

REPORT TO: Planning Committee
MEETING DATE: 6 December 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/00909/PM**

Proposal Section 42 application to vary condition 3 of planning permission 21/00231/PM to allow Sunday Working during the period time of 0800 to 1700 hours

Location **Smeaton Recycling Centre
Whitecraig
Musselburgh
EH21 8PZ**

Applicant Hamilton Waste & Recycling
Per Wardell Armstrong LLP

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

This application relates to Smeaton Recycling Centre, located to the south east of the town of Whitecraig. The site is located within the open countryside as designated by Policy DC1 of the East Lothian Local Development Plan 2018 (ELLDP). The site is also safeguarded for use a waste management site under Policy W1 of the ELLDP as Smeaton Bing, Whitecraigs - Metal Recycler / Transfer station. The site is not located within an area of special character.

PLANNING HISTORY

In March 2010, through a decision of the Planning Committee, planning permission (Ref: 09/00617/FUL) was granted for the use of the former shale and coal waste heap of Smeaton Bing and former agricultural land within the Edinburgh Green Belt, all at Crossgatehall to the southeast of Whitecraig as a waste recycling facility and, to enable that use, the reformation and reshaping of the existing bing to form bunds to contain an internal working area, the erection in it of buildings, the formation of an access road and a sustainable urban drainage system (SUDS) pond, and for associated planting. Planning permission 09/00617/FUL has been implemented and the waste recycling facility is operational, and is known as Smeaton Recycling Centre. Planning permission 09/00617/FUL was granted subject to 15 Conditions, including conditions to control the movement of vehicles and the undertaking of site operations.

In March 2018, through a decision of the Planning Committee, planning permission (Ref: 15/00192/PM) was granted for a variation of condition 8 (VI) and (VII) and condition 12 of planning permission 09/00617/FUL to allow the movement of vehicles and the undertaking of site operations over longer periods of time, and to allow the operation over a wider site area.

Condition 3 of planning permission 15/00192/PM states;

"Unless with the prior written 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 of 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 having already been attached to them during a 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 with skips during the period of time of 0530 to 0700 Monday to Friday inclusive. During the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload.

(vii) Other than for (vi) 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 and 0700 to 1800 on Saturdays. 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."

Following a decision by the East Lothian Council Planning Committee on the 7th September 2021, planning permission Ref: 21/00231/PM was approved on a temporary basis of one year for the variation of condition 3 of planning permission 15/00192/PM to allow works to take place on a Sunday between 0800 hours and 1700 hours. As such, the wording of this condition was amended to read;

Unless with the prior approval of the planning authority, the waste recycling facility shall be operated strictly in accordance with the following requirements:

(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) Until 16th September 2022, 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. Other than these HGV movements no activity shall be undertaken on the site between the period of time of 0800 hours and 0900 hours on Sunday. 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 Solid Recovered Fuel Facility 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) After 16th September 2022, during the time period of 0800 hours to 1700 hours on Sundays the only activity on site for the operation of the waste recycling facility shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload.

(iv) Other than for (vi), (vii) and (viii) 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.

PROPOSAL

This current application therefore seeks planning permission to make permanent the variation of condition 3 of planning permission 21/00231/PM granted by Planning Committee in September 2021 for a period of 1 year. If granted this would allow the operation of the Solid Recovered Fuel Facility and the Main Processing Shed at the recycling plant between 08.00 and 17.00 on a Sunday. As with the approved temporary consent, it is not proposed to operate any external plant; all activity would be internal to those two buildings. The only external operations would consist of a separator and sorting equipment including a screen, picking station, air density separator, a water separator and a dumper.

Planning permission is therefore sought to vary condition 3 of planning permission 21/00231/PM to read:

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 of 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 having already been attached to them during a 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 with skips during the period of time of 0530 to 0700 Monday to Friday inclusive.

(vii) During the time period of 0800 hours to 1700 hours on Sundays there shall be no more than two HGV's entering and two HGV's leaving the site per hour; those HGV's can unload. During the period of time of 0800 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. 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 including a screen, picking station, 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 and 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.

In support of the application a report on Sunday Working has been submitted by the agent. The report on Sunday Working informs that Hamilton Waste & Recycling run a successful waste and recycling business at the purpose built Smeaton Bing facility in East Lothian. The business has invested extensively in the site and processes and have won UK national awards for their recycling expertise. The site has been operating since April 2014 and now employs 95 full time staff making it a significant employer within East Lothian. Hamilton Waste & Recycling operate within a competitive market and need to continue to win waste and recycling contracts from the public and private sector. A number of upcoming contracts will require Sunday working. Should the contracts be secured and the economy recovers as it is anticipated to do Hamilton Waste & Recycling hope to employ a further 10-20 full time staff. This planning application seeks to change planning control to allow the operation of the Solid Recovered Fuel Facility and the Main Processing Shed between 0800 and 1700 on a Sunday on a permanent basis.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On the 21st September 2022 the Council issued a formal screening opinion on this application. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant environmental effect to the extent that an expert and detailed study through EIA is needed to properly assess any effect before any

grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

A Noise Assessment Report has also been submitted in support of this planning application.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

The application does not raise strategic issues and there are no relevant SESplan policies.

Policies W1 (Waste Management Safeguards), NH12 (Air Quality), NH13 (Noise), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish Government on the 08 November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

Also relevant to the determination of this application is Scottish Planning Policy (SPP): June 2014. Paragraph 176 of SPP states that the planning system should:

- i. promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- ii. support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- iii. support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- iv. help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

REPRESENTATIONS

Also material to the determination of the application are the written representations received from the public. Eight letters of objection have been received in relation to this application. The main grounds of objection are:

- o Concern with regards to potential increase in HGV traffic caused by the proposal;
- o Concern with noise and disruption - the peace and tranquillity of the area is blighted by noise and traffic coming from and to the recycling centre;

- o Increased pollution, noise, dust and odours caused by the proposal as well as litter management;
- o Existing Traffic Management plan not being complied with;
- o impact on road safety as vehicles pose a greater risk to road users especially cyclists, horse riders, pedestrians and visitors. If operational on a Sunday this will affect more people;
- o Neighbour notification not undertaken correctly now or in the past;
- o Failure of traffic to comply with speed limits on adjoining roads;
- o East Lothian Council (ELC) and SEPA have continually failed to take into consideration any residents concerns regarding expansion and environmental impact on what originally was designated Green Belt land; nor have either demonstrated suitable oversight and control when pollution incidents have been reported.
- o Concerns that SEPA and East Lothian Council have a conflict of interest in this site;
- o The assessment criteria for the one year trial period haven't been valid or realistic as the site has not been operational every Sunday;
- o East Lothian Council and SEPA failure to respond to complaints in a timely manner, or investigate appropriately given that SEPA have advised they will not attend the Hamilton site on a Sunday, and the ELC offices closed;
- o New housing development at Elphinstone and Whitecraig would exacerbate traffic and road safety conditions in the area.
- o Concern for the structural integrity of the bridge at the junction of B6414 and A6124 at Crossgatehall;
- o Condition of the path from Crossgatehall down to the roundabout at the bottom of Carberry hill is in poor condition in parts currently with foliage overhanging in sections meaning you have to use the road in some places instead and as such is unsafe for cyclists and pedestrians;
- o Intensification of site use towards a 24 hour commercial operation, and possibility of taking on adverse types of waste material, with the associated dust, noise, and odours has become a major concern;
- o Queries as to whether the Community Council were consulted on the application;
- o Applicant attempting to change previous weekday working conditions through this application; and
- o Applicant should consider improving their operational efficiency rather than extending their operating hours further to mitigate the impact Sunday working.

The grants of planning permission 09/00617/FUL, 12/00346/FUL, 15/00192/PM and 21/00231/PM for the waste recycling centre were granted subject to conditions to control the operation of the waste recycling facility, including a series of working controls on matters of noise, working hours and vehicular movements for the site. Other than the variation to the working hours to allow working on a Sunday on a permanent basis all other controls would remain in place.

In the determination of planning applications 09/00617/FUL, 12/00346/FUL, 15/00192/PM and 21/00231/PM for the waste recycling centre a material planning consideration in each case was the representations received to those applications from members of the public. Therefore consideration was given to resident's concerns in the determination of those planning applications.

On the matter of the existing Traffic Management Plan not being complied with, it would be for the Planning Enforcement service to investigate any complaints on this to establish whether there was any breach of planning control.

The proposal does not seek to alter the hours of operation of the site on weekdays or to expand operations towards 24 hours a day. Neither does it seek to increase the number

or type of vehicles operating to and from the site during the week. This application is to allow a limited amount of working on a Sunday. Any proposals to change other hours of operations or to increase the number or types of vehicles would require a further application for planning permission which would be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. In the determination of any planning application to expand operations, change the type of vehicle associated with the site or increasing the number of vehicular movements on the public road the matters raised in respect of road safety and the structural integrity of the bridge may be material planning considerations.

Responsibility for enforcement of noise due to operational activities at this sites falls to SEPA to regulate under the terms of the Waste Management Licence. Therefore any complaints received by the Council in respect of operational activities would be passed onto SEPA. If SEPA are unable to investigate complaints regarding operational noise outwith the normal working week then that is a matter for SEPA to address.

The **Council's Protective Service** are the responsible authority for non-operational noise, e.g. construction noise associated with any new developments on site. Environmental Health staff may be available to deal with emergencies or pre-planned work for which the Council are the responsible authority. They would not be available to monitor/investigate any alleged breaches of a Waste Management Licence.

With regards to concerns that the Council has a conflict of interest in the determination of this planning application, the application stands to be determined on its merits in accordance with the development Plan unless material considerations indicate otherwise.

With regards to neighbour notification, the Council is required to notify properties within 20 metres of the site. In this regard, thirteen properties were notified. Furthermore, a site notice was placed by the Council at the entrance of the site notifying the community of the application. There is no requirement to formally notify the Community Council. However, an advertisement was also placed in the East Lothian Courier on the 01st September 2022 notifying the public of the application. Accordingly the application has been sufficiently notified to satisfy the statutory requirements of the Town and Country Planning (Scotland) Act 1997.

Concerns with regards to breach of speed limits adjacent to the site should be brought to the attention of Police Scotland. It is a matter controlled by legislation other than planning legislation.

On the matter of whether or not the site has been operational on a Sunday during the 1 year trial period the agent has provided dates of Sunday working since the decision of planning permission Ref: 21/00231/PM was issued on the 05th October 2021. The agent informs that the site has been operational on 42 Sundays during the 1 year temporary period and have provided extracts from site diaries to support this claim. The Council as Planning Authority have no evidence to dispute this claim.

COMMUNITY COUNCIL

No comments have been received from the Community Council.

PLANNING ASSESSMENT

Through the grants of planning permissions 09/00617/FUL, 12/00346/FUL, 15/00192/PM and 21/00231/PM the use of the site at Smeaton Bing as a waste recycling facility has

already been established. Furthermore through the grant of planning permission Ref: 21/00231/PM permission was granted for a temporary period of 1 year to allow the site to operate some functions on a Sunday. The purpose of the temporary consent was to allow a sufficient period of time to establish whether or not such operations on a Sunday would be acceptable on a permanent basis.

Therefore the main considerations in the determination of this application is whether the variation of condition 3 on a permanent basis to allow some Sunday working would have unacceptable impacts on the amenity of nearby residential properties and whether or not it would be a road safety hazard.

The report on Sunday Operations submitted with the application informs that the works proposed to take place on a Sunday within the site already take place on other days of the week and have been assessed through previous planning applications. However, a full noise assessment has been undertaken by SLR to establish what the noise impact of that Sunday working would be. The noise assessment undertook noise monitoring on a Sunday at the four nearest properties to Smeaton Bing. The noise from the proposal was modelled, following industry methodology that was agreed in advance with the **Council's Environmental Health Team**.

The applicant's Noise Assessment states that the surveys were undertaken at three locations representative of the closest Noise Sensitive Receptors. These survey locations include Sawmill House (NSR04), Pentland View, within Springfield Steading (NSR03), and Crossgate Hall (NSR05) and were agreed with SEPA. The assessment has shown that the noise rating level has been predicted to be below the representative background sound level at all the receptor locations during each operational scenario with the exception of at NSR04 (Sawmill House) when both the SRF and Main building are operating simultaneously, where the rating level is predicted to be +2 dB above the background level. In accordance with BS4142:2014+A1:2019, though it is considered that a rating level exceeding the background level by this amount would still equate to low impacts. To further justify the above, a context assessment was undertaken at NSR04 when both the SRF and main building are operating simultaneously. The context assessment has shown that there would be no increase in the ambient sound level at NSR04 during the Sunday daytime period when the SRF and main building are operating simultaneously, which further validates the view that there is a low impact at NSR04.

To conclude it is considered that noise should not pose a material constraint for the permanent Sunday daytime operation of the SRF and main building.

The **Council's Environmental Protection Manager** has been consulted on the application. They have responded to confirm that they have reviewed the Noise Report submitted with the application and they note that the methodology was previously agreed with SEPA.

They acknowledge and accept that previous baseline sound assessments carried out on Sunday 29th November 2020 were acceptable to determine typical background noise levels at Noise Sensitive Receptors on a Sunday. However, they note that no actual attended measurements are provided to assess noise levels during the temporary period of consent. They are aware however that Specific Noise Levels from proposed operational plant have been taken from previous noise assessments (10th and 25th of November 2020).

They state that it would have been preferable if attended measurements were taken when the works proposed for the permanent consent subject to this application were actually taking place so as to back-up and validate any previous modelling

predictions/assessments. They have asked for the agent to provide an explanation as to why attended measurements during the temporary consent were not undertaken. They ask this due to the ever-evolving development of this site and the significant objections and allegations from local residents.

In response, the agent informs that the noise assessment for the permanent Sunday working were based on Specific Noise Levels from proposed operational plant taken from previous noise assessments. Having liaised with Hamilton's, it was confirmed that as part of the application for permanent Sunday working, there would be no changes in the activities and plant contained in the previous reports and there had been no noise related complaint or issues arising from the 'temporary' Sunday operations. In view of the above it was considered that the results of the previous noise assessments remained valid and there was no requirements for noise monitoring to be undertaken.

They also state that it should be noted that a number of different operational scenarios were included within the assessments, whereas any Sunday monitoring would only measure a snap shot of operations on any given Sunday. In addition the predicted noise levels from Sunday operations at the Site were low when compared to measured ambient (LAeq) levels, therefore validating the predicted noise levels through measurement would have proved difficult. This was the case for the compliance assessment for normal weekday operations, and consequently SEPA issued a modification to the site's waste management licence (WML/L/1109747 - as modified - Modification No. 8), with modified conditions which relate to the control of noise, which specified noise limits on-top of the bunds surrounding the Site rather than at the nearest receptors.

Having said the above, the applicant's agent advises that Sunday compliance monitoring could be Conditioned as part of the Planning Permission for the permanent Sunday operations, though suitable limits would have to be agreed at the receptor locations or on-top of the bunds as per the compliance assessment for normal weekday operations.

The Council's Senior Environmental Protection Officer has confirmed that they are satisfied with this response.

The Council's Senior Environmental Protection Officer however also notes that the predicted Noise Rating Levels will not give rise to any significant impacts at Noise Sensitive Receptors. Given that complaints regarding noise may be directed to the Waste Licensing Authority, SEPA, who regulate the site under conditions attached to a Waste Management Licence, SEPA will need to clarify/confirm if they have received complaints in connection with the temporarily consented Sunday Working. While Environmental Health have received complaints regarding alleged noise from the site, this related to temporary construction activities for a new shed and were not deemed to be operational noise.

Whilst the Council's Senior Environmental Protection Manager has not raised objections to the proposed variation of condition to allow Sunday Working he has however stated that if the Council were minded to approve this application then he would suggest a condition be attached to any grant of planning permission to control the type of operations on the site on a Sunday. He has suggested a change to the proposed variation of the condition to include the restriction of operations on the site between 0800hours and 0900 hours on a Sunday to no more than two HGV's entering and two HGV's leaving the site and that other than those vehicular movements no other activity be undertaken on site between 0800hrs and 0900hrs. The agent has agreed to this suggested change.

Subject to that change the proposed variation of Condition 3 to allow Sunday Operations would be acceptable. Such a change would not have an unacceptable impact on the amenity of any neighbouring or nearby residential property due to noise.

SEPA have also been consulted on the application. They have confirmed that they have no objection to the planning application, but they have reiterated their previous advice of 26 August 2021, on planning application Ref: 21/00231/PM, and refer to complaints received from local residents concerning the site, waste and non-waste operations and traffic relating to the site. This is therefore noted.

It is also understood that a variation to the permit has already been issued by SEPA. SEPA's permitting team have however indicated that if East Lothian Council does not grant planning permission for Sunday working, on a permanent basis, then SEPA would initiate a variation of the Waste Management Licence to remove the condition which allows Sunday working. It is the Council's decision, and SEPA would ensure the Waste Management Licence reflects their decision.

The **Council's Road Services** confirm that they have no objection to the variation of condition 3 of planning permission 21/00231/PM. Therefore the variation of condition 3 would not be inconsistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Given the site's location within the Battle of Pinkie Historic Battlefield, Historic Environment Scotland has been consulted on the application. They have responded to confirm that they have no comments to make on the proposal. As such, no objection is raised to the application and the proposal would not be detrimental to the character or appearance of the Battle of Pinkie Historic Battlefield.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation".

Therefore, planning permission should be granted subject to the 9 conditions previously imposed on planning permission REF: 21/00231/PM which all should continue to apply to the operation of the site. Subject to the compliance with these 9 planning conditions the operation of the waste recycling use on Sundays during the period time of 0800 to 1700 hours would not conflict with Policies W1, NH12, NH13 and T2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014. In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

RECOMMENDATION:

That planning permission be granted subject to the 9 undernoted conditions including varied condition 3 of planning permission REF: 21/00231/PM:

- 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. Other than these HGV's movements no activity shall be undertaken on the site between the period of time 0800hours and 0900 hours on a Sunday. 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 (SRF) 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.