

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Erection of 18 houses with associated infrastructure and landscaping (as amended) at Land to South East of Tarbert Drive, Murieston, Livingston

2 DETAILS

Reference no.	0927/FUL/18	Owner of site	Mr Neil Lind
Applicant	Cruden Homes (East) Ltd	Ward & local members	Livingston South Councillor Peter Johnston Councillor Lawrence Fitzpatrick Councillor Peter Heggie Councillor Moira Shemilt
Case officer	Matthew Watson	Contact details	01506 283536 matthew.watson@westlothian.gov.uk

Reason for referral to Development Management Committee: More than 15 objections received and an objection from Murieston Community Council.

3 RECOMMENDATION

Grant planning permission, subject to conditions and a legal agreement to secure developer contributions.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The application proposes the erection of 18 houses and associated infrastructure and landscaping to the south east of Tarbert Drive, Murieston.
- 4.2 The site is rectangular in shape and the red line of the planning application covers an area of 1.37 hectares. Residential properties in Tarbert Drive and Murieston Valley bound the site to the north and residential properties in Teviot Drive bound the site to the east. The Murieston Trail is situated to the south of the site.
- 4.3 The application site is allocated for residential development in the West Lothian Local Development Plan (site reference: H-LV 3) with an indicative capacity of 9 units.

- 4.4 The site is affected by land contamination having been used by the then Edinburgh Corporation to deposit incinerator ash on land at Murieston between 1907 and 1912. This thin layer of ash is present across most of the site. The site has been subject to a number of phases of site investigation and assessment for the proposed end uses (residential and public open space). This has showed elevated concentrations of beryllium, lead and nickel to be present within topsoil and ash deposits in planned private gardens and communal areas.
- 4.5 There are a substantial number of trees on the site and the site is covered by a blanket Tree Preservation Order (TPO), which was designated in 2009. A total of 155 trees have been surveyed by the applicant's arborist and landscape architect.
- 4.6 The original plans for the site sought to retain the bulk of the central woodland area and incorporate this as part of an area of open space for the development. Updated site investigations during the application process detected contamination within the central woodland area. The revised plans for the site therefore propose the removal of 125 trees (111 trees within the boundary fence of the site and 14 outwith the boundary fence), including the removal of the entire central woodland. The level of tree removal relates to the measures necessary to remediate the site.
- 4.7 A total of 30 existing trees are to be retained. These are predominately at the western boundary of the site and are of higher value. 70 trees are proposed as compensatory planting for the trees shown for removal, including 17 semi-mature specimens.
- 4.8 Remedial measures are proposed that will remove the incinerator ash from the site and then install a capping layer in gardens and the area of open space.

History

- 4.9 0769/TPO/14: Removal of 6 entire trees, Granted, 04/12/2014
- 4.10 1269/FUL/06: Erection of 16 houses with associated works, Refused, 06/02/2008 and appeal dismissed (ref: PPA/400/284), 03/04/2009
- 4.11 0146/FUL/04: Erection of 16 houses with associated works, Withdrawn, 08/11/2006

5. REPRESENTATIONS

- 5.1 82 objections have been received in relation to the proposed development. 81 objections are from local residents and one objection is from Murieston Community Council. Given the number of objections, a sample of representations is attached to the report. All representations are available to view in the online case file.
- 5.2 A summary of representations is located in the table below.

Comments	Response
<ul style="list-style-type: none"> Removal of protected trees 	<ul style="list-style-type: none"> The removal of trees covered by a TPO is necessary to secure the remediation of the site

<ul style="list-style-type: none"> • Impact on human health as contamination would be exposed during construction • The site is not suitable for development due to it being contaminated • Traffic impact from the development with large numbers of lorries needed to remove contaminated material • Impact of construction vehicles using a small cul-de-sac • Traffic impact from an additional 18 houses • Noise pollution during construction from plant and machinery • Impact on wildlife • Loss of privacy • East Calder Waste Treatment Works (WTW) has limited capacity • Impact on local infrastructure 	<ul style="list-style-type: none"> • The site investigation and remediation strategy are acceptable. A dust management plan has been submitted and found to be acceptable by WLC Environmental Health. See further details in the 'Remediation of the Site' and 'Impact on Residential Amenity' sections below. • The site has been allocated in the Local Development Plan for housing development. See the 'Principle of Development' section below for further detail. • Noted. A construction management plan is required to be submitted via a planning condition. Details of a wheel washing facility are also required via planning condition. • The council's roads and transportation service has raised no objection to the application on traffic impact grounds. • This is addressed through a construction condition that limits times of use for plant and machinery. • The applicant has submitted a ecological appraisal, bat survey and badger survey. No protected species were found on site. Scottish Natural Heritage has raised no objection to the proposal. • The application will not result in an unacceptable loss of privacy. See the 'Impact on Residential Amenity' section below for further detail. • Scottish Water has not objected to the application on the grounds of limited capacity at East Calder WTW. • The impacts on local infrastructure
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	are to be addressed through developer contributions.
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6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Transportation	No	No objection to the application.	Noted.
Environmental Health	No	No objection subject to conditions related to the dust management plan and construction hours.	Noted and conditions are proposed to be attached to any planning permission.
Arboricultural Officer	No	Given the extent of land contamination there is little else than can be done regarding the proposed level of trees to be removed. A method statement should be submitted to ensure work in the vicinity of root protection areas of trees to be retained does not damage these trees.	Noted. Conditions for a method statement and protective fencing to be erected around trees to be retained are proposed to be attached to any planning permission.
Flood Risk Management	No	The drainage assessment submitted is acceptable and planning permission should be conditional upon the drainage layout being implemented.	Noted and a condition is proposed to be attached to any planning permission.
Contaminated Land Advisor	No	The site investigation and remediation strategy submitted are acceptable. A further planning condition for ground gas monitoring to be carried out will need to be attached to any permission.	Noted and condition attached. A verification report, demonstrating the remedial measures have been installed to the satisfaction of the planning authority will also be required.
Education Planning	No	No objection subject to receiving developer contributions towards the building of a denominational secondary school in West Lothian. A phasing condition should be attached preventing occupation prior to August 2020 due to pressure on the Livingston school estate.	Noted. The phasing condition is no longer necessary as any occupations would take place after August 2020.
Housing Strategy & Development	No	A commuted sum will need to be determined	Noted and this exercise has been carried out.

		independently by the District Valuer.	
Coal Authority	No	The site is in a low risk area and an advisory note should be attached to any decision pointing the applicant to the Coal Authority's standing advice.	Noted and advisory note to be attached if the proposal is granted planning permission.
West of Scotland Archaeology Service	No	Archaeological work is not required in relation to this application.	Noted.
SEPA	No	The remediation plan should be amended to address our re-use guidelines to the satisfaction of the contaminated land officer.	Noted. The remediation strategy has been found to be acceptable by the council's contaminated land advisors.
Scottish Natural Heritage	No	Surveys conclude that no protected species are present on site. The bat survey recommends prior to any tree works, that trees are checked for roosts again. This approach is acceptable.	Noted. An advisory note will be attached to any decision notice reminding the applicant of their responsibilities in this regard.
Scottish Water	No	No objection to the application.	Noted.
NHS Lothian in consultation with Health Protection Scotland	No	NHS Lothian and HPS are in agreement with the council's contaminated land advisors in the assessment of the site investigation and remediation strategy. The dust mitigation measures set out address the concerns expressed on previous planning applications at the site.	Noted.
Health and Safety Executive	No	HSE does not intend to provide comment on the application.	Noted.

7. ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.
- 7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform ?
West Lothian Local Development Plan	This policy states that residential	The proposal is for housing and is therefore acceptable.	Yes

(LDP) (2018) HOU 1 Allocated Housing Sites	development on sites allocated for housing is supported in principle.	<p>The LDP lists the site as having an indicative capacity of 9 houses. The application proposes 18 houses.</p> <p>This is acceptable for the reasons set out in the 'Principle of Development' section below.</p>	
West Lothian LDP EMG 6 Vacant, Derelict and Contaminated Land	<p>This policy states the redevelopment of vacant land is supported in principle.</p> <p>The policy also states that, where a site is suspected to be contaminated, site investigations and remedial measures need to be submitted.</p>	A remediation strategy has been submitted by the applicant and the council's contaminated land advisors have found the strategy to be acceptable, subject to a condition for further gas monitoring.	Yes
West Lothian LDP ENV 9 Woodlands, Forestry, Trees and Hedgerows	This policy states there is a presumption against development that adversely affects woodlands unless there is a proven locational need.	<p>The proposal involves the loss of a significant number of trees and the central woodland within the site.</p> <p>The tree removals are necessary to successfully remediate the site. On balance, the remediation of the site will remove historic contamination and thereby deliver significant public benefits at this location.</p> <p>See further assessment below in 'Impact on Trees' section below.</p>	Yes
West Lothian LDP ENV 10 Protection of Urban Woodland	This policy states that proposals which involve removal of urban woodland will only be supported where it achieves significant public benefits.	<p>The proposal involves the loss of a significant number of trees and the central woodland within the site.</p> <p>The tree removals are necessary to successfully remediate the site. On balance, the remediation of the site will deliver significant public benefits.</p> <p>See further assessment below in 'Impact on Trees' section below.</p>	Yes
West Lothian LDP	This policy states that	The proposed layout is	Yes

DES 1 Design principles	development needs to integrate with its context and the surrounding built form and have an acceptable impact on amenity.	acceptable. Although some of the proposed houses sit at higher level than existing houses, the impact on privacy is acceptable. This is examined in the 'Residential Amenity' section in further detail. Overall, the proposal is acceptable in design terms and does not cause harm to neighbouring amenity.	
West Lothian LDP EMG 3 Sustainable drainage	This policy states drainage proposals need to ensure surface water can be attenuated.	A drainage assessment has been submitted with the application and has been found to be acceptable by the council's Flood Risk Management team.	Yes
West Lothian LDP HOU 4 Affordable Housing	This policy requires housing sites of less than 25 houses in Livingston South to contribute towards affordable housing via a commuted sum payment.	A commuted sum has been calculated independently by the District Valuer and the applicant has agreed to pay this sum.	Yes
West Lothian LDP INF 1 Infrastructure Provision and Developer Obligations	This policy requires developers to enter into a legal agreement to secure developer contributions towards local infrastructure.	The proposal will result in a need for contributions towards education, public art, open space and affordable housing. These have been agreed with the applicant and the proposal is acceptable, subject to a legal agreement securing these contributions.	Yes
Supplementary Guidance Residential Development Guide	This document requires residential development to accord with the guidance in the RDG.	The proposal is in accordance with the principles of the RDG.	Yes
Supplementary Guidance Affordable Housing	This document requires proposals to accord with the text of the SG.	The proposal accords with the SG with the provision of a commuted sum towards affordable housing.	Yes

7.4 The determining issues in relation to this application are set out below:

Principle of Development

7.5 Policy HOU 1 of the LDP states that 'sites listed in Appendix 2 of the Plan and shown on the Proposals Map are allocated as housing sites which contribute to meeting the LDP housing land requirements' and that 'Development of housing on these sites will be supported in principle'.

- 7.6 Policy EMG 6 of the LDP states that 'The development of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the Local Development Plan'.
- 7.7 The application site is allocated for housing development in the LDP Proposals Map as site H-LV 3. Appendix 2 of the LDP lists the application site as having an indicative capacity for 9 units.
- 7.8 This application proposes the erection of 18 houses. The capacity stated in Appendix 2 of the LDP is indicative and does not prevent development for larger or smaller numbers of houses coming forward. The application site is situated in a sustainable location, close to existing services, is of a similar density to surrounding housing developments and makes best use of urban land. Roads and Transportation has not objected to the number of houses proposed on grounds of traffic impact. The proposal also provides for the remediation and redevelopment of a vacant and contaminated site. The increase from the 9 house capacity in the LDP to the 18 houses proposed in this application is acceptable for these reasons.
- 7.9 The suitability of the site for residential development has been questioned in representations. The reporters for the Examination of the West Lothian LDP in assessing the suitability of site as a housing allocation stated the following points at p.700 of the Examination Report:
- "I note the concerns raised about contamination on the site. However, I have seen no detailed evidence which would indicate that this could not be satisfactorily addressed prior to development. As the council points out, remediation of contaminated land prior to (or in association with) its redevelopment is fairly commonplace. I am content that the detailed proposals for this, and the assessment of it, could be left to the development management process."*
- "I can understand the concern that, previous proposals for development of the site having come to nothing, its development for housing still remains a prospect. However, it was matters related to the detail of the previous proposals, not the principle of development on the site, which led these to falter. Based on the evidence before me and my inspection of the site, I see nothing which indicates that the principle of residential development here (long-established through the previous local plans) ought to be reversed."*
- 7.10 The suitability of the site for housing has been assessed in detail through the LDP Examination and the principle of housing development has been established on this site.
- 7.11 Overall, the principle of housing development on the application site is acceptable and the proposal is compliant with policies HOU 1 and EMG 6 in this respect.

Remediation of the Site

- 7.12 Policy EMG 6 states that 'Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council. Where contamination is found, and prior to the granting of

any planning permission, the developer must submit a programme of remedial works to be agreed with the council'.

- 7.13 As noted in para 4.4 above, the application site is affected by a layer of incinerator ash found to contain elevated concentrations of nickel, lead and beryllium across the site and some organic contaminants on a more localised basis.
- 7.14 The applicant has submitted a site investigation and a remediation strategy that seek to analyse the contaminated nature of the site and identify acceptable remedial measures.
- 7.15 The site investigation concluded that ash fill was present across the site (found within 31 of the 34 trial pits dug). The central woodland area was identified as having elevated concentrations of lead and beryllium in near surface soils and ashy made ground when compared against published soil assessment criteria for public open space adjacent to residential end use. The 'pathways' for exposure to soils by site uses comprise direct soil and dust ingestion as well as potential for 'tracking-back' into houses of dust on shoes and clothes.
- 7.16 The identified risk is planned to be mitigated through placement of 300 mm of clean imported material applied as a cap to public open spaces, with an underlying geomembrane. This will necessitate removal of the existing trees within this area. Where new or replacement trees are to be planted, ash material will be removed from tree pits and a minimum depth of 750mm of suitable growing medium placed and a 200mm drainage layer (total depth 950mm) installed. Where necessary, membranes will fold to prevent mixing of imported soils with residual ash material. In private gardens, the identified risk is planned to be mitigated through 600mm of clean imported material (assumed to be 450mm of subsoil and 150mm topsoil), with an underlying geomembrane or 490mm of topsoil with no subsoil or geomembrane.
- 7.17 These measures have been found to be acceptable to the council's contaminated land advisors, subject to a planning condition that requires further ground gas monitoring and assessment.
- 7.18 The public concern expressed about the remediation of the site is understandable and justified. Significant amounts of technical information have been submitted by the applicant and revised throughout the application process to meet the standard of remediation expected on this site. The council's contaminated land advisors have rigorously examined the information submitted, including the assessment of risk to human health set out in the site investigation. Their findings on the site investigation and remediation strategy have been agreed with by NHS Lothian's Consultant in Public Health Medicine, in consultation with Health Protection Scotland.
- 7.19 A planning condition is proposed that states the remedial measures are to be installed, as per the details in the remediation strategy. The same condition requires the applicant to submit a verification report, which will require the applicant to demonstrate that the remedial measures have been undertaken in accordance with the approved strategy.
- 7.20 The applicant has submitted a remediation strategy that proposes measures that will remediate the site of contamination in an acceptable manner. The proposal therefore complies with Policy EMG 6 of the LDP.

Impact on Trees

- 7.21 Policy ENV 9 states at criterion (a) that ‘there will be a presumption against development proposals which involve the loss of or damage to, woodlands [and] groups of trees (including trees covered by a tree preservation order (TPO))’. It is stated at criterion (b) of ENV 9 that ‘Proposals that involve the removal of woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits’
- 7.22 Policy ENV 10 states that woodlands within an urban area ‘that contribute to townscape, landscape amenity, biodiversity, cultural or historic value, particularly where their loss would jeopardise ongoing contribution to place-making and/or green network objectives, will be protected from development. Proposals that involve the removal of urban woodland in part or in its entirety will only be supported where it would achieve significant and clearly defined public benefits’.
- 7.23 A tree survey has been submitted with the application. The majority of trees on the site are semi-mature or early mature and are category B and C trees, in terms of their quality. A total of 41 trees are recorded as being marginal B category (B2) trees due to landscape value, as opposed to individual quality. The majority of tree species of the 115 trees within the boundary fence are sycamore trees.
- 7.24 Since the tree survey was submitted, an updated site investigation and a remediation strategy have been submitted. The site investigation has detected contamination right up to the southern boundary of the site and within the central woodland area. The method proposed to secure the remediation of the site requires the removal of the central woodland in its entirety. A geomembrane and 300mm cap of imported material are required to remediate the area currently occupied by the central woodland. The ground disturbance and compaction caused by the installation of remedial measures means the trees in this area would not survive this intrusion.
- 7.25 The loss of the central woodland is regrettable. The loss and status of these trees, protected by a TPO, has to be weighed against the policy support for the remediation of contaminated sites in West Lothian and the allocation of the site for residential development in the LDP.
- 7.26 As mentioned above at para 4.4, the proposal, as amended, seeks to remove a total of 125 trees. The table below sets out the numbers of trees proposed to be removed. The table also states the quality of trees to be removed in terms of category (A being highest and U being lowest).

	A	B	C	U	TOTAL
Trees removed	4	55	57	9	125
Trees retained	13	17	0	0	30

- 7.27 The council’s arborist has been consulted on the revised proposals and has raised no objection to the removal of the trees, including the central woodland, due to the extent of contamination across the site. The applicant has proposed significant replanting in the form of 70 trees, including 17 semi-mature specimens. This will result in 100 trees being

present on site. The site is currently fenced off and remediation of the site will allow for public access to an area of open space with extensive tree planting, as well as allowing for a more structured planting scheme.

- 7.28 Reporter Hickman stated the following in the determination of the previous appeal against the refusal of planning permission on the site for 16 houses:

“Removal of the central woodland would allow the layer of contaminated ash in that area to be removed. However it has not been argued that the removal of the central woodland is necessary for reasons of ground contamination. There are concerns if the woodland is retained, there would be a public health risk if the ground is disturbed by tree roots or through excavations by animals or children at play, but no evidence has been put forward to suggest that this risk could not be mitigated in a manner that does not require the removal of the central woodland area.”

“For these reasons, I find that it has not been demonstrated that there is a proven locational need to develop the appeal site in the manner proposed...”

- 7.29 The evidence submitted by the applicant through the site investigation demonstrates that there is contamination, in the form of elevated levels of metals – lead and beryllium, within soils in the central woodland area. The site investigation indicates this contamination is within the topsoil and underlying ashy made ground. The applicant's remediation strategy has put forward measures to remediate this part of the site and this has been reviewed and accepted by the council's contaminated land advisors. The measures proposed will result in tree roots being impacted to a degree that trees will not survive the remedial measures. There is a proven need to remediate this part of the site and this overcomes the reason for the previous refusal at appeal.
- 7.30 On balance, these factors weigh in favour of the removal of the central woodland to allow for the remediation and redevelopment of the site. This will deliver a significant public benefit in the context of policies ENV 9 and 10. The removal of the central woodland is therefore justified.
- 7.31 For trees that are to be retained, an arboricultural method statement will be required via a planning condition to set out methods to be employed when working near to or within root protection areas. A condition is also proposed to be attached which requires protective fencing to be erected during construction works around root protection areas of trees to be retained, in accordance with British Standard 5837:2012. In addition, a planning condition will be required to secure the replanting proposed.
- 7.32 On balance, the loss of trees covered by a TPO is acceptable in order to secure the necessary remediation of the site, which will bring significant public benefits. The proposal complies with policies ENV 9 and 10 of the LDP.

Impact on Residential Amenity

- 7.33 Policy DES 1 (a) states developers are 'required to ensure that...there is no significant adverse impact on adjacent buildings...in terms of...amenity'.
- 7.34 A number of representations have made reference to contaminated material being exposed during construction and the impact of construction vehicles.

- 7.35 The remediation of the site requires a large amount of ground to be removed from the site. An anticipated total of 4,425 cubic metres of material will be removed from the site for off-site disposal. An anticipated total of 5,760 cubic metres of material will be imported to the site. A planning condition is proposed that requires the developer to submit a construction management plan for approval. This plan will need to set out the anticipated vehicle movements and how these will be minimised. It should also set out timescales for how long it will take for material to be removed from the site. Conditions are also recommended that require the developer to show the position of a wheel washing area for construction vehicles and restricts the hours heavy good vehicles can arrive and leave the site to 9am to 5pm Monday to Saturday and 9am to 1pm on Saturday. No generators are to be used between 8pm and 8am. With these planning conditions in place, the proposal complies with Policy DES 1 of the LDP.
- 7.36 The applicant has submitted a dust management plan, which sets out dust monitoring and mitigation measures. The plan sets out trigger levels that if reached require mitigation measures to be put in place and, if levels continue to rise, require work to cease on site. A number of other mitigation measures to be employed as standard during remediation works are also set out. Dust levels can be remotely monitored by the council and if dust particulate levels exceed the agreed baseline then the council can shut down construction on the site. The use of specific dust monitoring equipment takes monitoring to a higher level than that recommended in the response by NHS Lothian, in consultation with Health Protection Scotland. The council's Environmental Health service has analysed this document and has raised no objection to the measures contained within it. A number of planning conditions are proposed by Environmental Health. In terms of dust management, it is proposed that the site will be closely monitored by Environmental Health. The proposed dust management plan is acceptable in terms of Policy DES 1.
- 7.37 Privacy impact has also been raised in a number of representations. The houses proposed at the north and east of the site (plots 1 to 9) face towards existing residential properties on Tarbert Drive and Teviot Drive. The proposed houses will sit slightly higher than the existing properties around them. This difference in ground level is minor at 0.5 metres. The proposals comply with the council's standards in terms of privacy and overlooking. The proposal complies with Policy DES 1 in this respect.
- 7.38 Overall, with suitable planning conditions in place, the impact on residential amenity is acceptable and the proposed development complies with Policy DES 1 (a).

Design & Layout

- 7.39 Policy DES 1 states that 'All development proposals will require to take account of and be integrated with the local context and built form'.
- 7.40 The layout of the proposed development will include two courtyards at the south of the site with tree planting. This is a positive aspect of the development and will be a visually interesting layout than a housing development with standard cul-de-sacs.
- 7.41 The houses are proposed to be finished with white wet dash render and aluminum cladding. Red tiles are proposed as the roof finish for all house types. The materials chosen complement the modern design and will create a high quality development. A

planning condition is proposed to be attached to any permission, which requires the developer to submit samples of the proposed materials to ensure the eventual material finishes are of a high quality.

- 7.42 The resultant development will be high quality housing within a mature woodland setting. A planning condition is proposed to be attached to any permission that requires the developer to submit information on the factoring arrangements for the site and a schedule of landscape maintenance.
- 7.43 Overall, the proposal is of a high quality design that will integrate with the surrounding area and create a high quality housing development. The proposal complies with Policy DES 1 in this respect.

8. CONCLUSION AND RECOMMENDATION

- 8.1 In summary, the proposed development is acceptable in principle and will secure the remediation of a long standing vacant site within an urban area. The proposal will not cause harm to residential amenity and is of a high quality design. The proposal will result in the loss of several trees protected by a tree preservation order. The loss of these trees, although regrettable, is outweighed by the benefits of securing the remediation of the site.
- 8.2 Consequently, and in view of the above, it is recommended that planning permission is granted, subject to conditions and a legal agreement securing developer contributions.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Conditions
- Location Plan
- Aerial Plan
- Proposed Site Plan
- Proposed Tree Removal Plan
- Proposed Planting Plan
- Proposed Sections
- Sample of Representations

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 13 November 2019

Draft Conditions – 0927/FUL/18

1. The remedial measures shall be undertaken in accordance with the details in the report titled 'Cruden Homes. Tarbert Drive, Murieston Development. Remediation Options and Strategy. 16467-REP-005. October 2019' prior to the occupation of any of the houses.

Following completion of the measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out must be prepared. The Verification Report must be submitted to and approved in writing by the Planning Authority prior to commencement of the new use of the land.

Reason: To ensure that remedial measures are installed to an acceptable standard, in the interest of protecting future occupiers of the houses.

2. Prior to the commencement of development, the applicant shall carry out further ground gas monitoring. A report shall be submitted to and approved in writing by the planning authority. Any gas protection measures that are required on site shall accord with the requirements of BS8485:2015. Once approved, the ground gas protection measures shall be installed prior to the occupation of any of the houses in accordance with the approved details.

Reason: To ensure ground gas protection measures are acceptable, in the interest of protecting future occupiers of the houses.

3. The landscaping, including tree replanting, as approved in drawing 4468.004 K shall be implemented in the first planting season following any residential unit being occupied, or completion of the development, whichever is sooner.

The new planting shall be maintained for a minimum period of five years until it becomes established. Any trees which within a five year period following completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

Reason: To ensure proper implementation of the planting proposals in the interest of the amenity of the site and the area as a whole.

4. All trees, hedges and shrubs within or adjacent to the site, except those whose removal or trimming has been approved by the planning authority, shall be protected from damage during construction work in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction - recommendations.

Prior to the commencement of development, measures in accordance with section 6 (barriers and ground protection) of BS 5837 Trees in relation to design, demolition and construction – recommendations shall be erected for the inspection and agreement of the planning authority.

Reason: To ensure trees to be retained are adequately protected during construction, in the interests of visual and environmental amenity.

5. Prior to the commencement of development, an arboricultural method statement shall be submitted to and approved in writing by the planning authority. Thereafter, the measures identified in the method statement shall be carried out during the construction of the development.

Reason: In the interests of the preservation of trees proposed for retention that are protected by a tree preservation order

6. Prior to the commencement of development, a plan showing all common areas and details of the body who will own and maintain the common areas together with a schedule of maintenance works has been submitted to and approved in writing by the planning authority. Thereafter the common areas shall be maintained in accordance with the details as approved.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

7. Prior to the commencement of development, full details and samples of the materials to be used as external finishes on all buildings and for all parking and hardstanding areas shall be submitted to and approved by the planning authority, and the development shall be carried out strictly using those approved materials.

Reason: To enable full consideration to be given to those details which have yet to be submitted, in the interests of visual and environmental amenity.

8. Prior to the commencement of development, details of the height and finishes of all walls, fences and other means of enclosure shall be submitted of the written approval of the planning authority. Once approved, these details shall be implemented prior to occupation of the houses.

Reason: To enable consideration of these details which have yet to be submitted and in the interests of privacy and amenity.

9. Prior to the commencement of development, the applicant shall submit a construction management plan for the written approval of the planning authority. The construction management plan shall set out the level of vehicle movements expected to remove incinerator ash; the hours of operation of the vehicles; the timescales for completing the work; and any mitigation measures required to be in place for the duration of the works.

The dust management plan titled 'Method Statement. Dust Monitoring and Mitigation Measures' and dated 3 April 2019 shall be updated to accord with the measures in the construction management plan.

Once approved, the developer shall comply with the agreed measures in the construction management plan and the updated dust management plan.

Reason: To minimise disruption from vehicle movements during construction and to ensure dust does not disrupt the living conditions of neighbouring residential properties, in the interests of residential amenity.

10. Prior to the commencement of development, the position of a wheel washing area for construction vehicles and details of how mud on roads during construction works will be dealt with shall be submitted to and approved in writing by the planning authority. Once approved, the wheel washing area shall be constructed in the agreed location prior to any other development taking place on site and measures to deal with mud on roads shall be strictly adhered to.

Reason: To prevent construction vehicles spreading mud on the road, in the interests of road safety and residential amenity.

11. Prior to the commencement of development, the location and type of dust monitoring equipment within the site boundary, as well as the arrangements for access for real time data, shall be submitted to and approved in writing by the planning authority. Dust monitoring equipment shall be installed in the approved location during the development of the site.

Reason: To ensure monitoring of dust particulates is accurate, in the interest of residential amenity.

12. Prior to the commencement of development, monitoring of dust particulates for a period of 2 weeks in accordance with the approved dust management plan titled 'Method Statement. Dust Monitoring and Mitigation Measures' and dated 3 April 2019 shall be undertaken. Results of baseline dust monitoring shall be submitted to and a baseline concentration of PM10 shall be agreed in writing by the planning authority prior to development commencing.

Reason: To ensure monitoring of dust particulates is accurate, in the interest of residential amenity.

13. Surface water from the development shall be treated and attenuated by a sustainable drainage system (SUDS) in accordance with the Water Assessment & Drainage Assessment Guide (published by SUDS Working Party) and The SUDS Manual C753 (published by CIRIA).

The proposed drainage layout shall be implemented in accordance with the report titled 'Proposed Housing Development Murieston Livingston, West Lothian Drainage Assessment and Stage 1 Flood Risk Assessment' and dated September 2018.

Reason: To minimise the cumulative effects of surface water and diffuse pollution on the water environment.

14. Prior to the commencement of development, details of electric charging points for one in six of the houses shall be submitted to and approved in writing by the planning authority. Thereafter, the approved details shall be installed prior to the occupation of the relevant houses.

Reason: To comply with the requirements of the Air Quality Planning Guidance, in the interest of sustainability.

15. The following restrictions shall apply to the construction of the development:

Noise (Construction)

- Any work required to implement this planning permission that is audible within any adjacent noise sensitive receptor or its curtilage shall be carried out only between the hours of 0900 and 1800 Monday to Friday and 0900 and 1300 on a Saturday and at no time on a Sunday. This includes deliveries and operation of on-site vehicles and equipment.
- No generators shall be audible within any residential properties between the hours of 2000 and 0800.

Noise (Vehicles/Plant)

- All site vehicles (other than delivery vehicles) must be fitted with non-tonal broadband reversing alarms.

- Heavy goods vehicles shall not arrive or leave the site except between the hours of 0900 and 1700 Monday to Friday and 0900 and 1300 on a Saturday. No heavy goods vehicles shall arrive or leave the site on a Sunday.

Vibration (Construction)

- Where piling or other significant vibration works are likely during construction which may be perceptible in other premises, measures must be in place (including hours of operation) to monitor the degree of vibration created and to demonstrate best practice. Prior to any piling or other significant vibration works taking place, a scheme to minimise and monitor vibration affecting sensitive properties shall be submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Site Compound

- The development shall not begin until the location and dimensions of any site compound have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the details as approved.

Waste

- Effective facilities for the storage of refuse, building debris and packaging shall be provided on site. The facilities shall be specifically designed to prevent refuse, building debris and packaging from being blown off site. Any debris blown or spilled from the site onto surrounding land shall be cleared on a weekly basis. For the purposes of this condition, it shall be assumed that refuse, debris and packaging on surrounding land has originated from the site if it is of the same or similar character to items used or present on the site.

Reason: In the interests of visual and environmental amenity.







D	31.10.19	Landscaping updated for Planning Application	GN
C	06.12.18	Visitor parking spaces and driveways modified	GN
B	28.11.18	Extent of adoptive road modified on plots 17& 18	GN
A	22.10.18	Updated for Planning Application	GN
REV. DATE	DETAILS		BY

PLANNING APPLICATION

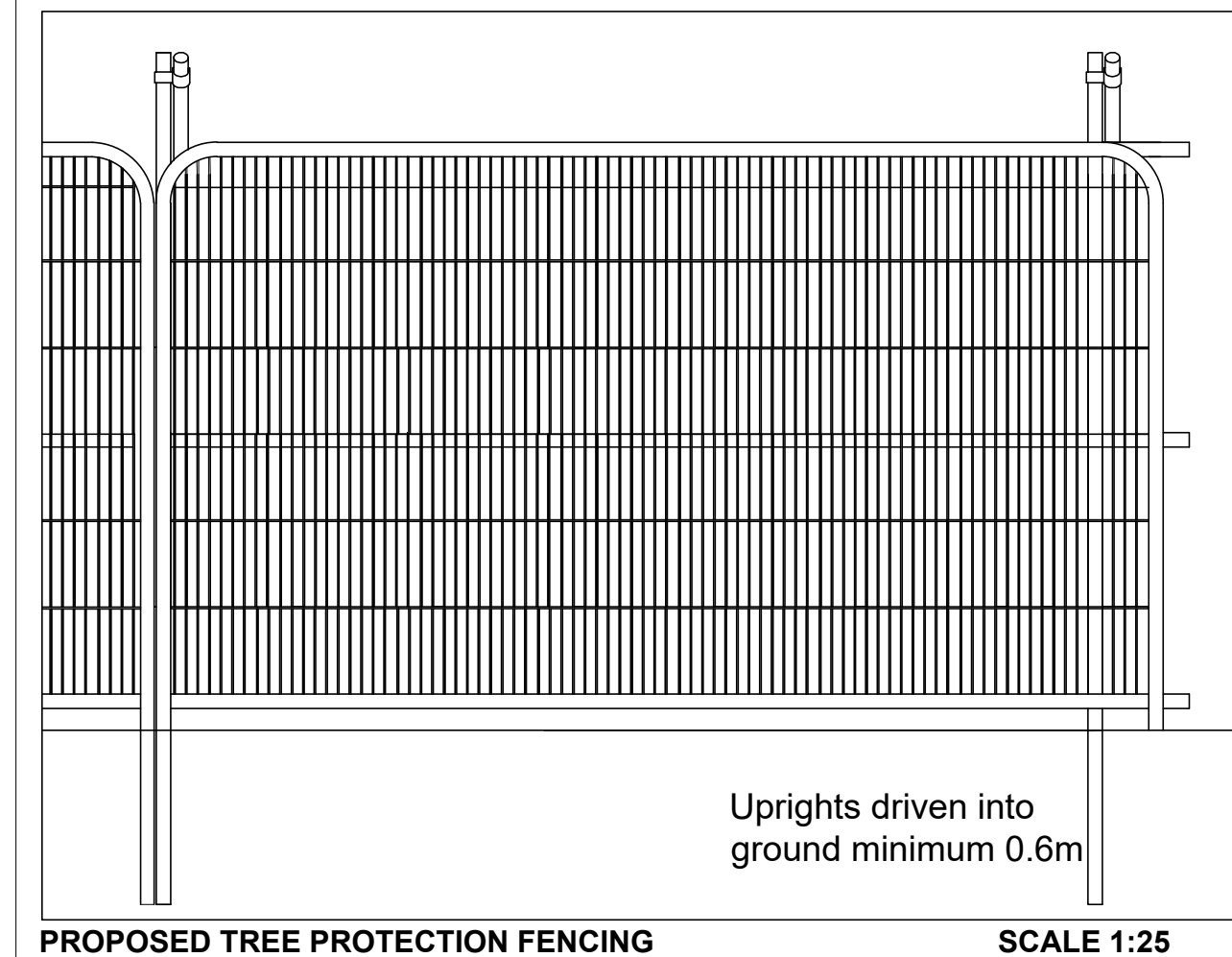
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Tarbert Drive, Murieston
Livingston
Cruden Homes (East) LTD
Proposed site plan



CML(PL)002			
Revision:	D	Drawn by:	MF
Scale/format:	1:250 @A1	Date:	25.07.18
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SCALE 1:250
0 2.5 5 10m



Tree Protection Fencing

All trees that are being retained on site will be protected by a barrier (in accordance with BS5837:2012), before any materials or machinery are brought onto site, and before any demolition, development or stripping of soil commences. The vertical barriers will form a construction exclusion zone. Once installed, the barriers should not be altered without prior recommendation of the project arboriculturalist. Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of work taking place around the retained trees. Barriers should be maintained to ensure that they remain rigid and complete.

It should be confirmed with the project landscape architect that the barriers have been correctly set out on site, prior to the commencement of any other operations.

The barrier will consist of a vertical and horizontal scaffold framework, well braced to resist impacts, as illustrated opposite. The vertical tubes should be spaced at a maximum interval of 3m and driven securely into the ground. Onto this framework, welded mesh panels should be securely fixed. Care should be exercised when locating the vertical poles to avoid underground services and, in the case of the bracing poles, also to avoid contact with structural roots.

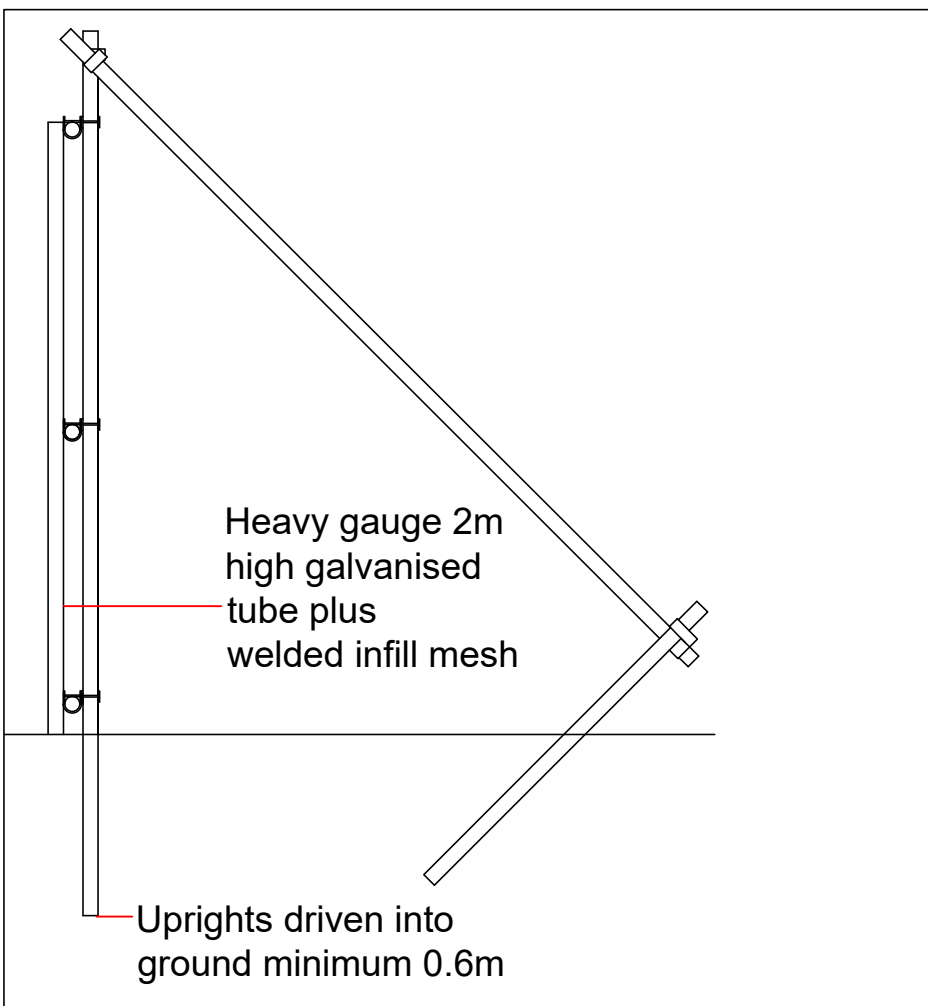
Ground protection during demolition and construction

Where construction working space or temporary construction access is justified within the RPA (Root Protection Area), this should be facilitated by a set-back in the alignment of the tree protection barrier. No bracing to be within the tree crown spread.

Avoiding physical damage to the roots during demolition or construction

To avoid damage to the roots, existing ground levels should be retained within the RPA. Intrusion into the soil within the RPA is generally not acceptable, and topsoil within it should be retained in situ. However, limited manual excavation within the RPA might be acceptable, subject to justification. Such excavation should be undertaken carefully, using hand-held tools and preferably by compressed air soil displacement.

Roots smaller than 25mm diameter may be pruned back, making a clean cut with a suitable sharp tool (eg. bypass secateurs or handsaw).



PROPOSED TREE PROTECTION FENCING SCALE 1:25

REVISIONS		
NO.		DATE
A	Adjusted proposals as per planners comments & adjusted base plan.	24.05.19
B	Adjusted proposals as per planners comments.	30.08.19
C	Adjusted proposals as per arboriculturalists comments & proposed retaining wall.	03.10.19
D	Added tree protection fencing details and specification notes. Added notes regarding Group 1.	04.10.19

KEY	
	Trees to be retained Category A
	Trees to be retained Category B
	Trees to be retained Category C
	Trees to be removed Category A
	Trees to be removed Category B
	Trees to be removed Category C
	Existing understorey planting retained
	Existing understorey planting removed
	Root Protection Area
	Tree Protection Fencing

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CLIENT: CRUDEN HOMES (EAST) LTD		
PROJECT: MURIESTON		
STATUS: PLANNING		
DRAWING TITLE: TREE REMOVAL PLAN		
DRAWING NUMBER: 4468.002	NORTH 	
REVISION: D	SCALE: 1:250@A1	SHEET: A1
DATE: 25.06.18	DRAWN: SYI	CHECKED: BC



REVISIONS		
NO.		DATE
A	Updated architects information added Landscape updated accordingly	23.07.18
B	Woodland path removed, Fence & gate added to existing retained woodland. Marginals added to SuDS pond for additional interest	07.08.18
C	Updated architects information added Landscape updated accordingly (amenity turf areas)	07.08.18
D	Adjusted labelling to SuDS.	07.09.18
E	Adjusting tree proposals to plots 9 & 10 and plots 13 & 14	14.09.18
F	Adjusted tree proposals as per architects comments.	17.09.18
G	Adjusted proposals as per planners comments & adjusted base plan.	24.05.19
H	Adjusted proposals as per planners comments.	30.08.19
I	Adjusted proposals as per arboriculturists comments & proposed retaining wall.	03.10.19
J	Amended retaining wall graphic. Added notes.	04.10.19
K	Adjusted tree species and location as per planners comments.	10.10.19

KEY	
	Trees to be retained with root protection area (RPA)
	Existing understorey planting & woodland retained
	Proposed trees
	Proposed wetland seed mix to SuDS detention basin (565m²)
	Proposed marginal planting and wetland seed
	Proposed shrub/hedge planting
	Proposed garden grass Front garden turf - 540m² Back garden seed - 3790m²
	Proposed public amenity grass turf
	Tree Protection Fencing to BS 5837:2012
	Proposed 1.8m high timber palisade fence
	Proposed retaining wall 0.5m high - refer to architects drawing

PLANT SCHEDULE			
TREES			
Ref	No	Species	Specification
APL	2	Acer pseudoplatanus 'Atrypureum'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
APA	2	Acer pseudoplatanus 'Lesopoli'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
AGL	4	Alnus glutinosa 'Laciniata'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
BAF	3	Betula albasinensis 'Fascination'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
BUJ	3	Betula utilis 'Jacquemontii'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.
BE*	3	Betula ermanni	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.
BE	5	Betula ermanni	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
BP	3	Betula pendula	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
BPD	3	Betula pendula 'Dalecarlica'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
BE	3	Betula utilis 'Edinburgh'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
CPS	6	Crataegus 'Paul's Scarlet'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
PPW	8	Prunus padus 'Wateri'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.
PCC	8	Pyrus calleryana 'Chanticleer'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.
SOL	3	Sorbus aria 'Lutescens'	Specimen, 4x, 20-25cm, min 4m ht, 2m clear stem, Rootballed.
SOSS	10	Sorbus 'Sheenwater Seedling'	EHS, 3x, 14-16cm, 4.25-6m ht, 2m clear stem, Rootballed.

SHRUBS (for front garden hedges)			
Ref	No	Species	Specification
221		Escallonia 'Iveyi'	2L pot, 30-30cm height, Bushy, Well branched, even shape
186		Escallonia rubra macrantha	2L pot, 20-30cm height, Bushy, Well branched, even shape
103		Euonymus 'Ovalis Aureus'	2L pot, 20-40cm height, Bushy, Well branched, even shape
324		Lonicera pileata	2L pot, 30-40cm height, Bushy, Well branched, even shape
186		Photinia 'Little Red Robin'	2L pot, 20-30cm height, Bushy, Well branched, even shape
230		Prunus lusitanica 'Otto Luyken'	2L pot, 40-60cm height, Bushy, Well branched, even shape

TURF		
Location	Type	Rate
Public Amenity Areas	e.g. Stewart's Turf - Sportsman	n/a
Front Gardens	e.g. Stewart's Turf - Emerald Lawn Turf	n/a
Seed		
Location	Type	Rate
Back Gardens	e.g. Germinial A19 All purpose landscaping	50g / m²
SuDS Detention Basin	e.g. Germinial WFG9 Wetland and Pond Areas	5g / m²

PLANT SCHEDULE						
MARGINAL PLANTING TO SUDS BASIN						
Species	Specification	Density	Area 1	Area 2	Area 3	Area 4
Acorus calamus	9cm dia. pot.	8/m²	17	28	18	12
Alisma plantago-aquatica	9cm dia. pot.	8/m²	17	28	18	12
Angelica sylvestris	9cm dia. pot.	8/m²	25	42	27	18
Berula erecta	9cm dia. pot.	8/m²	17	28	18	12
Butomus umbellatus	9cm dia. pot.	8/m²	8	14	9	6
Filipendula ulmaria	9cm dia. pot.	8/m²	17	28	18	12
Geum rivale	9cm dia. pot.	8/m²	8	14	9	6
Iris pseudocorus	9cm dia. pot.	8/m²	8	14	9	6
Mentha aquatica	9cm dia. pot.	8/m²	8	14	9	6
Persicaria amphibia	9cm dia. pot.	8/m²	17	28	18	12
Ranunculus lingua	9cm dia. pot.	8/m²	25	42	27	18

Notes: All species selected to suit varying water depths. However, plant the Geum and Mentha at the upper contour levels. Plant in random groups of 5 - 9 of same species.

ESTABLISHMENT & MAINTENANCE SCHEDULE	
Grossed Areas	
Waste Control	
Fertiliser spring application	
Fertiliser autumn application	
Litter & fallen leaf removal	
Stem cutting and removal of arisings/cleanings off site	
Hedge planting	
Shrub establishment inspection	
Prune / trim to neat shape annually (to suit species)	
Dead shrub replacement	
Litter & fallen leaf removal	
Shrub and Marginal planting	
Shrub establishment inspection	
Pruning (excluding summer only prune species)	
Dead shrub replacement	
Litter & fallen leaf removal	
Tree Planting	
Tree and Shrub establishment inspection	
Pruning and thinning (outside the bud resting season)	
Dead tree replacement	
Fertiliser application	
Residual herbicide application	
Translocated herbicide application	
Check stakes, ties and tree shelters (removal after 3 years)	
Litter & fallen leaf removal	
Inspection and wire tightening	

SPECIFICATION NOTES:

TOP SOIL
Imported topsoil should comply with BS 3882:2015.
Spread to a depth of:
150mm throughout all grassed areas.
450mm for shrub areas.
Topsoil shall be laid over a minimum 300mm depth of subsoil if available on site.
Areas of soil remediation within RPA's to consist of topsoil only, to engineers required depth.
For tree pits see below.

PLANT MATERIAL
All plant material to be grown in UK, inspected by LA and approved at the growing nursery or on site before incorporation in the works. All plants must comply with full and detailed LA specification.
All trees and shrubs to be planted between November and early March.

TREES
Trees to be planted into prepared pits of approved topsoil 1000x1000x750mm deep and sides to be lined with Terram T1000 orange geotextile (refer to engineers dwg. 16467-3015 Capping Plan). Any compacted material at base of pit to be forked to a further 200mm to provide demonstrable drainage. Backfill to consist of topsoil with 25% Treestart Peat-Free planting compost and incorporated with 500g of Broadleaf P4 granules. Sierablen Flora Tablets slow release fertiliser incorporated into the tree pit at a rate of 10 tablets per tree, placed at the side of the root zone halfway up the backfill, no deeper than 20cm and distributed evenly around the rootball.

Trees to be secured with 50mm special nylon reinforced belt to Tom's big block secured to a 75mm dia stake as shown. Cross bar to be secured to two 75mm dia. 3200mm long turned larch stakes positioned either side of the rootball. Stakes to be driven to a min. 1500mm into the ground. Any excess on the stakes shall be cut and once weathered at 45° and given two coats of brown wood stain. Each tree shall have a 50mm dia. wavin coil watering and aeration pipe around the rootball. The pipe shall have a cap which shall finish flush with the surface.

Each tree shall have a 50mm dia. wavin coil watering and aeration pipe around the rootball. The pipe shall have a cap which shall finish flush with the surface.

All trees to be planted between November and early March. All trees to have grass no closer than 500mm to the stem and the area beneath the tree shall have a 75mm layer of medium grade bark mulch. Tree pits within 3000mm of services and/or paths and where indicated on drawing to be lined with REROOT 600 root deflection barrier by Greenleaf Products.

SHRUB AND HEDGE PLANTING
Plant shrubs in prepared areas of topsoil with peat free compost incorporated at a rate of 3:1. Topsoil to be cultivated to the full depth of 450mm and graded to running levels.

All shrub planted areas to receive a 25mm layer of composted bark mulch, particle size 0-8mm to be spread after watering. Mulch to be applied only on the satisfactory completion of the planting works. All planting to take place between November and early March in frost free conditions.

SUDS PLANTING
Ensure all species specified are available for planting to allow plants to establish before the detention basin becomes operational. Notch plant the plug plants at rates indicated in the table, ensuring good mix/blend of species throughout each bed.

TURF
Cultivate previously spread topsoil to a depth of 150mm. Soil to be graded to running levels and further cultivated to a fine tilth stone picked and firmed. Top dressing to be made up of 1 part peat free compost, 2 part sharp sand and spread at a rate of 15kg/m² and lightly raked in to top surface. Stewarts Turf or similar approved to be laid stagger bonded and well firmed. Turf to be watered on completion and fertilised with Sierablen Turf Mix 27N 5P 5K 5f applied at a rate of 70g/m² at the start of the growing season (April).

AMENITY GRASS SEED: Apply pre-seeding granular fertiliser to tilth at a rate of 70g/m² and lightly rake in. Sow Germinial A19 grass seed mix at a rate of 50g/m², over seed to manufactures recommendations. Area to be watered on completion.

SUDS DETENTION BASIN GRASS SEEDING
All areas to be grassed, previously spread topsoil to be cultivated to a depth of 150mm. Soil graded to running levels and further cultivated to a fine tilth. Germinial WFG9 Wetland and Pond Areas or similar to be sown into prepared seedbed at a rate of 5g/sq m, and harrowed in. No fertiliser to be used in soil preparation.

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CLIENT:
CRUDEN HOMES (EAST) LTD

PROJECT:
TARBERT DRIVE
MURISTON, LIVINGSTON

STATUS:
PLANNING

DRAWING TITLE:
PLANTING PLAN

DRAWING NUMBER:
4468.004

REVISION:
K

SCALE:
1:250@A1

SHEET:
A1

DATE:
25.06.18

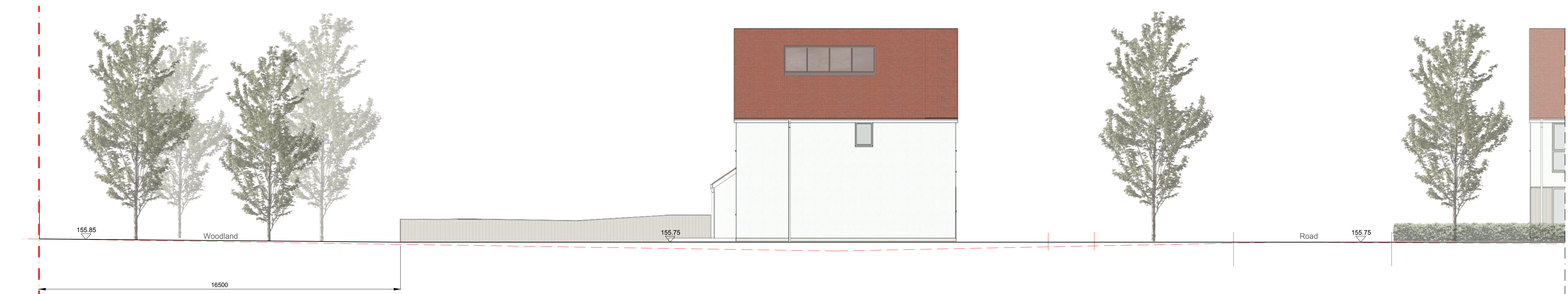
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02 Site section 1.1
1:100@A1



03 Site section 1.2
1:100@A1

0 1 2 3 4 5m 1:100@a1 10m

A 08.10.19 Levels updated
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Livingston
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**Proposed site elevations
Section 1**

CML(PL)003

Revision: A Drawn by: MF
Scale/format: 1:100/1:200 @A1 Date: 25.07.18

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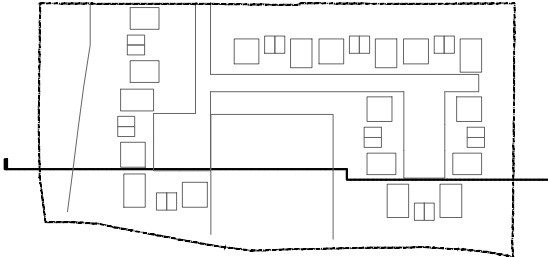
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01

Site section 2

1:200@A1



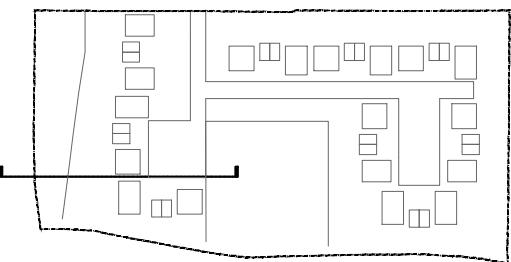
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02

Site section 2.1

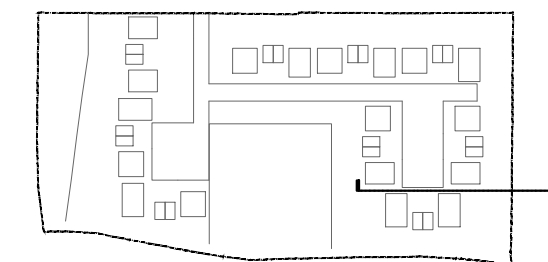
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03

Site section 2.2

1:100@A1



0 1 2 3 4 5m 1:100@a1 10m

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**Proposed site elevations
Section 2**

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01 Site section 3

1:200@a1



02 Site section 3.1

1:100@a1



03 Site section 3.2

1:100@a1

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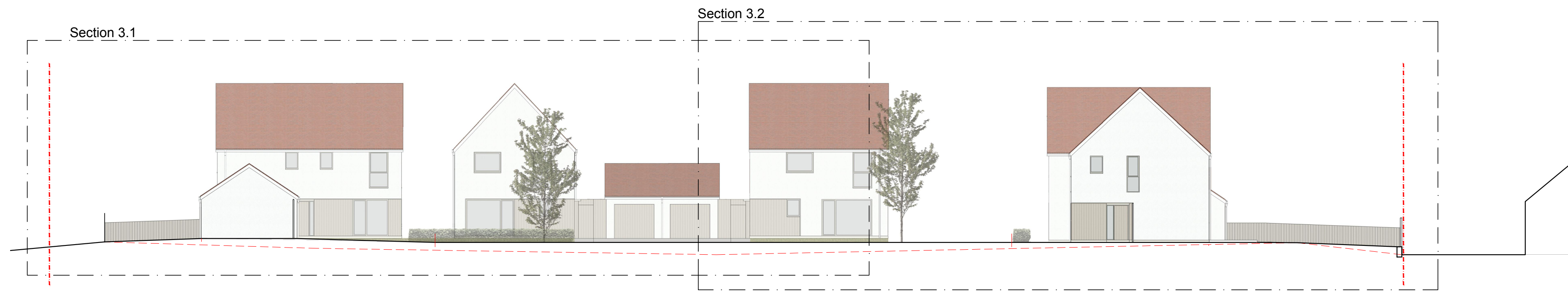
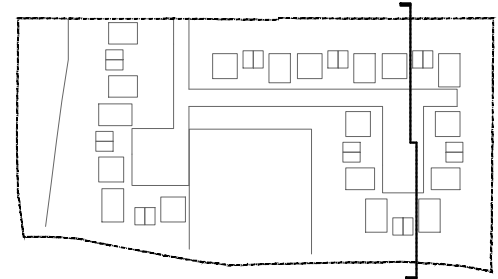
**Proposed site elevations
Section 3**

CML(PL)005

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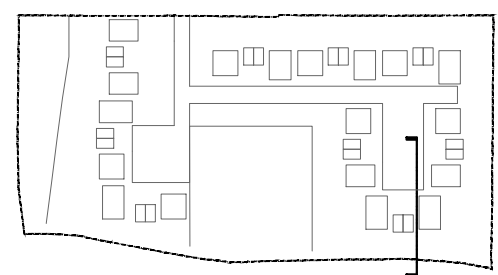
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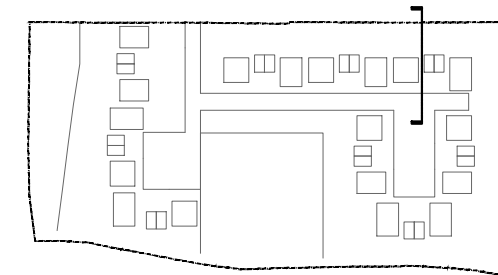


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02 Site section 4.1
1:100@A1



03 Site section 4.2
1:100@A1

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A 08.10.19 Levels updated
REV. DATE DETAILS BY

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**Proposed site elevations
Section 4**

CML(PL)006

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MURIESTON COMMUNITY COUNCIL

Chair: Chris Dryden E-mail: [REDACTED]

Secretary: Davidson McQuarrie Tel [REDACTED] E-mail: [REDACTED]

Planning Secretary: Ian Brown Tel [REDACTED] Email [REDACTED]

Web: <http://murieston.communitycouncil.org.uk>

19th October 2018

Mr Matthew Watson
Development Management
West Lothian Council
Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF

Your Ref. 0927/Ful/18

Dear Mr Watson

Planning Application: 0927/FUL/18 | Erection of 18 houses with associated infrastructure and landscaping Land to the South of Tarbert Drive Murieston Livingston

Murieston Community Council wish to lodge an objection to the above planning application for the following reasons.

Firstly, this site was previously the subject of a planning application (LIVE/1269/FUL/06) and was rejected by West Lothian Council. The subsequent appeal on this decision was also rejected by the Scottish Government's Directorate for Planning and Environmental appeal division reference (P/PPA/400/284). The Reporter's conclusion makes it clear that any development on this site should not take priority over the existing Tree Preservation Order (TPO), quote;

"I conclude that although the proposed remedial works and housing at the appeal site would be in accordance with local plan proposals and policies, the development of the appeal site in the manner proposed would result in a significant loss of trees leading to a breach of local plan policies ENV 11 and ENV 14; and that the reasons put forward in support of the proposal, including the provision of houses on a site allocated for residential development in the local plan and the removal of contaminated material in an acceptable manner, do not justify this departure from policy to permit the particular development that is proposed."

There has been no material change between 2006 and 2018 in the area referred to in this planning application and although ENV 11 and ENV 14 relate to the 2009 West Lothian Local Plan these environmental guidelines have subsequently been replaced by ENV 9 within the 2018 adopted Development Plan. As such the reporters findings of 2006 are still valid.

The site was again reviewed in 2017 by the Scottish Government's Directorate for Planning and Environmental appeal division reference (LDP-400-1) issue No 16A. in which the reporter stated *"As I observed during my site inspection, the TPO would protect the trees on the site but need not, given the remaining land available, rule out development of the site entirely"*. From this statement the Reporter clearly indicates that the existing TPO should be preserved and that any development should not be carried out if it requires removal of woodland.

MURIESTON COMMUNITY COUNCIL

Chair: Chris Dryden E-mail: [REDACTED]

Secretary: Davidson McQuarrie Tel [REDACTED] E-mail: [REDACTED]

Planning Secretary: Ian Brown Tel [REDACTED] Email [REDACTED]

Web: <http://murieston.communitycouncil.org.uk>

Secondly; The site is known to contain contaminated materials received from Edinburgh City between 1903 and 1912, materials which are hazardous to health; this is not disputed by the developer. These materials consisted of domestic, industrial waste, animal offal from Slaughterhouses, carcasses from Veterinary hospitals and other infected animals. Although the developer has provided historical data on chemicals found onsite, they have not provided any risk assessment or biological analysis of materials which could be derived from such animal waste. The Community Council are concerned that bacterium such as the microbe *Bacillus anthracis* (anthrax) etc. which has been attributed deaths in Slaughterhouse workers and Fellmongers could be present in the soil, if they existed in the first place.

Considering the known contaminates and potential contaminates, the developer has not provided a risk assessment or any details on how these materials would be handled and, more importantly, how the local residents would be protected against any potential contamination either airborne or through onsite personnel and vehicle movement.

Taking into consideration the above issues, Murieston Community Council does not support the development of the Tarbert Drive site.

Yours sincerely



Ian Brown
Planning Secretary
Murieston Community Council

44 Bankton Way
Livingston
EH54 9EG

Attachment: Document MCC 68 The City of Edinburgh District Council.

DEPARTMENT OF ENVIRONMENTAL SERVICES
KING'S STABLES ROAD, EDINBURGH EH1 2JZ
PHONE 031-225 2424, TELEX 727143
FAX No 031-529 3014

68

Murieston Community Council
29 Wester Bankton
Murieston
Livingston
West Lothian EH54 9DY



FAO: Fiona E Neill (Secretary)

DATE
YOUR REF 11 October 1994
OUR REF
PC/WMO/RSN/FH

MCC 68
15 pages

Dear Ms Neill

LAND CONTAMINATION IN MURIESTON

Further to your request to our Planning Department for information concerning the above. Our records for the time are limited and not comprehensive compared to the current situation as you can appreciate.

However, the records do show that refuse supplies (a term used in the 1900's to describe household refuse etc.) were indeed railed to the Murieston area. Unfortunately, details of composition of waste or refuse are not listed fully, nor is there a detailed account of the exact area in Murieston, or the extent, to which refuse was disposed.

Enclosed is a report which may be of use to you, it gives all recorded detail of refuse disposal before, during and after the use of the Murieston area including specific volumes of refuse supplies to Murieston and notations (see appendices attached). I trust this information will be sufficient for your needs.

Yours sincerely

A black rectangular box redacting the signature of Alan Harper.

Alan Harper
Senior Waste Management Officer

Encls.

Please address all correspondence to the Executive Director
If calling in person, please contact ALAN HARPER at 15 Johnston Terrace

The logo for the City of Edinburgh District Council. It features the word "Edinburgh" in a large, stylized, serif font. Above the letter "i" is a small crown. Below the word, the text "capital of Scotland" is written in a smaller, sans-serif font.

EDINBURGH CORPORATION CLEANING DEPARTMENT RECORDS
REFUSE DISPOSAL AT MURIESTON

REPORT

Background

1893 to 1903 Over 100,000 tons of refuse was collected and disposal of by the Edinburgh Cleansing Department annually of this approximately 20,000 tons was disposed of by destructor (incineration) method. Ash and residuals were disposed of in fields local to the destructor site. The remaining 80-90 thousand tons annually were infilled at Redhall Quarries, Craigleith, Ravelston Quarry, Millerhill Clayhole, Clapperton Hall Farm and latterly Burnhouse Farm and Camps.

1903 to 1907 Refuse continued to be disposed of by destructor, and infilling at Roman Camp and Holmes Farm near Uphall in addition to the above. Three methods therefore prevailed in refuse disposal i.e. (1) Destructor (incineration) Residual ash etc. resold, (2) Farm Utilization (manure), (3) Land Reclamation (road sweepings sand and mud).

The majority of the refuse collected by Edinburgh Cleansing Department which had no resale i.e. revenue potential continued to be disposed of primarily at Burnhosue Farm, East Camps and Camps Estate up until December 1907 (see map attached).

1907 to 1913 In December 1907 the Department commenced to send refuse supplies to Murieston some 179,000 tons of refuse supplies were sent to Murieston chiefly by rail links. Records show refuse sent to Murieston was suspended in November 1912.

1912 to 1945 No reference to refuse supplies being taken to Murieston. Refuse disposed of at Burnhouse, Joppa, Moredun, Gilmerton, Powderhall and local city tooms in the main with small amounts i.e. <50 tons going to farmers, the majority however going to Burnhouse. 1939 (approx) Hailes Quarry began to be used for refuse disposal and as more of the smaller tips were completed e.g. Joppa, Moredun etc., volumes of refuse to Hailes Quarries greatly increased. No refuse reported as being transported to Murieston during this period 1930-45.

1945 to 1974 Refuse was primarily disposed of at Redhall, Hailes Quarries and Granton Foreshore with only slight site variations none of which were at Murieston. Average annual tonnage of refuse disposed of amounts to approximately 360-460 thousand tons.

Percentage by Weight

Details	Summer %	Autumn %	Winter %	Spring %	Average %
Fine Dust (under 5/16")	27.85	35.33	42.45	39.92	36.38
Small Cinder (between 5/16" and 3/4")	15.01	20.35	23.35	19.62	19.63
Large Cinder (over 3/4")	14.18	16.00	14.38	15.44	15.00
Vegetable and Putre- sible	4.03	1.68	.75	2.22	2.17
Paper	17.80	12.71	8.34	10.66	12.38
Metal - containers (a) Food (b) Other Other Metals	2.76 .79 .60	1.64 .55 .67	1.55 .46 .22	1.66 .63 .31	1.90 .61 .45
Rags, including Bagging and all Textiles	1.98	1.34	.86	1.36	1.39
Glass (a) Bottles and Jars (b) Broken Glass (Cullet)	2.46 1.00	1.84 .54	1.95 .54	1.62 .62	1.97 .67
Bones	.29	.17	.31	.26	.26
Combustible, not class classified above (wood, straw, leather, etc.)	5.23	1.75	1.36	1.04	2.35
Incombustible, not classified above (bricks, stones, pottery, etc.)	6.02	5.43	3.29	4.54	4.84
	100%	100%	100%	100%	100%
Density of Refuse - cwts. per cubic yard	5.601	6.687	6.744	5.540	6.143
Density of Refuse - lbs. per cubic foot	23.233	27.739	26.786	22.981	25.185
Density of Dust - cwts. per cubic yard	10.663	8.577	8.599	8.034	8.968
Density of Dust - lbs. per cubic foot	44.232	35.578	35.686	32.136	36.908

DECEMBER 1907 TO NOVEMBER 1912

REFUSE TO MURIESTON

It would appear from our records that disposal of refuse at Murieston began in the year 15th May 1907 to 15th May 1908, earliest entry shows commencement to be December 1907. Method of carriage is unspecified, however, the most probable conveyance was railway.

During the period 1908 to 1912, when in November of 1912 refuse to Murieston area was suspended, both the Caledonian and North British Railway companies were mentioned as the form of transport for refuse going to Murieston.

Quantities of Refuse to Murieston

Table 1.0

QUANTITIES OF REFUSE AND PER CENTAGE OF TOTALS DISPOSED OF SENT TO MURIESTON FOR THE PERIOD 1907 TO 1912		
YEAR 15TH MAY 1907 TO 15TH MAY 1908	7,111 TONS	5.5% OF TOTAL REFUSE
" 1908 " 1909	49,445 "	39.6% "
" 1909 " 1910	72,010 "	57.0% "
" 1910 " 1911	19,900 "	16.0% "
" 1911 " 1912	21,980 "	18.5% "
" 1912 " 1913	8,919 "	9.0% "
	179,365 IN TOTAL	

1913 Annual Report starts in relation to operations for refuse disposal at Murieston. "Operations were suspended indefinitely here in November last, and the corporation have purchased a portion of the railway plant for use of the Department at Burnhouse Sidings.

Composition (Analysis) of Refuse to Murieston

No recorded notations have been made in the annual reports concerning analysis or composition of refuse sent to Murieston for disposal.

Later (circa 1930s) analysis carried out seasonally shows typical compositions as shown in Table 2.0 below.

Table 2.0

Typical Analysis of Refuse (Seasonal) Seen Circa 1930s-40s

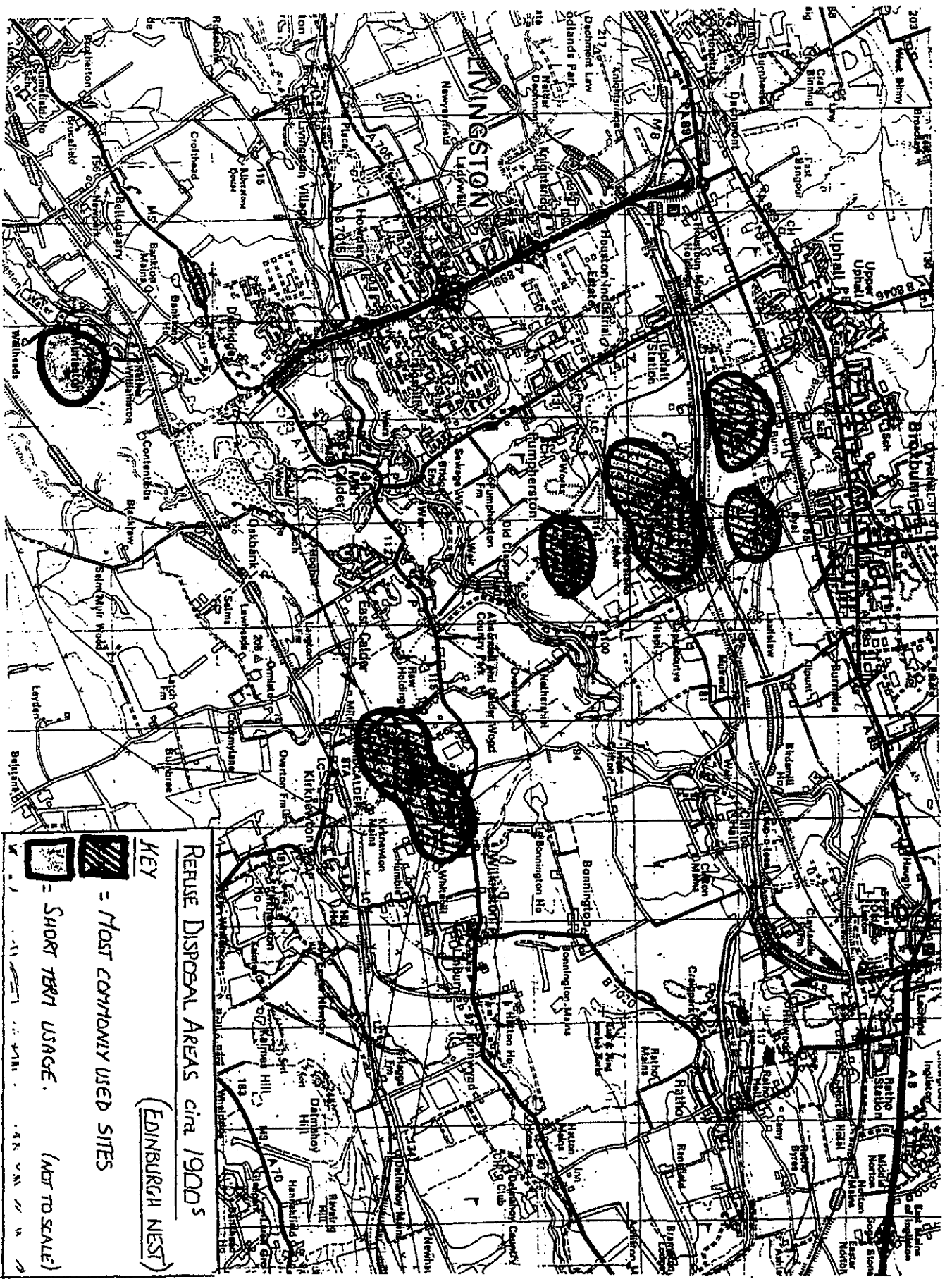
DESTRUCTOR (INCINERATOR) RESIDUUM COMPOSITION

Residual material from Incineration (Destructor) processes were largely resold for revenue generation purposes and comprised of ash, clinker and scrap metal, mostly with some small quantities of organic matter vegetables (carrot tops) orange peelings, etc. The small amount of material that could not be reused or resold was buried in local fields by the destructor e.g. Powderhall and the fields nearby at the time.

Conclusion It is likely that the composition of the refuse 1907-1913 was very similar in nature to that which is shown in table 2.0 with probably minor changes. During the 1900s there were a greater number of open fireplaces in the community housing as a whole and the amount of refuse actually collected would be significantly reduced. This was due to as much combustible material as possible being used in open fires within the residential stock of housing in Edinburgh.

It is highly improbable therefore that high levels, if any, of arsenic, cadmium, lead, mercury, zinc, boron, etc. would have originated from domestic refuse deposited at Murieston over such a short period albeit there is no evidence to the contrary.

Further, to support the above, if the refuse of that day did contain high levels/amounts of the substances identified then similar situations would be in existence at others of the many sites used for refuse disposal in and around Edinburgh. There is no evidence to support contamination of a similar nature at any of the sites used by Edinburgh Corporation for disposal of refuse on record today.



RESULTS OF THE RESPECTIVE DISPOSAL METHODS, IN
COMPARISON WITH THOSE OF PREVIOUS YEAR.

THE DESTRUCTOR.

It will be observed that the cremation rate is 2s. 9½d. This shews an advance of 3½d. per ton.

This is distinctly disappointing, as, if the actual working expenses were alone concerned, there would have been instead of an increase, a slight reduction.

The excess is due to a large and successful claim on the City by the Parish Council in the name of rates, a proportion of which has to be borne by the Cleaning Department.

For the year ending 15th May 1907, the amount with which the Destructor was debited for taxes and insurance, was £56, 5s. 5d.; but for the year at present under review the amount was £344, 4s. 5d., being an increase of £287, 19s.

The tonnage dealt with by the Destructor was 16,071, being an excess of 710 tons over that of the previous year.

The unfortunate burden imposed by the Parish Council is just about equal to 4d. per ton, shewing that, but for this abnormal and unexpected charge, the rate would have practically remained stationary.

The number of silent days, on which the Destructor was shut down, in order to admit of repairs and readjustments, was much the same as last year, viz., 28.

FARMERS AND ROMAN CAMP.

The quantity sent to farmers, it will be noted, amounted to 20,494 tons.

This shews a decrease of 10,185 tons as compared with previous year.

The shrinkage is largely accounted for by the late harvest of 1907, and the necessity of restricting in the earlier months of 1908, supplies to farmers, so as to meet the demands of the Distress Committee for Murieston.

The cost disposal rate to farmers is 1s. 0½d. per ton, which is ½d. more than that of the previous year.

It has been already explained that the Destructor rate instead of advancing would have fallen slightly, but for the Parish Council claim referred to; and this also holds good of the disposal rate to farmers.

Instead of the increase of ½d., there would have been a slight reduction.

The 81,614 tons sent to Roman Camp, etc., shew an excess of 2491 tons over the quantity of previous year.

There is an advance of ½d. on the disposal rate, but it also, in common with those of the Destructor and farmer rates, would have been less but for the increase in taxes referred to.

This is obvious from the fact that whereas the tax proportion for maintenance of Refuse Loading Banks and Sidings for year ended 15th May 1907 was £170, 0s. 5d., it is for year under review £575, 7s. 1d., being an increase of £405, 6s. 10d.

MURIESTON.

The Department commenced, in December 1907, to send refuse supplies to Murieston, and up to 15th May 1908, the quantity dispatched amounted to 7,111 tons.

The carriage, viz., 10d. per ton, is paid for by the Corporation, and in addition thereto, 6d. per ton is given.

CLINKER.

This residuum from the Destructor was but little in demand throughout the year.

The revenue therefrom was only £60, 8s. 9d.

The proceeds from the sale of Clinker in the previous year was £110, 5s. 5½d., shewing by comparison a falling off of £49, 16s. 8½d.

The market for this commodity is generally somewhat fitful; and the lessening demand for it in the year under review may at least be partly accounted for by the depression in the building trade, which use it for several purposes.

OLD TINS, Etc.

The market for this class of material was active during the year, and the Department had no difficulty in disposing of its old scrap accumulations, and, indeed, could have sold more had it been available.

In short, the demand was such that instead of getting 10/- a ton, as formerly, an advance of 8/- has been secured, making the price 18/- a ton.

The whole of the old tins are sent to the Glasgow Metal Co., Coatbridge, with which firm a three years' contract is running.

The revenue from this source in 1906-1907 was £119, 10s., while for the year in question the amount was £215, 10s. 1½d., an increase of £96, 0s. 1½d.

REVENUE FROM SPECIAL SERVICES BY CLEANING DEPARTMENT.

These services consist in the removal of trade refuse and other accumulations, which, in the interest of public health, are removed by the Department and charged for.

The Department does nothing to encourage this kind of service, preferring that what is outwith its special sphere should be undertaken by private enterprise.

The revenue from these services amounted to £286, 5s. 9d., the corresponding income for the previous year from this source being £260, 10s. 4d., shewing an increase of £25, 15s. 5d.

SCAVENGING SERVICES FOR GRASSMARKET.

An arrangement has been come to between the City Superintendent of Works and the Cleaning Department, whereby the Market is cleaned up every Wednesday afternoon. For this the men's time is charged, the amount for 1907-1908 being £11, 9s. 6½d.

CLEANING SERVICES AT SLAUGHTERHOUSE.

An annual sum of £200 is received from the Markets Committee for removing refuse from the Slaughterhouse.

CLEANING SERVICES AT WAVERLEY MARKET.

A further annual sum of £156 is got from the Markets Committee for cleaning the Waverley Market after the fruit and vegetable traffic is over in the morning.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1909.

COLLECTION AND DISPOSAL OF REFUSE.

The total quantity dealt with amounted to 124,915 tons, and was disposed of thus:—

By Destructor, 15,416 tons, or 12'35 per cent.; to farmers, 21,631 tons, or 17'31 per cent.; to Roman Camp, 38,423 tons, or 30'76 per cent.; and to Murieston, 49,445 tons, or 39'57 per cent.

The railway carriage to farmers was at the rate of 8d. per ton; to Roman Camp, 10d.; and to Murieston, 10d.

The mud, sand, etc., from the macadamised roads totalled 60,015 tons, which were deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

The refuse and mud taken together shows a total of 184,930 tons, and the average all over rate for disposal was 11d. per ton.

The Destructor was shut down for repairs on 29 days, as against 28 in the preceding year.

The disposal cost rate was 2s. 7½d. per ton, which is 1½d. less than the corresponding figure in previous year.

The demand for manure at Murieston has greatly increased during the past year, and since 2nd December the depositing operations of the Department at Roman Camp have had to be suspended in order to admit of the Distress Committee getting additional supplies for their farming purposes.

Previous to the date mentioned, the refuse supplies for Murieston were restricted to what was conveyable by the Caledonian line, but the services of the North British are now also requisitioned for that purpose.

All the available refuse of the city is now being forwarded to Murieston, with the exception of what is reserved for farmers.

THE NEW LOADING BANK AT JOPPA.

The illustration on the following page is a representation of the new Loading Bank at Joppa, which has been provided by the North British Railway Company for the exclusive use of the Cleaning Department.

As regards convenience, sanitation, and amenity, it is in all respects satisfactory and up-to-date.

It has not, however, been placed without considerable obstruction and opposition on the part of the citizens in the district, probably due to the present day susceptibility to imaginary dangers, and to the fact that the average individual is unable to judge as to the wisdom of new proposals until they are embodied in the concrete of actual working.

The Bank was opened for traffic in September 1908, and after it was in operation the following testimony as to its suitability and freedom from objection was borne by the Medical Officer of Health. He says:—

"I have upon several occasions paid visits to the new Loading Bank at Joppa, and have seen it under different circumstances and conditions.

"Great care has been exercised in the formation of the bank, and it is perfectly

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1911.

COLLECTION AND DISPOSAL OF REFUSE.

The quantity dealt with amounted to 124,199¹⁹⁹ tons, and was disposed of thus:—

To Roman Camp	-	54,435	tons equal to	43.82	per cent. of total.
" Farmers,	-	22,608	"	18.20	"
" Murieston	-	19,900	"	16.03	"
" Destructor,	-	13,371	"	10.76	"
" Redhall	-	13,102	"	10.54	"
" Burnhouse	-	558	"	.45	"
" Holmes	-	225	"	.19	"
		<u>124,199</u>	"	<u>99.99</u>	"

As the Distress Committee did not take full supplies in May, June, October, and November, 2010 tons had to be sent per Caledonian Railway to Roman Camp, the carriage rate being 1s. 4d. per ton.

That, however, meant no extra expense to the Department, as the rate corresponded with that to Murieston.

Of the 22,608 tons sent to farmers, 2240 tons were sold, and realised £245, 4s. 8d.; the receivers, in addition, paid the carriage.

4768 tons were sent by canal, the only expense incurred being £7, 4s. for emptying 24 boats, at 6s. each.

The balance of 15,600 tons was railed at a cost to the Department of 8½d. per ton.

In addition to the railway rate of 10d. per ton on material sent to Murieston by the Caledonian Railway, the Corporation allowed the Distress Committee a bonus of 6d. per ton, bringing the cost up to that which it would have been had the refuse been sent to Roman Camp in the usual way, viz., 1s. 4d. per ton.

The sum paid in this connection during the year was £398, 8s. 6d.

For the annual overhaul and repairs, the Destructor was shut down in July and August, and again from September to November, owing to burst tubes.

Altogether it was closed on 89 days, as compared with 36 in the preceding year.

The cost of cremation and disposal was 2s. 5½d. per ton, or 2½d. less than in 1909-10. The decrease is principally accounted for by the Destructor having been out of operation for a longer period than usual, and that the wages of the workmen were, in consequence of employment having been found for them elsewhere, not charged against it.

For the conveyance of refuse by the Union Canal to Redhall Quarry, 11d. per ton was paid for trackage and dues.

MUD AND SAND, ETC.

The mud, sand, etc., from macadamised roads was deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

It totalled 55,801 tons.

Taken together, the refuse, mud, sand, etc., show a total of 180,000 tons, and the average rate for disposal was 11d. as against 10½d. for previous year.

ROMAN CAMP.

Operations have been completed at Roman Camp, at least so far as depositing refuse is concerned, as none has been sent there since 12th May 1911.

It now only remains to have the place levelled and left in a satisfactory condition, and it is hoped that the work will be finished shortly.

In the meantime the plant is being gradually transferred to the new tipping ground acquired at Holmes, where the depositing of refuse was commenced on 12th May 1911.

Since 1901, when the Department first began sending City refuse to Roman Camp, 345,475 tons have been deposited there.

Early in the year, tipping accommodation at Roman Camp being nearly exhausted, it became necessary to look for an outlet elsewhere, and after due consideration of the various methods of refuse disposal to which recourse could be had, it was resolved to purchase a part of Holmes Estate, in the neighbourhood, as best meeting requirements from economic and other points of view.

The ground at Holmes has an area of 40·388 acres, and extends from the North British Railway line to the Beugh Burn. It forms the southern section of Holmes Farm, on which are the site and debris heaps of the old Holmes Oil Works.

The locality is very suitable for the operations of the Cleaning Department; and it is estimated that it will serve as a place for the disposal of City refuse for about twenty years.

The cost of railway carriage and working expenses will be practically the same as at Roman Camp.

When the operations of the Department are completed, the ground, with the exception of the debris heaps, will be excellently adapted for cultivation, and if sold, should realise a good deal more than it cost.

In order to secure suitable access to the City's property at Burnhouse and Camps, additional land has been purchased there from the Earl of Morton and Bell's Trustees. That purchased from the former comprises an area of about 6½ acres, and cost £250; while that from the latter amounts to 13·236 acres, of which 6 acres are arable and 7½ acres are partly disused quarry and partly waste ground.

The 13·236 acres here referred to, as well as the 40 odd acres at Holmes, belonged to Bell's Trustees, and the price paid by the Corporation for these lands was £2000.

DISPOSAL OF REFUSE—*Continued.*

HOW DISPOSED OF.	Holmes.	Burnhouse Quarries.	Burnhouse Farm.	Murleston.	Redhall.	Powderhall and Meadowbank.	Farmers.	Powderhall Destructor.	TOTAL.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Railed at—									
Coltbridge Siding,	10,244	...	...	...	...	...	1,674	...	11,918
St Margarets ^{N.B.R.} ..	11,356	...	...	...	...	...	949	...	12,305
St Leonards ..	14,547	...	...	...	...	...	752	...	15,299
Balcarres Street ..	7,344	...	...	...	...	...	1,742	...	9,086
Heriothill ..	1,608	...	108	...	...	...	1,435	...	3,151
Joppa ..	3,428	...	32	...	...	...	15	...	3,475
Dundee Street, C.R.	2,408	2,356	...	6,020	...	...	244	...	11,028
Tynecastle ..	1,304	1,920	...	2,899	...	...	2,309	...	8,432
Carted direct ..	...	...	...	...	2,441	807	1,780	16,921	21,949
TOTAL ..	52,233	4,276	140	8,919	2,441	807	10,900	16,921	96,637
Percentage of Total ..	54.05	4.42	.15	9.23	2.52	.83	11.27	17.52	...

MUD, SAND, SWEEPINGS, ETC.

Tons.

The quantity of this material collected from the Macadamised roads and elsewhere, and deposited in the various "Tooms" amounted to

50,393

SWEEPINGS, ETC.

Sweepings and collected Stable Manure (sold) which realised £211, 5s. 3d.

1,926

TOTAL TONNAGE.

The total tonnage dealt with was therefore

148,956

LOADING BANKS.

In the foregoing Table it will be noted that six of these are on the North British Railway system and two are on the Caledonian Railway. Two, viz., those at Tynecastle and Balcarres Street, are the property of the Corporation, and there are also stables at these places.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1912.

COLLECTION AND DISPOSAL OF REFUSE.

TOTAL QUANTITY DEALT WITH.

Refuse	118,973 tons.
Mud and Sand, etc.	50,959 "
	<u>169,932</u>

HOW DISPOSED OF.

REFUSE.

54,570 tons to Holmes	equal to 45.86 per cent. of total.
15,985 " Farmers	13.43 "
21,980 " Murieston	18.47 "
17,201 " Destructor	14.46 "
7,516 " Redhall	6.32 "
1,150 " Burnhouse . . . . .	.96 "
571 " { Powderhall and St. Margaret's } . . . . .	.49 "
<u>118,973</u>	<u>99.99</u>

MUD AND SAND, ETC.

(From Macadamised Roads).

50,959 tons deposited in "Tooms" at St. Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

169,932 tons, being the total collection.

COST OF DISPOSAL, ETC.

TO FARMERS.

Of the 15,985 tons sent to farmers, 1780 tons were sold, and realised £188, 19s. 10d.; the receivers, in addition, paying the railway carriage.

1432 tons were carted, and 798 tons sent by the canal, both free of expense to the Department, with the exception of the small charge of 18s. for emptying three boats.

The balance of 11,975 tons was dispatched by rail at a cost to the Department of 8½d. per ton.

BY CANAL TO REDHALL.

6208 tons were forwarded by canal boats to Redhall Quarry, at a cost of £284, 10s. 8d. for trackage and dues, and 1308 tons were carted.

The last consignment to leave by canal was on 30th September 1911.

CLEANING.

MUNICIPAL YEAR ENDING 15TH MAY 1910.

COLLECTION AND DISPOSAL OF REFUSE.

The total quantity dealt with amounted to 126,223 tons, and was disposed of thus:—

By Destructor, 15,756 tons, or 12·5 per cent.; to farmers, 17,271 tons, or 13·68 per cent.; to Roman Camp, 8,870 tons, or 7·02 per cent.; to Murieston, 72,010 tons, or 57·04 per cent.; and to Redhall, 12,316 tons, or 9·75 per cent.

The railway carriage to farmers was at the rate of 7d. per ton; to Roman Camp, 10d.; to Murieston, 10d.; and for trackage and dues to Redhall, 11d.

In addition to the above railway rate of 10d. per ton on material sent to Murieston by the Caledonian Railway, the Corporation allowed the Distress Committee 6d. per ton, which brings the cost up to that which it would have been had the refuse been sent in the usual way to Roman Camp, viz., 1s. 4d. per ton.

The mud, sand, etc., from the macadamised roads totalled 58,009 tons, which were deposited in "tooms" at St Margaret's, Queensferry Road, Powderhall, and Baileyfield Road, Portobello.

The refuse and mud taken together show a total of 184,232 tons, and the average all over rate for disposal was 10½d. per ton, as against 11d. for previous year.

The Destructor was closed for repairs on 36 days, as against 29 in the preceding year.

The disposal cost rate was 2s. 8d. per ton, which is ½d. more than the corresponding figure in the previous year, and is accounted for by the increased cost of repairs and lower revenue from Clinker.

On 25th March last, at the request of the Distress Committee, the Department discontinued sending manure to Murieston by the North British Railway, and forthwith resumed operations at Roman Camp, where the refuse is now being deposited.

LOADING BANKS.

The Loading Banks throughout the City number nine, and are situated as follow:—

Dundee Terrace	Tynecastle
Coltbridge	Logie Green
St Margaret's	St Leonard's
Balcarras Street	Canal
	Joppa

Negotiations have been concluded with the North British Railway Company, securing a connection with that system, but a considerable amount of work must be undertaken by the Department in laying down the necessary sidings.

A locomotive belonging to the Corporation is stationed here to shunt the wagons.

BURNHOUSE FARM.

Burnhouse Farm was acquired along with the last named property and was carried on by the Department until Martinmas last, when it was leased to a tenant.

MURRESTON.

Operations were suspended indefinitely here in November last, and the Corporation have purchased a portion of the railway plant for the use of the Department at Burnhouse Sidings.

REDHALL QUARRY.

That portion available for the depositing of refuse is gradually nearing the stage when this may be expected to terminate.

Being situated on the environs of the City, and within driving distance of the western districts, this "Tip" forms a useful auxiliary, more especially during those seasons when railway wagons are so scarce that the whole of the refuse cannot be dispatched by rail the same day as it is collected.

POWDERHALL DESTRUCTOR.

The Destructor continues to meet the requirements of the north-east portion of the City in disposing of ordinary refuse, and fulfils an equally important function for the whole City in disposing of material which could not readily be got rid of otherwise.

Old books and documents from business houses and Government Offices, the residue left on the hands of those agencies who collect and sort waste paper, offal from the Slaughterhouses, carcases from Veterinary hospitals, others from sources of infection, are sent here for cremation, as many as ninety pigs having been sent at one time quite recently.

The Destructor was closed down for repairs on two occasions, being out of action for thirty working days altogether during the year.

Considering that the plant has been 20 years in use, it is not surprising that it should suffer in comparison with more modern

Strategic Planning & Transportation
County Buildings
Linlithgow
West Lothian
EH49 7EZ

For the attention of George Flett

Monday, 11 October 2004

Project: 760244

Ref: Easter Murieston - Second Response - DRAFT /LRB

Dear Sirs

**Easter Murieston, Livingston
Review of Supplementary Information**

Thank you for requesting Carl Bro to provide an opinion on the acceptability of the following reports with respect to the proposed redevelopment of the Murieston, Livingston:

- Final Site Investigation Report, IKM Consulting Ltd, August 2004; and,
- Method Statement for Removal of Incinerator Ash, IKM Consulting Ltd, August 2004.

We have reviewed the above reports with particular reference to the comments previously made in our letter dated 31st May 2004 and the subsequent letter from Mr Tony Irving (West Lothian Council, Development & Regulatory Services) to Mr Neil Lind.

Background

Before considering the above reports in detail, it is useful to establish the current position with respect to the planning application for this site. In short, a residential development is planned for the site by the owner. The current use of the site may be loosely described as 'public open space', as it is currently fully accessible to the public, neighbouring residents, dog-walkers, etc. The change of site use planned has triggered the planning process, including the use of Planning Advice Note (PAN) 33, which deals with the development of contaminated land.

One of the principal roles of the town and country planning and building control departments under PAN 33 is as follows:

*"Ensuring that land is made suitable for any new use, as planning permission is given for that new use - in other words, assessing the potential risks from contamination, on the basis of the proposed future use and circumstances, before permission is given for the development and, where necessary, to avoid unacceptable risks to human health and the environment, remediating the land before the new use commences."*¹

¹ <http://www.scotland.gov.uk/library/pan/pan33-01.asp#b3>

Whether confirmed or suspected, contamination is a material planning consideration and as such, it is considered as one of the factors in the preparation of development plans, as well as in the determination of planning applications.

Proposed Site Use and Acceptability Standards

The proposed use of the site is residential with gardens, and as such, IKM Consulting have identified unacceptable risks associated with the made ground at the site (ash from the former Destructor / Incinerator at Powderhall, Edinburgh). Section 6.4 of their report identifies that: *“redevelopment of the site in its current condition for domestic housing would represent unacceptable risks to future occupiers”*. They conclude that *“these risks can be effectively removed if the ash material is removed”*. We would agree with this statement. Furthermore, in their Recommendations section, IKM state that *“it is our recommendation that the site is totally cleared of all destructor ash”*.

This complete ‘dig and dump’ remediation solution, if managed correctly, should lead to the removal of significant risks associated with the ash material. It relies upon the topsoil above the ash and the subsoil below it being clean. This should be proven through validation testing.

Asbestos and Dioxins

Our previous letter noted two areas of specific concern, regarding the potential for the presence of asbestos and/or dioxins in the incinerator ash. IKM regard the likelihood of asbestos being present in the ash as being “low”. Some reliance is placed on the operating temperature of the incinerator, e.g.:

“One of the properties of asbestos is that it does not have a “melting point” as such. Instead, the fibres break down above approximately 600°C. Modern incinerators operate at above 800°C to reduce the potential production of dioxins from chlorine-containing compounds”².

It is unlikely that at the time of incineration (circa 1910) the material being incinerated was subject to the same controls and operating temperatures that modern incinerators must meet through licensing requirements. It is thus considered that the above statement could be misleading, as it implies that the conditions at the Edinburgh Powderhall incinerator at the time of the production of the ash in question were comparable to those at present-day incinerators. Considering that wood fragments have been found within the ash at the site³, it seems apparent that the complete combustion of all municipal solid waste was unlikely.

With respect to dioxins, IKM state that:

“Several studies have looked at time-based trends in dioxin levels and have concluded that levels were consistently low prior to the 1930s...”⁴

In the absence of quantitative testing data for the ash in question at the site, we would recommend that the studies referred to above are fully referenced in order for their applicability to be assessed by West Lothian Council. It is likely that these studies have focussed on levels of dioxins in the environment (e.g. park grass) rather than on incinerator ash itself.

² Section 5.2, IKM Final Site Investigation Report

³ Section 4.2.1, IKM Final Site Investigation Report

⁴ Section 5.3, IKM Final Site Investigation Report

The immobility of dioxins is discussed as a positive attribute, although once in the food chain, it is this recalcitrance and potential for bioaccumulation that set dioxins apart as particularly hazardous compounds.

We acknowledge that around the likely time of production of this ash material, the levels of plastic compounds such as PVC in municipal solid waste would be insignificant, if present at all. However, we understand that the production of dioxins from other chlorine-containing compounds such as those used in the bleaching of paper may be possible ⁵, hence we feel that the potential presence of dioxins in the ash material in question cannot be ruled out.

IKM do not rule out the possible presence of either asbestos or dioxins in the ash material, but regard the likelihood of the presence of asbestos to be “low”, and “*levels of dioxin in the ash can be expected to be low and typical of ash materials...*”. These assessments are provided as justifications for the absence of quantitative laboratory testing for these potential contaminants.

Summary

As we have previously stated, the presence or otherwise of asbestos or dioxins with respect to the future use of the site does not appear to be the key issue of concern for the suitability of the proposed development, as it is proposed by IKM in any case to totally clear the site of all destructor ash. The chief concern then is the safety of the remediation works, with particular consideration for adjacent residents that may be affected by dust which, according to IKM's latest report, may contain “low” levels of asbestos or dioxins.

Given the known hazards associated with asbestos and dioxins, the city analyst's comments in 1998 that asbestos may be present in the ash ⁶, and the absence of any evidence to show that these contaminants are not present, we consider that the position has not changed significantly since our last correspondence in May 2004, namely:

“An additional site investigation consisting of one day's trial pitting with a JCB-type excavator plus limited additional testing is likely to suffice. This investigation could also focus around the more heavily-wooded areas in order to assess their contaminative status.

*It is important to be able to rule out asbestos and dioxins as potentially being present in this material as if they were present, even more stringent health and safety standards would be necessary during remedial works.”*⁷

We would recommend that, in accordance with PAN 33, the remedial method statement should demonstrate how any risks associated with asbestos or dioxins in the ash would be mitigated. For example, how would the remediation method statement alter if it was known that “low” levels of asbestos or dioxins were present in the ash?

⁵ Incineration and Dioxins: Review of Formation Processes, Australian Government - Department of the Environment and Heritage, www.deh.gov.au/industry/chemicals/dioxins/pubs/review.pdf

⁶ Letter: Comments on IKM 1998 Investigation, Andrew Mackie, 1998

⁷ Letter to West Lothian Council's Strategic Planning & Transportation dept, 31st May 2004

In conclusion, IKM have acknowledged that there is a potential for the presence of both asbestos and dioxins in the ash material. However, they have not considered these contaminants in their method statement for the removal of ash from the site. The Precautionary Principle would advocate the assumption that asbestos and dioxins are present (until proven otherwise), and as such, methods of ash removal should be suitably designed to ensure that no additional risk is created to any potential receptors, including site workers and adjacent residents.

Carl Bro Group would be please to assist further, either in the assessment of additional reports or auditing of remedial works to on behalf of WLC.

Should you have any further queries or comments, please do not hesitate to contact us.

Yours faithfully
Carl Bro Group Ltd

Lewis Barlow BEng Hons MSc DIC CEng MCIWEM
Senior Contaminated Land Consultant

Approved by:

R. W. Apted
Technical Director

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Ms Amie Butchard

Address: 5 Tarbert Drive, Murieston, Livingston, West Lothian EH54 9GZ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Notice of objection, this land should be de-zoned for any future development and wish to prevent any further planning applications being submitted.

Contaminated Soil:

This strip of land should have been scraped when Murieston Valley was being built but because it wasn't, the lives of us local people will be drastically affected. Not I hasten to add that of the developer, who no doubt doesn't live where they will be impacted from this proposed development;

There is great concern that the harmful chemicals/particles, once disturbed in this contaminated soil, would be inhaled by local residents, particularly Tarbert Drive. Many have young families in this street and are already worrying about the long term health implications of the soil disruption; Contaminated soil would be strewn down our street and clearing it up would only dilute and spread the hazard into our homes and gardens; and

What once was a safe, clean cul-de-sac for young children to play would rapidly become a no go area.

Heavy duty Vehicles versus Infrastructure:

The suggested no. Of trucks, which would be required to remove the contaminated soil, will create extreme disruption to our small cul-de-sac of nine houses and the narrow roads in the surrounding area. We who live within Tarbert Drive will have quality of our lives vastly diminished by the noise and pollution.

Construction Phase:

The on-going noise level of subsequent construction would be incredibly disruptive to our street and surrounding area;

Once construction is complete, the level of traffic flowing through the narrow Tarbert Drive will cause much disruption to our already busy street. We all bought homes here so that we wouldn't live in a through road;

The suggestion that the new street would bring only 20 additional cars and that our street could accommodate their visitor parking is ridiculous. Our street has 18 cars for the 9 houses and will only increase as the children living here become of driving age. Visitors currently park along the paths as residents need to use visitor spaces.

Wildlife/Trees:

There are protected bats and badgers within this land, the construction would disrupt their habitat; and

There are also protected trees which help create the peaceful habitat for the animals.

Future Development within Murieston:

Murieston is a lovely picturesque and peaceful area, which I feel is going to be destroyed by the current and future proposed construction of new builds/affordable housing. Murieston is appealing and sought after because of its current unspoilt landscape and tranquility. It will no longer offer this amenity if all land within Murieston is built on, almost becoming a new town in its own right;

The impact on overall house prices for Murieston could potentially fall as the appeal for the area would diminish. It would just be another overly large estate overrun by traffic and residents screaming out for further facilities to cope with demand, creating yet more building and disruption.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Annie Dryden

Address: 8 Tarbert Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to formally object to the proposed planning application submitted by Cruden.

A T.P.O. (tree preservation order) is in existence which covers the whole area of land under consideration for development. Any proposed development would result in the removal of several mature trees, which would be in breach of this order.

Serious concerns have been raised over the contamination of the land and have never been satisfactorily addressed in any proposed development application. This is contaminated land which contains waste that is known to be hazardous to health. The removal of the soil will result in run off into the surrounding land and water courses and will require the contaminated material to be transported through a densely populated area which has many families with young children living there.

With a nursery, after school club, school, doctors, dentists, vets and nursing home all within close proximity it would have a serious impact on the health of all residents, especially the young and elderly.

The land should have been decontaminated when the rest of the valley was developed many years ago. This did not happen, I feel that this opportunity has gone and the risk for the residents and general public is far too great to take place now.

It has been nearly ten years since the CALA appeal was rejected by the reporter and my understanding is that this decision was final.

I can find neither rationale nor reasoning which would support that decision being over turned.

I feel very disappointed that we, as residents, have to go through this yet again. The site should be removed from the local development plan.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Campbell Maclean

Address: 8 Gelder Drive Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. A tree preservation order exists, for good reason, on the area to preserve the natural and often mature woodland, the proposed development would result in the removal of several mature trees. These provide much a needed environment for our insect and bird life as well as enhancing the environment for the benefit of locals living in and frequently walking in this area, as I do with my family regularly.

2. Disturbance of contaminated waste with no definitive assessment of impact on humans and local flora and faun

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Carol Hallesy

Address: 4 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am resubmitting this as my previous objection is not showing under 'Documents'.

I wish to object to this previously rejected planning application on the following grounds:

1. This is contaminated land which contains waste that is known to be hazardous to health. The removal of the soil will result in run off into the surrounding land and water courses and will require the contaminated material to be transported through a densely populated area which has many families with young children living there. The developer has not submitted a definitive assessment of airborne pollution and has allowed contractors to remove soil samples without any form of protective clothing - which suggests a lack of awareness and/or consideration for public health. With a nursery, after school club, school and nursing home all within close proximity it is concerning that the developer has not put this issue at the forefront of their application.
2. A Tree Preservation Order exists on the area and the proposed development would result in several mature trees being removed.
3. The current application is for more houses than the previously rejected application and as the elevation is higher than the surrounding houses will impact adversely on the area.

From: [Planning](#)
To: [Watson, Matthew](#)
Subject: Comments for Planning Application 0927/FUL/18
Date: 07 October 2018 20:33:08

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:32 PM on 07 Oct 2018 from Mrs Carolyn Oliver.

Application Summary

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

[Click for further information](#)

Customer Details

Name: Mrs Carolyn Oliver

Email: [REDACTED]

Address: 3 Tarbert Drive Murieston Livingston

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Further to my husbands earlier comments I am deeply concerned about removal of old waste from the site. There are many documented incidents uk wide of old waste being disturbed resulting in serious illness. I have 2 children and many of the neighbours have babies and young children. When no scientific report has been produced to show what is under the ground and a risk assessment carried out how do you know it is safe to remove material ? Should this result in ill health I can guarantee that I and all the neighbours will take legal action. Would the council or Cruden homes be prepared for the public backlash if health was affected ? Cruden would end up bust. With social media the way it is now health implications and them not doing their due diligence before the build would not take long for their reputation being destroyed.....is this worth the risk for just 18 homes ? Plenty safe land elsewhere in the area...why take the risk for a small development.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Miss Dawn Carmichael

Address: 15 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: would like to object to all proposed building plans on this greenfield site. There have been several previous failed attempts to achieve planning permission on the site and I do not see how conditions have changed to warrant a new application.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental affect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development. The building of new homes in this area would also have a noise impact to this quiet area which would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health. The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children.

I believe the local infrastructure is insufficient to support this proposed development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing erosion increasing the potential for flooding and costing the council in further maintenance.

Mr Glyn Thomas
56 Murieston Valley
Livingston
EH54 9HB

18th October 2018

**Subject: Planning Application 0927/FUL/18 - Land To The South Of Tarbert Drive
Murieston Livingston**

I strongly object to the planning application above. There have been several planning applications to build on this site rejected in the past. I do not understand what has materially changed to consider granting permission now.

In particular the previous application from CALA homes (PPA/400/284) was rejected on appeal due to the removal of trees under existing preservation orders and not meeting the requirements of local plan policies ENV11 and ENV14. If these preservation orders are still valid, what has changed to consider approving this application.

I am also concerned by the issue of contaminated soil and sub soil. The Stockpile Waste Classification Report V1 dated 24th September 2018 concludes that there are no contamination issues. I would suggest that the samples taken and analysed for this report are not representative of the site. The plan of sample points contained in the report show them being retrieved from 2 stockpiles. These are at the top of Tarbert drive and not from the whole proposed area. If these stockpiles represent top soil gathered from the whole site then these have been standing there for a long time and have been subject to weathering. This would allow leachate to dissipate over time thus making the stockpile less contaminated than fresh samples of top soil. Of course any insoluble contaminant would be collected too and it is comforting to know that asbestos is not present.

A better method of collecting samples would have been by digging a simple trench or by hand auger at representative points across the site.

At this point I believe that there is no evidence to suggest there is no contamination and this would constitute a risk to health of residents and the workers on the site if planning is approved.

Yours Sincerely

Glyn Thomas MIMMM MIQ CSci CEng

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Gordon Todd

Address: 10 Mureiston Park Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposal to develop on the site at Tarbert Drive.

Any risks associated with removal of contaminated material should be avoided at all costs. I see no benefit to the local community in removing this undisturbed material for 18 houses.

Given the sites available in the West Lothian development plan I see no reason why there would be any appetite to put at risk public health; Either through escape of airborne toxins, or the large volume of heavy plant associated with the removal of this moving through residential streets past playgrounds & sports grounds.

Further to the above. The wider area of Livingston South has number of large developments in process or with planning approval in place. Together these have the potential to seriously impact the natural environment in the area. As I understand it there is a Tree Preservation order in place on this site and removal of trees on the site would further impact the natural environment.

This is notwithstanding any risks to the natural environment as a result of the spread of contaminants through the removal process.

Regards

Gordon Todd

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Iain Gold

Address: 11 Teviot Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this planning application in its entirety.

It's a greenfield site with lots of wild animals inhabiting the area proposed. These include protected bats and badgers as well as a wealth of other animals, insects & birds such as deer, buzzards & many more. Their homes would be destroyed by this development with a severe detrimental effect on surrounding wildlife. Our children love watching all the wildlife here often asking questions all about the animals, even naming the deer they have seen. I'm sure many other families do the same. It would be a travesty to destroy this wonderful natural environment & teaching aid.

The ancient woodland on site must be preserved, any building would surely damage their roots as well as the damage due to pollution caused by building works and increased traffic. This proposed development would be in direct contravention of the 2009 tree preservation order made by WLC completely negating the reason it was implemented. The development would have a detrimental effect on the character & visual impact of the area.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. I have deep concerns for my family & friends health should this land be disrupted. Transporting this waste would put all residents at risk due to no through road. Planning permission has been refused on previous occasions on this basis.

It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing

erosion increasing the potential for flooding & costing the council in further maintenance.

The building of new homes in this area would create a lot of noise to this quiet area. I have 2 small children & have serious concerns about their sleep patterns & our mental health due to sleep deprivation & noise pollution. Having seen how many other small children there are living in the surrounding area many residents will be in the same situation.

20-40 cars extra leaving Tarbet drive every morning will be dangerous to the many young people, train commuters & shoppers who pass there.

The proposed plans place houses very close to our property. They will likely be higher which will invade our privacy also blocking the natural light we get, especially in the winter months and causing drainage issues.

An increase in residents would burden local doctors surgery, dentist, schools & other services especially with other proposed substantial developments relying on these too. Previous planning proposals stated there was "limited capacity" at local waste water treatment.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs irene whitelaw

Address: 58 Murieston Valley 58 Murieston Valley Livingston

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this recent planning application. There have been several previous failed attempts to achieve planning permission on this site and I do not see how conditions have changed significantly to warrant a new application. In evidence from previous submissions by West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

Also my understanding is once the reporter has made a decision this is final , and given there has been no changes to the condition of this land then I'm at a loss to understand why this would even be considered.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental effect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development. The building of new homes in this area would also have a noise impact to this quiet area especially for those who work from home and also for those who work nighshifts - it would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health.

The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children. I believe the local infrastructure is insufficient to support this proposed

development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, local doctor's surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment work.

I strongly object.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr James Rae

Address: 8 Rothes Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application. The site is known to be contaminated with waste from Edinburgh city including medical waste.

The development would also encroach upon a mature tree belt and disturb and distress existing wildlife.

My wife has severe dust allergies and is allergic to many chemicals and the removal of toxic soil and the amount of dust created would have an adverse effect on her health.

I have doctors letters to support this.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Katrina Taylor

Address: 24 Rothes Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live in the street adjacent to this land and cannot believe another planning application has been submitted to build here. All previous applications have been refused and I cannot understand why another one would be considered. I would have serious concerns for the safety of my family if consent was given to disturb this land thereby making the contamination airborne. As with the other applications, the due diligence required by the land owner and developer have not been demonstrated which shows a complete disregard for the safety of the people living around this area. Additionally, what compliance will be shown to Tree Preservation Orders if the regard for hazardous contamination is questionable?

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mrs Margaret Brown

Address: 42 Rothes Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land at Tarbert Drive has been confirmed as contaminated and my main objection to this planning application is around the possible health implications for the residents who live on or near the route any vehicle will take as they dispose of this contaminated soil.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Dr Moira Shemilt

Address: 25 Murieston Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a recently elected member for Livingston South. However, I raise my objections as a member of the community of Murieston for over thirty years. I deem myself and my family to live within the neighbourhood of this proposed development as our house lies within close proximity, over the river, to this proposed development.

My primary objection is that, almost 10 years ago, the Scottish Reporter refused an application to build on this plot, intimating that the site is embraced by and adjacent to land adversely affected by contamination. Disturbing and redistributing this land may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste, therefore, would put all members of the local community at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

My second objection is in relation to the trees which the developer proposes to remove, these include mature trees with preservation orders. While the developer proposes to replace removed trees, these would in no way provide compensation. Like would not replace like with like.

Thirdly, the developer is proposing to build 18 houses on this small plot of land, which appears to me to be excessive and out of keeping with the context and area.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Neil Harris

Address: 5 Teviot Drive Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to all proposed building plans on this greenfield site. There have been several previous failed attempts to achieve planning permission on the site and I do not see how conditions have changed to warrant a new application.

In evidence from previous submissions by its own admission West Lothian Council (WLC) stated "the site is embraced by and adjacent to land adversely affected by contamination" which should it be disturbed may result in potentially serious health concerns for local residents, wildlife and vegetation. Transporting this waste would put all residents at risk due to the fact the area is in a no through road. Planning permission has been refused on previous occasions on this basis.

In 2009 a tree preservation order was made by WLC therefore this proposed development would be in direct contravention of this order and completely negates the reason it was implemented. I believe that by removing the trees it would ruin the setting and aesthetics of the area, which infringes into the Murieston trail, which is enjoyed by residents and visitors alike. Development would remove habitat for native wildlife whilst also having a detrimental affect on the visual impact of the area for local residents.

The character of the neighbourhood would also be irrevocably impacted in a negative way by removing trees and further building development.

The building of new homes in this area would also have a noise impact to this quiet area which would disrupt sleeping patterns for residents. This noise pollution would likely be over a long period which is known to have negative effects on health. The impact on the road network around this area would also be detrimental. The road network is currently busy but this would further increase traffic and make it more hazardous for residents, especially children.

I believe the local infrastructure is insufficient to support this proposed development, including the following; The fact the valley road is a no through road (increased traffic volume is felt more), the

local doctors surgery, dentist and schools would also be burdened by an increase in residents. Previous planning proposals also stated that there was a "limited capacity" at East Calder waste water treatment works; further evidence that the current infrastructure is not conducive to increased development. It has also been noted previously that there has been erosion to Murieston water with remedial works having been carried out in 2012, and with further construction this is likely to have an impact on the amount of water which will flow into Murieston water (as per site survey) further increasing erosion increasing the potential for flooding and costing the council in further maintenance.

Watson, Matthew

To: Planning
Subject: RE: 0927/FUL/18 OBJECTION - [OFFICIAL]

From: Nicola Graham [REDACTED]
Sent: 17 October 2018 21:33
To: Planning
Subject: Ref: 0927/FUL/18 OBJECTION
Importance: High

Dear sir/madam

OBJECTION to planning application by Cruden Homes Ref: 0927/FUL/18.

Date: 17th October 2018

I wish to object to planning permission being sought at Tarbert Drive, Murieston, Livingston, EH54 by Cruden Homes. My main objection is that I am extremely concerned about the health risk to the residents in the area (not to mention the people who would be working on site) due to the hazardous waste being unearthed and transported along Murieston Valley where I live with my partner and my young son. This is extremely worrying and fills me with dread at the possible risk this may cause to all our health. From speaking to neighbours I know this is a major concern of us all. Even if this does not affect us in the short term, who knows what the long term effects might be. This particular concerns me for my 15 month old son who is vulnerable given his immune system isn't developed yet and who knows what airborne diseases/viruses could be unearthed.

I also object on the following grounds:

The tree preservation order which is in place to protect our woodland. We moved to this area due to the fact it is surrounded by lovely woodland walks. This is important for the environment. If this diminishes with more and more houses being built (there are other applications in the area for housing estates) then the area will be less attractive to move to.

There will be much more traffic in the area which is already a huge issue due to the volume of traffic and the fact many vehicles drive very fast on Murieston Valley, much faster than the 30mph speed limit which is not adhered to. This is a big concern especially given I have a young son. The cars ignore the traffic calming measures which need replaced as they're worn away.

There will be more pressure on the local amenities such as the schools, doctor surgery, dental surgery and local shops.

My main concern is however due to health risks which seems to be very much an unknown and it appears no reassurances can be given to how to safely deal with this given potential risks may be airborne. This really really worries me and causes me a great deal of stress and anxiety. The health of the residents of this area must be the priority. Given we are aware there are health risks, there can be no excuses to allowing this planning application to go ahead.

Thank you for your time and I trust these objections will be taken into consideration.

Yours faithfully

Ms Nicola Graham
79 Murieston Valley, Livingston, EH54 9HJ

Watson, Matthew

Subject: RE: Application 2821 = Tarbert Drive, Murieston - [OFFICIAL]

From: peter mcgowan [REDACTED]
Sent: 13 October 2018 10:36
To: Planning
Subject: Application 2821 = Tarbert Drive, Murieston

I am making an objection to this planning application for 18 homes in this locale.

The land has been contaminated for over a century and if the soil is disturbed the removal could cause health concerns for residents in the Murieston Valley area. There are many children including my grandchildren near the site and I worry that the disturbance of the land will affect youngsters and older people alike.

The transport of materials for removal and building works would necessitate several hundred lorries being driven along the valley and this would cause problems for residents as this road is not suitable for heavy lorry traffic. When completed the residents would provide at least 35 to 40 more cars for traffic in the valley, especially at peak times, the valley is a cul de sac and with other developments the junction at the end of the valley will become congested, more so when building is going on with all the lorry traffic.

The site itself is an area with mature trees and I can not see how 18 houses can be built without removing at least eight to ten of these trees. Our planet needs more trees rather than removing trees we should be planting more.

Wildlife including birds, deer and foxes use this land and we should not be restricting any further their habitat.

There are already many other plans for larger developments planned in Murieston and there is no real need to be using small unsuitable contaminated sites. The developers for this site seem to be trying to get approval for this site before they have the competition from developers of other sites in the area.

This application is less to do with providing homes and more to do with profit for developers.

Please do the right thing and turn down this application.

Peter D McGowan
6 Lyon Drive
Murieston
EH54 9HF

Sent from [Mail](#) for Windows 10

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Philip Stevenson

Address: 52 Murieston Valley Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to raise a formal objection to this planning application.

This is currently a quiet cul-de-sac where children can play safely due to traffic limitations. The approval of this application will result in a conservative estimate of a minimum 60 additional car journeys each day entering and exiting the location.

The green space on the proposed site is habitat to numerous species of wildlife and contains preservation order mature trees. Losing this secluded natural environment would have a huge impact on the eco-system.

I understand the land contains contaminates, which have previously been identified as hazardous to health. This is extremely concerning in relation to this land being disturbed resulting in those contaminants being released into the atmosphere. Surely the safest course of action here is to ensure the status quo, which I understand to be the outcome of previous planning applications for this site.

No reassurance has been given in relation to flood impact on existing homes which sit below this elevated site. The introduction of increased non porous surfacing will have a negative effect resulting in run off, thus increasing the flooding potential. The building work will cause a great deal of disruption to an already established area in relation to heavy plant, machinery and noise in such a small street.

I'm disappointed there has as yet been no direct communication with those residents living in the immediate vicinity of this planning application. Knowledge of the application has only come to my attention via a social media community forum, which puts those who do not use such mediums at

a disadvantage.

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbet Drive Murieston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Richard & Freida Whitson

Address: 18 Rothes Drive Murieston Livingston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Sirs

I write to you concerning this further application to build houses to the south of Tarbert Drive.

We moved to Rothes Drive 20 years ago because it .had everything that we were looking for. Beautiful green areas, loads of lovely walks and lots of wildlife. You continually want to take more and more of this away.

Given that similar applications have been rejected by the Scottish Government and other legal agencies, I find it surprising that another such application to build houses on this piece of contaminated land is now in the pipeline. I would be most surprised if the reasons for the previous rejections have changed in any way therefore this latest attempt should not be given the time of day and dismissed for good.

I have read all of the letters of objection lodged and endorse all of the comments made therein.

Yours sincerely

Dick and Freida Whitson

18 Rothes Drive

Comments for Planning Application 0927/FUL/18

Application Summary

Application Number: 0927/FUL/18

Address: Land To The South Of Tarbert Drive Murieston Livingston

Proposal: Erection of 18 houses with associated infrastructure and landscaping

Case Officer: Matthew Watson

Customer Details

Name: Mr Robert Allan

Address: 8 Roy Drive Murieston

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I'd like to object to the proposed development for a number of reasons. Firstly, and notably, there's already a housing development of significant size (circa 700 units) moving forward at the site south of Murieston Road. Given the majority of local residents objected to this yet it still achieved planning approval, I feel additional development in the area will only "add salt to the wound" so to speak. I don't therefore don't believe we need any further housing development in this area.

I appreciate it's only 18 units proposed, at this stage, however this will only add to the current traffic numbers in the area, which combined with the other development currently going ahead will only compound any future issues. The current car park at Livingston Station is already over subscribed and I believe there will be issues with local nursery and school places and, of course, the doctors surgeries in the area. I just feel further development will add further pressure to an already 'squeezed' system.

We, as residents, have endured the rail upgrade of late that has, in many cases, impacted in local residents during the evening hours. I myself have a young child and found myself impacted by this. I also object to any further works traffic travelling up and down the Murieston Valley to access/egress the site. Again, having a young child playing within the area I am already concerned with any potential air quality issues from current traffic levels, let alone works traffic carrying contaminated soil.

I'd be grateful if you would consider the above and accept my objections to this proposed development moving forward.

Kind regards,

Rober Allan