



PRE - APPLICATION REPORT REGARDING THE ERECTION OF UP TO 9 WIND TURBINES AT WULL MUIR, GOREBRIDGE (18/00894/PAC)

Report by Director of Education, Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of a pre-application consultation submitted regarding a wind farm of up to 9 wind turbines (tip heights up to 150m) at Wull Muir, Gorebridge. The site is on the boundary of Midlothian's Council area, adjoining the Scottish Borders' Council area.
- 1.2 The site forms part of a wider application site for a wind farm development which extends across a relatively small area of Midlothian and a much larger area in the Scottish Borders. There is currently no development proposed within Midlothian, with all the wind farm works taking place within the Scottish Borders to the south.
- 1.3 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional without prejudice planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process, published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 6 June 2017. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for a wind farm of up to 9 turbines at Wull Muir, Gorebridge was submitted on 9 November 2018.
- 2.3 As part of the pre application consultation process the applicant held a drop in event in Temple on 10 December 2018 from 3pm to 6pm. On the conclusion of the consultation the applicant could submit a planning application for the proposal. It is reasonable for an Elected Member to attend such a public event without a Council planning officer present, but the Member should (in accordance with the

Commissioner's guidance reported to the Committee at its meeting in June 2017) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.4 A copy of the pre application notice has been sent by the prospective applicant to the Moorfoot Community Council. The applicant has confirmed that Tynewater Community Council were also informed of the above event.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the currently proposed development complies with development plan policies unless material planning considerations indicate otherwise.
- 3.2 The development plan is comprised of the Edinburgh and South East Scotland Strategic Development Plan (June 2013) and the Midlothian Local Development Plan 2017 (MLDP).
- 3.3 The site sits on a steep hill in an area of open countryside located at the edge of Midlothian's Council area. The site is bound by the B7007 on the north-west and west and by countryside on the remaining boundaries. There are three wind turbines on the land to the south, within the Scottish Borders Council area.
- 3.4 The MLDP identifies the site as being within the countryside and any subsequent application will be subject to assessment against MLDP policies RD1: Development in the Countryside, ENV6: Special Landscape Areas, ENV7: Landscape Character and NRG2: Wind Energy.
- 3.5 Midlothian Council has been invited to comment on the applicant's EIA Scoping Opinion which has been submitted to the Scottish Borders Council. These documents show the Midlothian site forms part of a wider application site for a wind farm development which extends across a small area of Midlothian and a larger area in the Scottish Borders. There is no development/works proposed within Midlothian, with all the wind farm works taking place wholly within the Scottish Borders Council administrative area to the south. However, the applicant has confirmed that the area of land within Midlothian Council has been included in the site boundary to allow them the option to look at potential access routes to the turbines and their infrastructure if required. If the applicant decides to propose an access through Midlothian it would be subject to a planning application, considered by Midlothian Council.
- 3.5 If an application is submitted, it is anticipated that the only works within Midlothian will be access routes to the wind farm in the Scottish Borders. Such a development will be considered in line with the abovementioned development plan policies and in consultation with the Council's Policy and Road Safety Manager. Any proposed access

routes could be considered acceptable if the applicant demonstrates that the works are not detrimental to the landscape and that they do not result in highway safety concerns during the construction of the wind farm or during its operation.

4 PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.
- 4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors are expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views which they are minded towards if persuaded that they should.

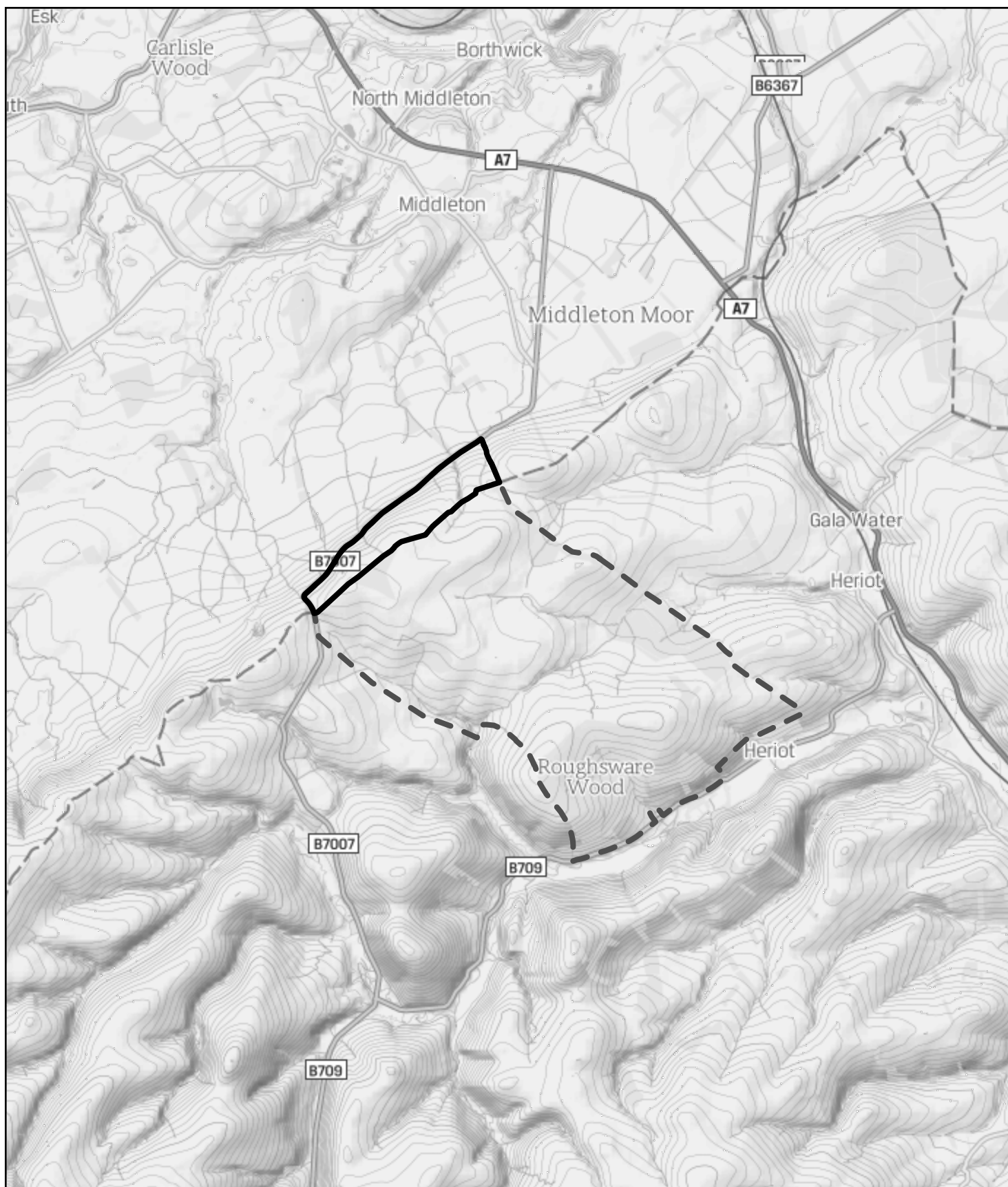
5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes:
 - a) the provisional planning position set out in this report;
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and
 - c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Dr Mary Smith
Director of Education, Communities and Economy

Date: 15 January 2019

Application No: 18/00894/PAC (Available online)
Applicant: EnergieKontor UK Ltd, 11 Somerset Place,
Glasgow, G3 7JT
Validation Date: 9 November 2018
Contact Person: Mhairi-Anne Cowie
Tel No: 0131 271 3308
Background Papers:



**Education, Economy
& Communities**
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Proposal of application notice for wind farm of up to 9 wind turbines at Wull Muir, Gorebridge

 Area of Site Within Midlothian

 Area of Site Within Scottish Borders

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