



PRE - APPLICATION REPORT REGARDING A PROPOSED ENERGY RECOVERY CENTRE AND INTEGRATED WASTE RECOVERY FACILITIES AT LAND AT FORMER MARSHALLING YARD AT MILLERHILL (14/00934/PAC)

Report by Head of 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 proposed energy recovery centre and integrated waste recovery facilities at land at the former marshalling yard at Millerhill (14/00934/PAC).
- 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 27 May 2014 and subsequent procedures were reported to the Committee at its meeting of 7 October 2014. 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 has been submitted for a mixed-use development comprising; a facility for the sorting of domestic waste from Edinburgh and Midlothian Council areas and for the incineration of waste to produce heat which can be used in nearby developments. It was submitted 22nd December 2014.
- 2.3 As part of the pre application consultation process the applicants held two public meetings at Danderhall Community Centre on the 5th and 7th of February 2015. On the conclusion of the public events and consultation process the applicant could submit a planning application for the proposal. The earliest an application could be submitted is the 10th March 2015. It is anticipated that an application for detailed

planning permission would be submitted. 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) not offer views, as the forum for doing so will be at this meeting of the Planning Committee.

- 2.4 Copies of the pre application notices have been sent by the applicant to the Danderhall Community Council as well as to Craigmillar Community Council and Musselburgh and Inveresk Community Council in Edinburgh.

3 PLANNING CONSIDERATIONS

- 3.1 The proposed development is located to the north eastern extent of the Council's area and close to the boundaries with East Lothian Council and the City of Edinburgh Council. The site area extends to 5 hectares.
- 3.2 Planning permission in principle was granted for a larger, 20 hectare site, in January 2012 (11/00174/PPP). This permission granted consent for a range of potential technologies to treat waste. A subsequent Matters Specified in Conditions application was granted for an anaerobic digestion facility to the northern extent of the site. This facility is currently under construction. This facility will process the organic matter that is brought to the site.
- 3.3 The application was in principle and did not include a detailed design of the primary processing and sorting facility. However, the Environmental Statement submitted with the application made assumptions about the scale and height of the buildings on the site. The initial concepts anticipated the main processing building being at a maximum height of 20m. The new proposed facility, in part, will be approximately 40m in height. Furthermore, the stack height in the original grant of permission was an anticipated height of 65m, it is now expected that the new height of the stack will be in excess of this height. These material changes to the proposal means the current proposal falls outwith the parameters of the original planning permission in principle application and as such the applicant must submit a new detailed application. In addition, a further Environmental Statement is to be considered in relation to the application. This will consider all the relevant potential environmental impacts in relation to the application, in particular where changes have been made to the proposal.
- 3.4 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.
- 3.5 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as established economic land supply. A provisional assessment against this policy indicates that waste recycling and recovery uses are acceptable in principal, thus the granting of the planning permission in

principle application. The main issues to be considered are the environmental impacts related to the development, traffic generation and the impact of the buildings and structures on the landscape, especially in relation to the proposed increases in height compared to the earlier indicative scheme. The previous grant of permission and the subsequent changes in circumstances are material considerations.

3.6 Other material considerations to consider include:

- a. At its meeting of 16 December 2014 the Council approved the Midlothian Local Development Plan Proposed Plan. Although the proposed plan is subject to publication and consultation in the Spring of 2015 and Local Plan Examination in the Autumn of 2015, the development strategy in the plan would be a material consideration which can be given significant weight. The proposed plan identifies the site for the sorting of waste and energy generation from waste;
- b. It is anticipated that the proposal would result in economic benefits in terms of inward investment and job creation. These benefits are material considerations. However the weight given to this consideration is dependent on the applicant submitting details of the economic benefits; and
- c. The incineration of waste will generate heat which can be used in nearby existing and proposed buildings in line with Government policy and the Zero Waste Plan for Scotland.

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; and
 - 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.

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