



PRE - APPLICATION REPORT REGARDING AN EXTENSION TO THE EXISTING SAND QUARRY AT UPPER DALHOUSIE, ROSEWELL (17/00565/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 an extension to the existing sand quarry at Upper Dalhousie, Rosewell (17/00565/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 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 an extension of the existing sand quarry at Upper Dalhousie was submitted on 13 July 2017.
- 2.3 As part of the pre application consultation process the applicants are to hold drop-in consultation events in August and September 2017. A date, time and venue will be arranged shortly by the applicants and the necessary notices and adverts published in advance. Following the public event the applicant could submit a planning application for the proposal at any time after the twelve week statutory period from 13 July 2017 has elapsed. 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 Copies of the pre application notices have been sent by the applicant to the Rosewell and District Community Council and Poltonhall and District Community Council. Officers have also asked the applicant to advise Moorfoot Community Council as well as the site bound's this Community Council Area.

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 proposed development is situated on land to the west of the existing sand quarry. The existing quarry is split into two extraction areas, one to the south (Area A) and one to the north (Area B). Access to the site is off the roundabout on the Bonnyrigg South Distributor road, to the south east of the economic development land at Hopefield. The site includes an area of woodland planting to the north. The land slopes down to the south towards the Dalhousie Burn.
- 3.3 The plans submitted as part of the pre application consultation show the existing access remaining in use for the proposed extension.
- 3.4 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as being in the countryside and as being prime agricultural land. Any subsequent planning application will be subject to assessment against policies RP1: Protection of the Countryside and RP4: Prime Agricultural Land. Policy MIN1 Areas of Search for Surface Mineral Extraction does not identify the Dalhousie area as an area of search. Outwith the areas of current working and the areas of search, there is a presumption against surface mineral extraction. A provisional assessment against these policies does not support the scheme on the basis that the proposed development is not identified as either an operational site or as an area of search. However this policy position with regard the proposed development site is being superseded by the Proposed Midlothian Local Development Plan (MLDP).
- 3.5 At its meeting of 16 December 2014 the Council approved the Proposed MLDP as its settled spatial strategy. The site is identified in the MLDP, Policy MIN1, as an area of search for surface mineral extraction (sand and gravel). The plan was subject to Local Plan Examination and subject to consideration by a Reporter appointed by the Scottish Ministers. The Reporters findings were published on 10 July 2017. It is anticipated that the examination findings will be reported to Council in September 2017. With regard to this site the Reporter recommends that the site remains as an area of search for surface mineral extraction (sand and gravel). This is a material consideration of significant weight in the assessment of any application, if submitted prior to the adoption of the MLDP.

- 3.6 If an application is submitted after the adoption of the MLDP there will be a presumption in favour of sand and gravel extraction subject to mitigating the environment impacts of the development. These impacts will be identified and assessed in an Environmental Statement which will be required from the applicants.

4.□ PROCEDURES

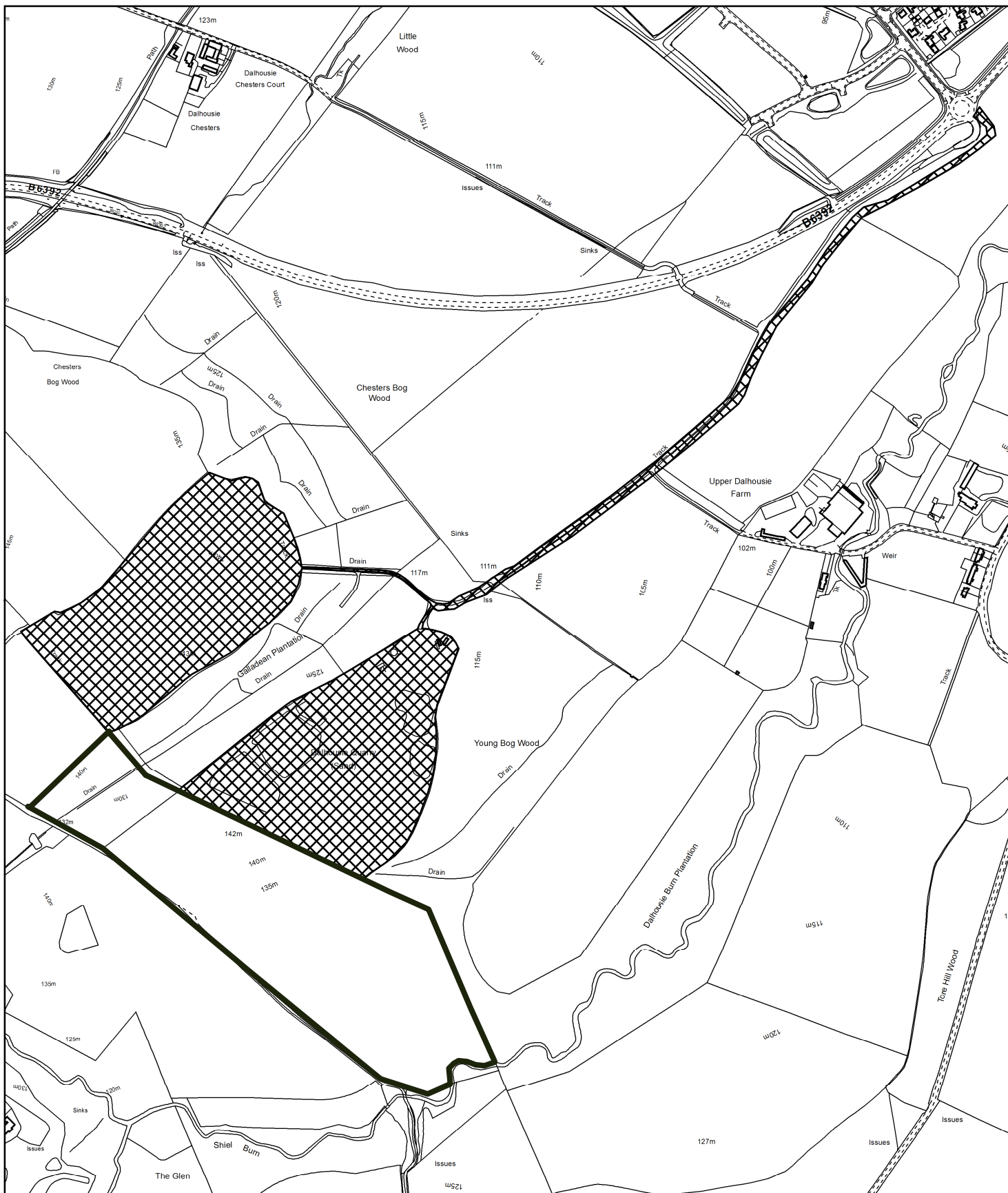
- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations with regard to a major application.
- 4.2 The Committee is invited to express a 'without prejudice' 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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Date: 8 August 2017
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& Communities**
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Land South West of Upper Dalhousie Sand Quarry, Rosewell



Previous Planning Application



Current Planning Application

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