



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 7 SEPTEMBER 2021  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor A Forrest  
Councillor N Gilbert  
Councillor W Innes  
Councillor S Kempson  
Councillor K Mackie  
Councillor K McLeod  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Councillor J Goodfellow

**Council Officials Present:**

Ms M Sullivan, Head of Development  
Mr K Dingwall, Service Manager – Planning  
Mr C Grilli, Service Manager – Legal  
Mr C Kiely, Planner  
Mr D Taylor, Planner  
Mr J Canty, Transport Planner  
Ms M Haddow, Transportation Planning Officer  
Mr G McLeod, Transportation Planning Officer  
Mr C Clark, Senior Environmental Health Officer  
Ms J Mackay, Senior Communications Adviser  
Ms C McMonagle, Assistant Planner  
Ms F Currie, Committees Officer

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr N Sutherland, Mr R Stevenson, Ms E Ferguson  
Item 3 – Ms N Slaven, Mr J Long  
Item 4 – Mr I Slater

**Apologies:**

Councillor J Findlay  
Councillor C McGinn

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 17 AUGUST 2021**

The minutes of the meeting of the Planning Committee of 17 August 2021 were approved.

**2. PLANNING APPLICATION NO. 21/00231/PM: SECTION 42 APPLICATION TO VARY CONDITION 3 OF PLANNING PERMISSION 15/00192/PM TO ALLOW SUNDAY WORKING DURING THE PERIOD TIME OF 0800 TO 1700 HOURS AT SMEATON RECYCLING CENTRE, WHITECRAIG**

A report was submitted in relation to Planning Application No. 21/00231/PM. Ciaran Kiely, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Kiely responded to questions. Regarding neighbour notification, he clarified that it was an error in the report to state there were no residential properties within a 20 metre limit; neighbouring properties had been notified. He responded to queries about the applicant's reasons for this variation and the possibility of restricting permission if no contacts were secured. Regarding the complaint to SEPA, he clarified that although a complaint was being processed SEPA had not raised objection to the proposed Sunday working; SEPA said the complaint was not relevant to this application. On whether the variation would mean an increase in the number of vehicles accessing the site Mr Kiely clarified there would be no increase; the current number permitted daily (2 vehicles) would not change. In relation to continual monitoring to ensure compliance with the conditions, he advised that the Council's complaints procedure could be utilised if required; Enforcement Officers would then investigate if required. He added that SEPA also had its own separate licensing process and complaints procedure.

Colin Clark, Senior Environmental Health Officer, answered questions on the Noise Assessment. He clarified that background noise had been monitored over a period of days and the noise from the site was within tolerance limits of the various receptors

Robin Stevenson, representing the applicant, informed Members that Hamilton Waste was a major employer, employing 95 people currently and Sunday working would allow more recruitment. The company was a pioneer in waste processing; he outlined their operation. The company was the first to be carbon neutral in Scotland. This site had won many awards. He explained that a number of upcoming contracts would require Sunday working; he gave details of the contact process stating that this variation was needed to align with competitors.

Neil Sutherland of Wardell Armstrong, agent for the applicant, stated that the Noise Assessment methodology had been agreed by the Council. He gave details of the noise rating level at receptor locations. Site operations were constantly controlled by SEPA licensing so dual controlled by the Council and SEPA. He added that the complaint referred to was actually against SEPA itself and not directly related to the site's operations.

Mr Stevenson responded to questions. He confirmed that the additional number of jobs would return employee numbers to the level before the pandemic. On vehicle noise entering/exiting the site and whether any measures had been considered to alleviate this, he said that every possible action was taken; he outlined all the steps that had been put in place. Responding to further queries, he gave details of the warning process issued to drivers if they had not complied, adding that this also applied to third party contractors. He

clarified that the Sunday working would not increase the amount of alternative fuel provided to the cement plant at Dunbar. Regarding monitoring of this alternative fuel he explained that Tarmac set the kiln specification that had to be met.

Emma Ferguson, nearby resident, spoke against the application. She did support the recycling plant generally but not the addition of Sunday working. This proposal would increase noise, which was unacceptable. It would also mean additional traffic. At the south side of the site there was a public path which was part of the national cycling network but Hamilton Waste vans were often parked there, restricting access to this path.

Keith Dingwall, Service Manager for Planning, confirmed, for clarity for Members, that page 17 of the report did contain an error; there were neighbouring properties within the 20 metre limit boundary and they had been notified on 20 April. Environmental Health colleagues had also given due regard to this proposal.

Councillor Forrest stated that he had always supported this applicant in the past but he felt this proposal was a step too far. Noise was much more noticeable in a countryside setting; 2dB was too much 7 days a week. He also referred to damage to nearby grass verges. He would not be supporting the officer's recommendation.

Councillor McLeod indicated this was a difficult application; he had listened carefully to comments made by the applicant, agent and the objector. He appreciated that a lot of the work depended on the applicant getting contracts and that this planning permission was needed beforehand. He would however be more comfortable supporting this proposal if permission could be granted for one year only.

Councillor Bruce stated he would be willing to second Councillor McLeod's suggestion for permission to be granted for one year only, which would then enable the impact of Sunday working to be assessed.

Councillor McMillan remarked that he had been impressed that Ms Ferguson had said she respected the Hamilton Waste operation. Members had heard that the facility was carbon zero but it was part of the problem that to achieve this there was also a need to respect the local environment. Two Members had raised issues of control and he would be interested to hear other views.

The Convener stated that this site was extremely important to the Lothians area reaching its recycling targets. It was a massive challenge to minimise waste and this company had been dealing with a huge amount of recycling; this type of operation was essential. The applicant had explained why Sunday working was needed. He accepted however that a number of local residents had raised concerns about excessive noise. A suggestion had been made to grant permission for one year only which would enable residents to let the Council know if the company was adhering to the conditions. He asked Mr Dingwall to comment.

Mr Dingwall advised Members that it would be competent to decide to grant permission for one year on a temporary basis to further assess any impact. He suggested that he could prepare draft wording and circulate this to the Convener and local members for approval; this was agreed. He added that if this proposal, with this additional condition, was approved today, the applicant would be required to apply for planning permission again after the end of the temporary period.

The Convener moved to the vote on the report recommendation, to grant consent, including the additional condition as outlined for a temporary period of one year – taken by roll call:

For: 8

Against: 2 (*Cllrs Forrest and Mackie*)

Abstentions: 0

## Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 Within two months of the date of the grant of this planning permission a Traffic Management Plan embodying the measures of traffic control set out in Chapter 6 of the Environmental Statement docketed to planning permission 09/00617/FUL, to minimise the impact of construction and operational site traffic on the area and additionally measures to encourage more sustainable methods of travel by employees to and from the site, including the provision of cycle parking and car share schemes shall be submitted to and approved by the Planning Authority. The waste recycling facility shall thereafter be operated in accordance with the Traffic Management Plan so approved.

Reason:

In the interests of the amenity of the residents of the area, and in the interests of road safety.

- 2 If any of the planting, seeding or turfing carried out in accordance with the details of landscaping approved by the grant of planning permission 12/00346/PM within a period of five years from the date of the grant of this planning permission die, are removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. The landscaping, tree planting and hedging shall continue to be maintained in accordance with the landscape and woodland management plan for the site approved by the grant of planning permission 12/00346/PM.

Reason:

In order to ensure the implementation and long-term maintenance of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 "Unless with the prior approval of the planning authority:

(vi) During the time period of 0400 hours to 0530 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of one pre-loaded HGV. During the period of time 0530 hours to 0700 hours Monday to Friday inclusive the only activity on site for the operation of the waste recycling facility shall be the movement from the site of HGV's and skip lorries with a skip already having been attached to them the previous working day's permitted hours of operation of the waste recycling facility. There shall be no loading or unloading of such HGV's or lorries during the period of time of 0530 hours to 0700 hours Monday to Friday inclusive.

(vii) During the period of time of 0800 hours to 1700 hours on Sunday there shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload. No additional HGV movements into or out of the site are permitted unless otherwise agreed with the Planning Authority. During the period of time of 0900 hours to 1700 hours on Sunday the only activity on the site other than the HGV movements and loading/unloading permissible through this planning condition shall be operations within the Solid Recovered Fuel Facility and the Main Processing Shed. Sunday working associated with the SRF shall be internal only. Sunday working within the Main Processing Shed of the Materials Recycling Facility shall be restricted to the following operations: Operation of a 360 degree digger, a shredder, a trammel, and air density separator, a picking station and a loading shovel.

Other than the loading/unloading of HGV's permissible through this planning condition the only permitted external operations on Sunday are the use of a separator, a screen, a picking station, an air density separator, a water separator and a dumper.

(viii) Other than for (vii) above no operational working of the waste recycling facility, including vehicle movements shall take place within the site outwith the hours of 0700 to 2100 Monday to Friday inclusive, 0700 to 1800 on Saturdays and 0800 to 1700 on Sundays. No aggregate crushing shall take place on Saturdays or Sundays, or between the hours of 1800 to 2100 on Monday to Friday inclusive."

Reason:

In the interests of protecting the amenity of residential properties within the area.

- 4 The site access with the A6124 public road shall have a visibility splay of 9 metres by 215 metres on each side of it so that no obstruction lies within the splay above a height of 1.05 metres. The gates for that access shall be set back at least 19 metres along the length of the new access road from the western edge of the carriageway of the A6124 public road and shall open inwards to the site.

Reason:

In order to ensure the safe turning and off-road stopping of HGVs accessing the site, in the interests of road safety.

- 5 Details of all external lighting proposed to be used within the site shall be submitted to and approved in writing by the Planning Authority prior to its erection. The lighting shall be positioned and designed to ensure that no light from within the site spills beyond the boundaries of the working area or access road to be formed as part of the development hereby approved.

Reason:

In the interests the amenity of nearby properties and of this part of the East Lothian countryside.

- 6 The development hereby approved shall be used solely for the purposes of waste recycling in accordance with the approved plans docketed to this planning permission and planning permission 09/00617/FUL, including the ancillary office, parking and storage facilities. No part of the site other than as set out in the Operational Site Plan drawing no. ED11492/003 docketed to this planning permission shall be used for the purposes of storage, separation, processing or recycling of waste or any other materials, nor for parking or storage of vehicles.

Reason:

To ensure that none of the operations of the waste recycling facility or use of the site is harmful to the rural character of this part of the East Lothian countryside or the Edinburgh Green Belt.

- 7 Any fuel oil stored on the site shall be bunded or contained such as to avoid any spillage of leaked oil. Details of such measures shall be submitted to and approved in writing in advance by the Planning Authority.

Reason:

To ensure the site does not become contaminated.

- 8 Within two months of the date of the grant of this planning permission a litter control plan for the site shall be submitted to and approved by the Planning Authority. The litter control plan shall detail the measures necessary to prevent windblown litter within the site and from leaving the site. The waste recycling facility shall be operated in strict accordance with the litter control plan so approved.

Reason:

In the interest of the amenity of the area.

- 9 All loaded lorries which enter and leave the application site shall have their loads fully enclosed or fully sheeted.

Reason:

In the interest of the amenity of the area.

**3. PLANNING APPLICATION NO. 20/01423/P: ERECTION OF RAILWAY STATION PLATFORMS, WAITING SHELTERS, BICYCLE SHELTERS, FOOTBRIDGE, LIFTS, CAR PARKING AND ASSOCIATED WORKS AT RAILWAY LINE AND LAND WEST OF EAST LINTON PRIMARY SCHOOL, EAST LINTON**

A report was submitted in relation to Planning Application No. 20/01423/P. Mr Dingwall presented the report, drawing attention to issues regarding noise and disturbance:

- In order to address issues of noise from the tannoy system the applicant had proposed an additional condition, which he outlined; it would be for Members to decide if this should be included in the grant of planning permission
- Recommended condition 6 – Design – Network Rail had advised that they were unable to comply with this condition; he gave their reasons. The requested hours of construction would be submitted to the Construction Method Statement (condition 8) and the Planning Authority would still be able to control these hours. Mr Dingwall suggested that Condition 6 should be amended to remove the specific hours for construction works; he added that Environmental Health was satisfied with this.

He also clarified that trees would be retained. He then summarised the key points of the application. The proposed decision set out in the report was to grant consent.

Mr Dingwall responded to questions. On points raised about the noise impact of the PA system, given the height of the speakers, he clarified that Network Rail had indicated that through the Noise Impact Assessment mitigation measures would be added. Environmental Health would then determine if these measures were acceptable or not. With regard to light pollution he referred to recommended condition 5, adding that Environmental Health had said this was acceptable. In relation to queries about the partial glass footbridge and potential overlooking on nearby properties, he clarified the distance reference, stating that it was not deemed as harmful overlooking. Responding to a question about access for emergency vehicles, Mr Dingwall said this was for Network Rail to risk assess. Morag Haddow, Transportation Planning Officer, clarified that the car park had not been assessed for emergency vehicles coming from the north side; the footpath was 3 metres wide, enough space for a vehicle and she had no concerns about this access.

Nicola Slaven, of Network Rail, the applicant, informed Members that extensive engagement had taken place with the community regarding this proposal. The principle was supported by SESplan and the Council's LDP. The station would provide new sustainable transport infrastructure which would benefit the wider East Lothian area. It would also provide better access in terms of employment, education and social opportunities. The station would be fully accessible. She gave details of car parking, cycle racks and electric vehicle charging point provision and also highlighted aspects of the landscaping plans. Network Rail asked the Committee to support this proposal so that construction could get underway.

Ms Slaven and Jonathan Long, also representing the applicant, responded to questions. A query was raised about capacity, given the East Coast mainline and also likely service provision, given the proximity of other stations in East Lothian. Ms Slaven advised that Network Rail was working with Transport Scotland, the funder, to ensure the necessary provision for this station. Regarding queries about a 4 track system, Mr Long advised that if Transport Scotland had looked at this it would have been deemed not suitable for East Linton. On the issue of light pollution and whether lights could be switched off at a certain time, Ms Slaven said this could be looked at; it would depend on the timetable and the last train going through the station. Mr Long added that minimising light intrusion was a consideration, he outlined how and when this could happen. On issues raised earlier about the noise from the PA system he said that a similar noise assessment as regards the speakers would be done. Regarding the cycle space provision Ms Slater clarified that the 19 spaces met the Scottish Government's current guidance and Network Rail had been funded for this provision. Provision would be at both sides of the station. Mr Long added that more spaces could perhaps be added but the specification had only been to provide 19 spaces.

The Convener referred to the length of time it had taken to get to this point and to the many meetings that had taken place to see how this station could be delivered. The design put forward, subject to addressing the lighting and tannoy systems concerns, was acceptable. This station would be a fantastic asset to East Linton and East Lothian. The Council was trying to discourage car use so this station was needed to try and achieve this. He fully supported the proposal and looked forward to seeing the station operational.

Councillor Bruce welcomed this proposal; it would be beneficial. He agreed with Councillor Kempson about the need to ensure there would be enough trains running to/from this station; this was essential. It was unfortunate that no-one from Transport Scotland had been at this meeting. He would be supporting the proposal.

Councillor Kempson appreciated the length of time this matter had been ongoing. However, she felt that restrictions and a lack of capacity on the East Coast main line may mean the service provided was limited. She felt that East Linton may lose more than it would gain. There were already a number of stations within easy distance. She would, nonetheless, be supporting the report recommendation.

The Convener moved to the vote on the report recommendation, to grant consent, incorporating the changes outlined by Mr Dingwall – taken by roll call:

For: 10

Against: 0

Abstentions: 0

### Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings; and
- b. finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Prior to the commencement of development, a SuDS scheme and Drainage Assessment including a Surface Water Management Plan for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that built development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.'

- 3 No site clearance shall be undertaken during the breeding bird season (March to August inclusive), unless in strict compliance with a species protection plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason:

In the interests of the ecology of the area.

- 4 Prior to their use in the development, details of the colours and finishes for all components of the development shall be submitted to and approved by the Planning Authority. The details to be submitted in respect of the lift towers shall show a lighter colour than the proposed red brown colour proposed, and a light grey colour for the louvres to the top of the towers, rather than the dark grey proposed.

Development shall thereafter be undertaken in strict accordance with the colours and finishes so approved.

Reason:

In the interests of the visual amenity of the area.

- 5 Prior to any commencement of use of the rail station hereby approved, a Light Spill iso contour plot shall be submitted to and approved by the Planning Authority. The submitted details shall ensure the requirements of the following recommended condition can be met:

- a. The design and construction of any proposed floodlighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E3 Zone, i.e.

Medium district brightness area such as Small town centres or urban locations, the following criteria should be met prior to any external lighting units becoming operational:

- i. Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 between the hours of 0700-2300 and shall not exceed 2 between the hours of 2300-0700.

Any external lights installed thereafter should comply with the details so approved.

Reason:

To safeguard the residential amenity of neighbouring residential properties.

- 6 Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Planning Authority. The CEMP shall identify potential noise and dust impacts during construction and specify mitigation measures to minimise any such impacts.

The CEMP should include the following information:

#### NOISE CONTROL

The applicant should adopt "Best Practice Guidance" as recommended BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites.

#### NOISE CONTROL MEASURES

Control measures for reducing noise associated with construction works should be based on best management practice. Details of the general noise controls to be included in any CEMP are as follows:

- o Details regarding the duration of the construction phase and an indication of when key activities (piling/concrete pours, etc) will take place and their duration
- o Plant and machinery should be maintained to manufacturers' recommendations and operated only in the permitted hours;
- o Vehicles should be loaded carefully so as to minimise noise during the operations (e.g. minimise drop heights);
- o Machinery should be turned off when not in use; and
- o All site staff should receive appropriate training in order to ensure that employees are conversant with the site noise management strategy.

Specific control measures relating to site management and design of the construction works and operating hours to be included in any CEMP are described below.

#### Site Management

- o Prior to the commencement of the construction phase, neighbouring residential properties should be notified regarding the onset of the construction, which will include contact details for the Contractor's Site Agent and the appointed construction contractor.
- o The appointed contractor's Site Agent should assume responsibility for the management of the site and ensure personnel and operatives are advised of their roles to minimise noise emissions;
- o The appointed contractor's Site Agent should ensure that records and equipment are maintained.

#### Noise Monitoring

- o Construction noise monitoring locations should be identified at the boundary of nearby residential properties.
- o Noise monitoring should be conducted at each of the monitoring locations identified on a daily basis, for the duration of the construction phase.
- o Monitoring should be carried out over a period of 1-hour at each of the selected locations, when suitable weather conditions prevail. Monitoring will not be undertaken in conditions of average wind speeds greater than 5ms-1 and when rain is falling on the microphone windshield or nearby surfaces, which can result in noise interference.
- o Monitoring should be undertaken when construction works are in progress during normal working hours. Measurements should be avoided during site meal breaks and periods of plant breakdown.
- o The noise measurement equipment should be supervised continuously during the monitoring period and notes will be made of the date, time and prevailing weather conditions, together with significant noise sources from site operations and those independent to the site operations;



### Noise Recording

- o The date, time, location and duration of the measurement;
- o All predominant noise sources will be noted. This includes operational plant during the monitoring period and may include extraneous noise such as road traffic and aeroplanes
- o Weather conditions will be recorded including wind speed and approximate direction, cloud cover, rain and ground frost;

### Noise limits

The following noise trigger levels should apply at 1m from facades of nearby residential properties:

- LAeq,1hr = 60dB(A) for general construction activity; and
- LAeq,1hr = 70dB(A) for piling operations.

### REMEDIAL ACTION

Where monitoring demonstrates that it is possible that operations are at the trigger level, the following actions will be implemented:

- o Notification to the contractor's Site Agent to check if there is an obvious cause;
- o Verification of the result to ensure it is site-generated noise, not associated with an external noise source; and
- o If it is attributable to a source on site, take steps to reduce noise emissions by implementing controls and/or stopping vehicles or activities as required.
- o Where the trigger level is exceeded the above actions will be implemented and in addition the Environmental Protection Officer will be notified to confirm acceptability of results after the implementation of remedial measures.
- o In the event of a complaint, the appointed contractor's Site Agent will investigate that complaint through reference to the weekly noise monitoring records, and any additional investigation made in light of those records. If appropriate further investigation will be undertaken.

### REPORTING

- o All noise monitoring records will be held on site in a dedicated file, and will be made available to the Local Authority's Environmental Protection Officer immediately upon request
- o In the event that noise levels exceed the trigger levels, operations will be reviewed and amended to ensure that noise emissions are minimised and the trigger levels are no longer exceeded

### DUST CONTROL

With regards to dust the CEMP should include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

I would expect, as a minimum, any CEMP to include details re the following practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary.

A dust emissions log book should be maintained at all times on site. Regular recording of significant potential dust sources and a subjective assessment of the observed dust conditions should be made at the beginning, middle and end of the working day;

A water bowser (or similar) should be maintained on site at all times to suppress visible dust emissions during periods of dry and/or windy weather;

Monitoring of wind direction and speed and records made of daily weather and site conditions;

Wind speed and direction will be taken into account when organising potentially dusty operations; and

All site staff should receive appropriate training in order to ensure that employees are conversant with the site dust control strategy.

Specific control measures for all plant and machinery, external storage areas and vehicle movement routes should include the following:

### Plant and Machinery

Static and mobile plant engines and exhaust systems should be maintained so that exhaust emissions do not breach statutory emission limits set for the vehicle/equipment type and mode of operation. Plant should be regularly serviced and not left running unnecessarily;

All site plant should have upward facing exhausts and radiator cowls to reduce the generation of dust; and Drop heights into and out of earth moving vehicles should be minimised.

#### Vehicle Movement Routes

A facility for washing vehicle wheels should be provided for any vehicles leaving the site. This facility should be maintained, with sufficient clean water provided to ensure that mud is not trafficked beyond the wheel wash onto the public highway;

The site access road from the wheel wash to other hard surfaced areas and roads should be suitably surfaced and maintained in a clean condition and watered by motorised spray units during dry conditions;

Haul roads should be graded regularly to remove loose material from the surface;

A site speed limit should be enforced to minimise disturbance on internal haul roads; and

Only sheeted vehicles should be used when transporting material off site.

#### Site Management

The contractor's Site Agent should:

Assume responsibility for the management of the site;

Ensure personnel and operatives are advised of their roles to minimise the generation of dust;

Deploy suitable dust mitigation measures based on visual observation and weather conditions;

Review the performance of the operatives and efficiency of dust reduction measures;

Ensure that records are maintained; and

Ensure that equipment is maintained.

Construction of the CEMP shall thereafter strictly accord with the CEMP so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area.

- 7 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 8 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved by the Planning Authority.

The Construction Method Statement shall include details of:

\* Mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times).

\* Hours of construction work

\* Routes for construction traffic

\* Wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To retain control of the operation of construction in the interest of environmental and residential amenity.

- 9 The proposed development shall comply with the following transport requirements:

1) the approved path across the open space of Memorial Park, and the electric vehicle charging spaces, as shown in Drawing Number 161777-BNU-DRG-EMF-05006 P02.1 shall both be provided prior to any use being made of the rail station;

2) the approved car park and other paths as shown in Drawing Number 161777-BNU-DRG-EEN-00101 P01.3 shall all be provided prior to any use being made of the rail station;

3) All roads and paths shall conform to ELC Standards for Development Roads;

4) Paths and footways in particular should also conform to Roads for All standards - Transport Scotland's good practice guide for inclusive design. This specifies maximum longitudinal gradients of 5%; and

5) Prior to commencement of development, a plan shall be submitted to the Planning Authority clearly indicating the different responsibilities for long-term maintenance of roads, parking areas and paths.

Reason:

In the interests of road safety.

- 10 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 and crown spread (whichever is the greater) all as indicated on the drawing 'Tree Protection Overlay' numbered 161777-BNU-DRG-EMF-050006 for the trees to the northern side of the rail line within the park and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- \_ No vehicular or plant access
- \_ No raising or lowering of the existing ground level
- \_ No mechanical digging or scraping
- \_ No storage of temporary buildings, plant, equipment, materials or soil
- \_ No hand digging
- \_ No lighting of fires
- \_ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the rail station or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 12 Prior to the development hereby approved becoming operational, a revised noise impact assessment and noise plan (incorporating details of the siting and specification of public address system proposals and their hours of operation) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall operate in strict accordance with an agreed noise plan and the development shall use no additional external public address systems without the prior written approval of the Planning Authority.

Reason:

In the interests of the amenity of nearby residential properties

**4. PLANNING APPLICATION NO. 21/00308/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 14/00768/PPM – ERECTION OF 185 HOUSES, 12 FLATS AND ASSOCIATED WORKS AT BLINDWELLS**

A report was submitted in relation to Planning Application No. 21/00308/AMM. David Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Mr Taylor and other officers responded to questions. Mr Taylor confirmed that the proposed layout showed electric vehicle charging points at every house. A number of issues were raised regarding the Bankton junction/roundabout. Jon Canty, Transport Planner, outlined the planned improvements to this junction/roundabout, advising that discussions were ongoing between the applicant, the Council and Transport Scotland. On queries about access to open space, Mr Taylor clarified, that for this specific application, there was guaranteed footpath access to the park. Responding to further points about safe crossings, Mr Canty advised that controlled signalised crossings across the spine road had been raised with the applicant. In relation to more questions about electric vehicle charging points, Ms Haddow said that officers were working closely with the applicants in relation to layout and provision. She confirmed that connections were expected to be ready for occupation. She added that Hargreaves had some innovative arrangements in place as regards road management for this type of provision.

The Convener indicated it would be helpful for Members to also have a meeting, outwith this forum, with Planning Officers and Transport Scotland, to discuss wider concerns regarding the Bankton junction/roundabout and other relevant issues.

Iain Slater of Hargreaves Services (Blindwells) Ltd., clarified a number of points. Open space: as lead developer Hargreaves was providing all of this off site so there was not much within the Persimmons area of development. This would be ready when the application was finished, work was being carried out to ensure this was brought forward; the need for this was recognised. Routes to school/safe routes: 20mph would be in place throughout the development, he would be happy to look at crossing points as raised earlier. Electric vehicle charging points: considerable work was being done with Council officers to see how this could be best delivered. Persimmons was providing this for every house. Hargreaves was also looking at provision of high speed charging. Bankton junction: work was ongoing with Council officers and Transport Scotland to ensure that the best solution was achieved. Responding to further queries about new types of heating systems, Mr Slater said it was his understanding that a retro fit could be carried out; a gas boiler could be removed and a heat exchanger put in. He gave further details associated with this process. He explained why even more innovative solutions were required.

Councillor Goodfellow, not a member of the Planning Committee, welcomed the innovation as regards electric vehicle charging points and also the heating and power innovations. He was however disappointed at the connectivity of the site for children and young people as regards access to open spaces.

Councillor McMillan welcomed this application. He stressed the need to encourage apprenticeships and local employment opportunities. He would be supporting the proposal.

Councillor McLeod also welcomed and supported this application.

The Convener welcomed this application and the progress with the site overall. It would be a huge milestone when the first house was occupied. He also commended the electric vehicle charging points and the innovations as regards heating and power. Further discussion was required regarding the A1 and this would take place with Transport Scotland. He would be supporting the recommendation.

The Convener moved to the vote on the report recommendation, to grant consent – taken by roll call:

For: 10  
Against: 0  
Abstentions: 0

### Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Other than in exceptional circumstances where the layout or particular building type does not permit, the residential units shall be orientated to face the street. Notwithstanding that shown on the docketed site plan the houses denoted with an asterisk shall have dual frontages. Otherwise where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces.

Reason:

In the interests of safeguarding the character and appearance of the development.

- 3 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the houses and flats of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 4 Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority which shall include full details of all new tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting within the application site. Thereafter the scheme of landscaping shall be carried out in accordance with that approved landscaping scheme unless otherwise agreed by the Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

Reason

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 5 Notwithstanding that shown on the drawings docketed to this approval of matters, all semi private and defensible spaces in front of or to the side of dwellings and to the side of parking courtyards shall be enclosed by walls/hedges/fences/ or railings to define areas of private space from public space.

Details of the form and appearance of all boundary treatments, including the 1.8m high fences within the rear gardens of the houses, shall be submitted to and approved by the Planning Authority prior to the occupation of the first house.

A timetable for the provision of those boundary treatments shall be submitted to and approved in advance by the Planning Authority and shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of appropriate boundary enclosures and in the interest of safeguarding the privacy and amenity of future residents of the development

6 The development shall comply with the following transportation requirements:

(i) all adoptable footpaths shall be 2m wide;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length;

(iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;

(v) Vehicle access to private parking areas shall be via a reinforced footway crossing and have a minimum width of 5.5m over the first 10m to enable adequate two movement of vehicles;

vi) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents;

vii) Prior to commencement of development, a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority. This will be reviewed after construction is substantially complete and the developer required to make good any issues.

viii) Prior to the commencement of development details of all electric vehicle charging points and required infrastructure, along with a timetable for provision, shall be submitted to and approved in writing by the Planning Authority.

ix) a Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development should be submitted and approved by the planning authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

The housing development shall thereafter be carried out in accordance with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interests of road and pedestrian safety

7 Development of the application site shall be carried out in accordance with the following requirements:

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

\* There shall be no drainage connections to the trunk road drainage system.

Reason:

To ensure that: the design layout complies with the current standards; that there will be no distraction or dazzle to drivers on the trunk road; to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents; to ensure that the efficiency of the existing trunk road drainage network is not affected; all to ensure that the safety and free flow of traffic on the trunk road is not diminished.

- 8 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of 30 of the residential units hereby approved has been submitted to and agreed by the Planning Authority.

Reason:

In order to ensure that 30 of the residential units hereby approved are operated as affordable housing and that the development is therefore compliant with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

- 9 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31	-	97 residential units per annum
Year 2031/32 to 2034/35	-	122 residential units per annum
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 10 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interest of road safety.

- 11 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development

- 12 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

- o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation.
- o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of any of the residential units.

- 13 Prior to the commencement of development confirmation from Scottish Water shall be provided that demonstrates that there is an available connection to the public sewer and that Scottish Water will accept waste from this development. If Scottish Water cannot accept foul drainage from this site, proposals for alternative arrangements should be provided, prior to the commencement of development and SEPA should be re-consulted.

Reason:

In the interests of ensuring that foul drainage from the site can be accommodated.

- 14 Unless otherwise agreed by the Planning Authority, no house shall be occupied unless and until measures within the docketed Drainage Statement (Indev Consult, July 2021) and shown on docketed drawing 20-010-20 Rev H titled 'Drainage Layout' have been implemented to the satisfaction of the Planning Authority following consultation with SEPA, to accord with the Drainage Strategy approved within planning permission in principle (Ref: 14/00768/PPM) and any variations to that consent.

Reason:

To ensure that built development within the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 15 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction of the SuDS.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 16 Prior to the commencement of development details shall be submitted to and approved by the Planning Authority of overlying subsoil/topsoil to be provided to the front and back gardens of the houses hereby approved on a plot by plot basis and on all soft landscaping areas to ensure the provision of a layer of subsoil/topsoil of at least 600 mm in thickness. Thereafter the subsoil/topsoil shall be provided in accordance with the details so approved unless otherwise agreed in writing by the Planning Authority.



Confirmatory testing for both subsoil and topsoil materials is to be included within the Remediation Strategies being produced for the development site, with validation of these results being included within subsequent Verification Reports.

Reason

To ensure the provision of a suitable growing medium for garden areas and other areas of soft landscaping.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee