



PRE - APPLICATION REPORT REGARDING EXTENSION TO EXISTING QUARRY; RETENTION OF PROCESSING PLANT; INSTALLATION OF ANCILLARY EQUIPMENT AND ASSOCIATED WORKS AT TEMPLE QUARRY, GOREBRIDGE (23/00662/PAC)

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for an extension to an existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge.
- 1.2 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 30 August 2022. The guidance clarifies the position with regard to Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A PAN detailing the pre application consultation for an extension to an existing quarry; retention of processing plant; installation of ancillary equipment and associated works at Temple Quarry, Gorebridge was submitted on 10 October 2023.
- 2.3 In addition to the PAN the applicant has also submitted a request for a scoping opinion (23/00661/SCO) in relation to an environmental impact assessment (EIA) – this request is currently subject to consultation and assessment.
- 2.4 As part of the pre-application consultation process, two public events are scheduled to be held. The first took place at Middleton Village Community Hall on 14 November 2023. The second is scheduled for

16 January at the same venue. On the conclusion of the second public event 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 August 2022) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

- 2.5 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could have been submitted is 3 January 2024, subject to the second public event being concluded. The subsequent planning application must be accompanied by a Pre-Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.
- 2.6 Copies of the pre application notices have been sent by the prospective applicant to the local elected members in Ward 6 – Midlothian South and Moorfoot Community Council.

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. The views of consultees and representors will be material considerations in the assessment of an application for the proposed development. The Council's Resource Extraction Supplementary Guidance will also be a material consideration in the assessment of an application for the proposed development.
- 3.2 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017 (MLDP). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present this means that where there is an incompatibility NPF4 takes precedence, this will change when a new local development plan is adopted.
- 3.3 The current quarry measures 42.5 hectares in area and is situated at Outerston, which is 2.5 kilometres southeast of Temple and 2.5 kilometres southwest of North Middleton. The material is transported, via a conveyor belt, to a processing area at Guildie Howes, which measures 15 hectares and is 700 metres southwest of North Middleton. The current permissions for the onsite operations (12/00384/DPP, 12/00387/DPP and 12/00388/DPP) expire 31

December 2025. The proposed extension area is an area of agricultural fields to the north of the Guildie Howes site.

- 3.4 The extension site measures 25.5 hectares and comprises six agricultural fields, a small pond and an area of wetland. The site is bounded by the A7 to the northeast, Guildie Howes Road and an agricultural field to the southeast, and an unclassified road and agricultural field to the southwest. Processing of sand and gravel would be carried out at the existing processing area, with the two sites being linked via a conveyor belt. Extraction at the existing site would cease and the land there would be restored for agricultural use.
- 3.5 The sites of both the expansion area and the processing area are designated as countryside in the MLDP. The sites are not identified in the MLDP as being Areas of Search for Surface Mineral Extraction.
- 3.6 The relevant policies of the National Planning Framework 4 (NPF4) are:
 - Policy 1 Tackling the climate and nature crises
 - Policy 2 Climate mitigation and adaptation
 - Policy 3 Biodiversity
 - Policy 4 Natural Places
 - Policy 5 Soils
 - Policy 6 Forestry, woodland and trees
 - Policy 7 Historic assets and places
 - Policy 12 Zero Waste
 - Policy 13 Sustainable Transport
 - Policy 20 Blue and green infrastructure
 - Policy 22 Flood risk and water management
 - Policy 23 Health and Safety
 - Policy 26 Business and industry
 - Policy 29 Rural Development
 - Policy 33 Minerals
- 3.7 The relevant policies of the MLDP are:
 - DEV1 – Community Identity and Coalescence
 - DEV5 – Sustainability in New Development
 - DEV6 – Layout and Design of New Development
 - DEV7 – Landscaping in New Development
 - ECON5 – Industries with Potentially Damaging Impacts
 - TRAN1 – Sustainable Travel
 - TRAN2 – Transport Network Interventions
 - TRAN4 – Freight
 - MIN1 – Areas of Search for Surface Mineral Extraction
 - MIN2 – Surface Mineral Extraction
 - RD1 – Development in the Countryside
 - ENV6 – Special Landscape Areas
 - ENV7 – Landscape Character
 - ENV9 – Flooding

- ENV10 – Water Environment
- ENV11 – Woodland, Trees and Hedges
- ENV15 – Species and Habitat Protection and Enhancement
- ENV17 – Air Quality
- ENV18 – Noise
- ENV19 – Conservation Areas
- ENV22 – Listed Buildings
- ENV25 – Site Assessment, Evaluation and Recording
- IMP1 – New Development
- IMP2 – Essential Infrastructure Required to Enable New Development to Take Place
- IMP3 – Water and Drainage

3.8 If an application is submitted there will be a presumption against mineral extraction at this location as the site is outwith the areas of search for surface mineral extraction identified in the MLDP. The planning history of the surrounding area and in particular the historic use of the Guildie Howes site and the former Middleton Limeworks to its south will be material considerations in the assessment of any application. Other considerations in the assessment of any application will include the development's impact on the landscape, the water environment, biodiversity, trees, noise, dust, residential amenity, ground contamination and road safety.

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

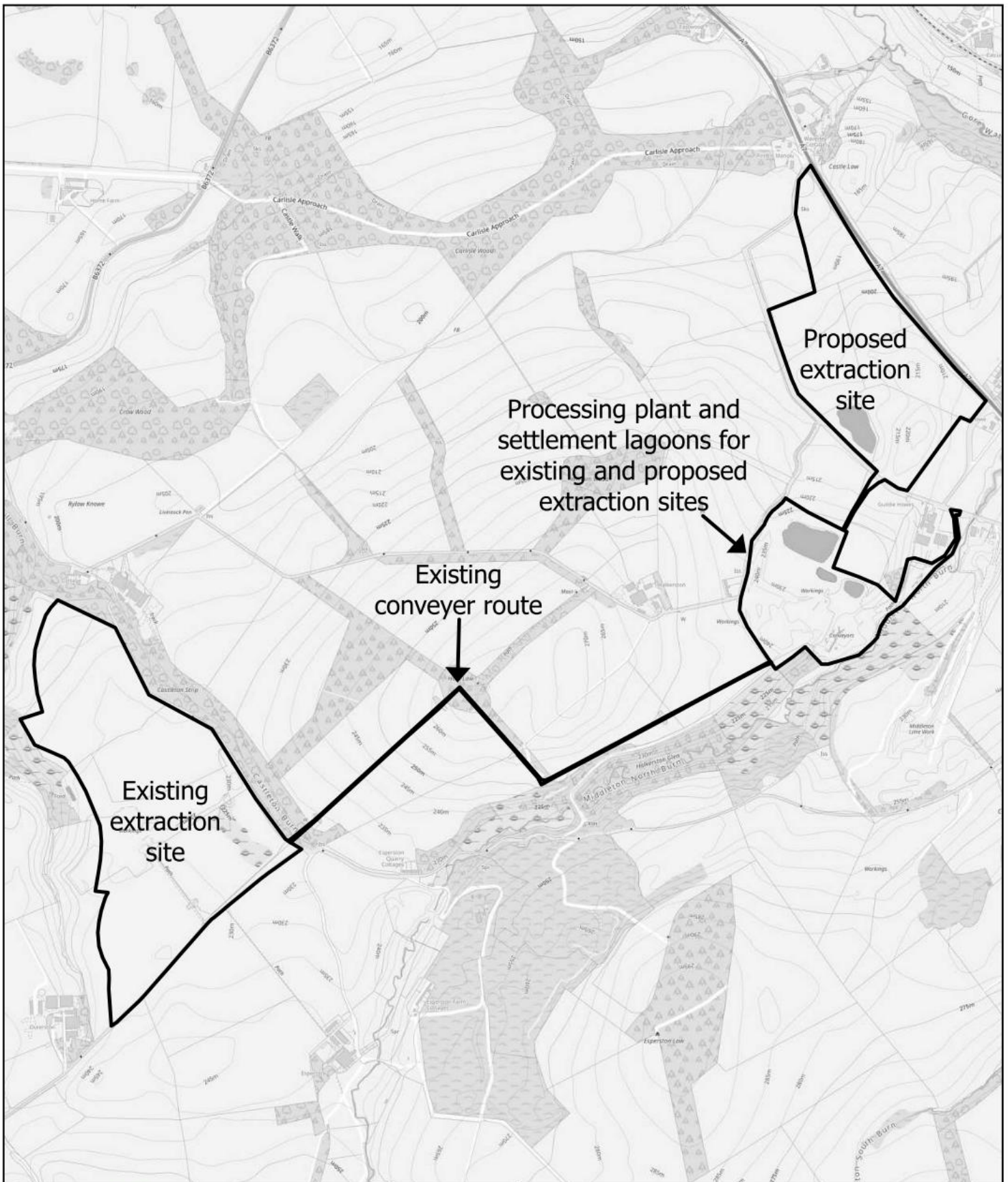
- 5.1 It is recommended that the Committee notes:
- a) the provisional planning position set out in this report;
 - b) that any comments made by Members will form part of the minute of the Committee meeting; and

- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 17 November 2023

Application No: 23/00662/PAC
Applicant: Breedon Trading Limited
Agent: N/A
Validation Date: 10 October 2023
Contact Person: Graeme King
Email: graeme.king@midlothian.gov.uk
Background Papers: 23/00662/SCO, 12/00384/DPP, 12/00387/DPP and 12/00388/DPP
Attached Plan: Location plan



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Place Directorate**
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Extension to existing quarry; retention of processing plant;
installation of ancillary equipment and associated works
Temple Quarry, Gorebridge

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