** sets out development guidelines regarding flooding, treatment of water courses, drainage and Sustainable Urban Drainage Systems (SUDS);

## 8 PLANNING ISSUES

- 8.1 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representation and consultation responses received are material considerations.
- 8.2 The principle of development for a waste recycling facility on land which includes the current application site has been established by the grant of planning permission in principle. The current application seeks to address the matters specified in conditions 2, 3, 4 and 5, relating to the phasing of development, landscaping, the appearance and location of buildings and provision of roads and infrastructure.
- 8.3 The application for planning permission in principle was accompanied by an Environmental Statement (ES) submitted under the terms of the

Environmental Impact Assessment (Scotland) Regulations 1999. The current planning application is accompanied by environmental information within an ES Mitigation Report relating to Land and Visual Impact, Ecology, Noise and Air Quality and Odour. However this information is pertinent to condition 7 of planning application 11/00174/PPP.

- 8.4 In relation to condition 2 the applicant is required to submit phasing details for the development, implementation of landscaping, SUDS and transportation infrastructure. The applicant has submitted a phasing plan for the whole site which indicates that construction of the road and bridge to access the site will be completed in late summer 2014 with construction work commencing on the AD plant in October 2014. The submission of a further planning application for the residual waste treatment plant is expected early 2014 with construction work proposed to start mid 2015 and the site operational by late 2017. The phasing plan is considered to be acceptable. Bunding is proposed as part of the build project and planting will be carried out in the first planting season after the building is complete or brought into use, whichever is the earlier of the dates.
- 8.5 Condition 3 requires details of hard and soft landscaping works including site levels, planting, proposed walls and fences, drainage details, maintenance of the landscaping, pathways and car and cycle parking. The site is well screened; however it will be partially visible from the A1 to the north and north-east and from longer distances at Arthur's Seat to the north-west and the A68 Bypass and the Mayfield/Tranent Ridge to the east. However, the longer views are dominated by the stark light colours and the large scale buildings of Queen Margaret University to the north-east of the site. A lighter muted colour will help mitigate the visual impact of the proposals when viewed against the sky, but darker colours should be used for buildings and structures which will be viewed against the landscaping and other built form.
- 8.6 The proposed landscaping of the site in conjunction with the existing vegetation will help soften the impact of the development. In order to ensure the site is well contained in the longer term, additional scots pine should be planted to the north of the site and at the site entrance. The vegetation to be retained should be protected in accordance with British Standards. The landscaping plan submitted is considered to be acceptable.
- 8.7 The approval of the details of buildings, lighting and structures is required in relation to condition 4, including samples of materials. The application includes details of the buildings, structures and no lighting is proposed. Samples of materials have been submitted showing suitably muted and dark coloured tanks (dark green with green or grey roofs) and lighter colours for the three 20m high stacks on the site (galvanised steel, which will weather to a dull grey colour) and which will be viewed mainly against the sky. The building is proposed with concrete



blockwork or panels with dark green cladding and grey roof. The design and materials used reflect the site's industrial use and its relationship to the neighbouring railway depot and Borders Rail Line. The height and scale of the buildings is within the tolerances approved by the planning permission in principle (11/00174/PPP).

- 8.8 Condition 5 requires approval of matters relating to the site access, internal roads, transportation movements and the provision of a green travel plan. Planning application 12/00060/DPP for an access road, bridge and associated infrastructure in relation to the site was approved in March 2012. This application addressed condition 5 in part. The outstanding issue was the provision of a green travel plan which the applicant has committed to provide within 6 months from the facility being brought into use.
- 8.9 In relation to the objection received it should be noted that planning permission in principle has been granted. The proposed development at Shawfair was a material consideration in the assessment of this application. Reference to 'buffer zones' is stated in the Scottish Planning Policy (SPP) as relating to a buffer between the development and sensitive properties, it is not prescriptive and the SPP advises that 'a 250m buffer may be appropriate'. It is not a requirement that all of the land within the 'buffer zone' is within the applicant's ownership or control. The Council were satisfied in its assessment of the planning permission in principle application that the proposed land use was acceptable on this site. The nearest existing dwellings are further than 250m from the boundary of the application site. Proposed dwellings at Shawfair are within 250m of the boundary of the site but outwith 100m from the site boundary. It should be noted that the small area of Shawfair which is potentially affected is in the last phase of development some 25 years into the future; thereby affording ample opportunity for consideration of any prudent revisions to the current Masterplan.
- 8.10 The objector makes comments on the need for additional landscaping along the western edge. However, immediately to the west of the site is the Borders Rail Line and further to the west is the old tip/bing associated with the former Monktonhall Colliery. The tip/bing slopes up significantly (by approximately 15m) creating a partial screen in this direction. Planting along the western boundary is therefore not considered to be necessary.

## **9 RECOMMENDATION**

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

*The proposed details submitted to discharge conditions 2, 3, 4 and 5 of planning permission 11/00174/PPP accord with development plan policies and will not have an unacceptable adverse environmental impact.*

Subject to the following condition:

1. The landscaping hereby approved shall be carried out in full by the end of the first planting period following the completion of the development or it being brought into use, whichever is the earlier.

***Reason:*** *To ensure the planting is carried out at an early stage, giving the plants time to become well established.*

**Ian Johnson**  
**Head of Planning and Development**

**Date:** 21 May 2013

**Application No:** 13/00077/MS (Available online)  
**Applicant:** Alauna Renewable Energy  
**Agent:** Barton Willmore  
**Validation Date:** 25 January 2013  
**Contact Person:** Joyce Learmonth  
**Tel No:** 0131 271 3311  
**Background Papers:** 11/00174/PPP