



PRE - APPLICATION REPORT REGARDING REMEDIATION WORKS TO PROPOSED EDUCATION CAMPUS: INCLUDING SITE REMEDIATION, FORMATION OF HARDSTANDING, SITE PLATFORMING AND PROVISION OF SITE ACCESS, UTILITIES/SERVICES AND DRAINAGE AT SITE OF THE FORMER MONKTONHALL COLLIERY, NEWTON VILLAGE, DALKEITH (23/00657/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 remediation works to the proposed education campus: including site remediation, formation of hardstanding, site platforming and provision of site access, utilities/services and drainage. The land comprises part of the former Monktonhall Colliery, Newton Village, which is located within the Shawfair new settlement area.
- 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 remediation works to the proposed education campus: including site remediation, formation of hardstanding, site platforming, provision of site access, utilities/ services and drainage at the former Monktonhall Colliery, Newton Village, Shawfair was submitted on 4 October 2023.
- 2.3 As part of the pre-application consultation, two public events are taking place at Danderhall Community Hub. One event took place on

Wednesday 15 November 2023 between 4.30-7pm and a second event is scheduled to take place on Wednesday 29 November 2023, also between 4.30-7pm. These events are to be advertised for a four week period in the Midlothian Advertiser which commenced on Thursday 26 October 2023 as well as on the Shawfair website. It is also noted that the agent has placed promotional posters advertising the events in Danderhall Primary School, Danderhall Community Hub, Dalkeith Tesco, Dalkeith Country Park, Dobbies Garden Centre, Millerhill Park/ Playground notice board, Shawfair Train Station notice board, Queen Margaret University and businesses located at Shawfair Park including David Lloyd, SQA, Tanshe Care Services, and Chapter One Childcare.

- 2.4 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. On the conclusion of the second public event the applicant could submit a planning application for the proposal.
- 2.5 The applicant must wait 12 weeks from the submission of a PAN before submitting a planning application. The earliest date that the planning application for this proposal could be submitted is the 27 December 2023. 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 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 3 - Dalkeith, along with Danderhall and District 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.
- 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 application site is located to the north east of Newton Village and forms part of the former Monktonhall Colliery. It is located within the Shawfair new settlement area, to the south of the Millerhill Recycling and Energy Recovery Centre, between the Millerhill Marshalling Yard (to the west) and the Borders Railway (to the east). The south western edge of the site is located within the Shawfair town centre zone. The site is currently not in use.

3.4 The relevant policies of the National Planning Framework 4 (NPF4) are:

- Policy 1 - Tackling the climate and nature crisis;
- Policy 2 - Climate mitigation and adaption;
- Policy 3 - Biodiversity;
- Policy 9 - Brownfield, vacant and derelict land and empty buildings;
- Policy 13 - Sustainable transport;
- Policy 14 - Design, quality and place;
- Policy 15 - Local Living and 20 minute neighbourhoods;
- Policy 18 - Infrastructure first; Policy 19- Heat Network Zone;
- Policy 21 - Play, recreation and sports;
- Policy 22 - Flood risk and water management;
- Policy 23 - Health and safety;
- Policy 24 - Digital infrastructure; and,
- Policy 27 - City, town, local and commercial centres.

3.5 The relevant policies of the MLDP are:

- STRAT1 - Committed Development;
- STRAT5 - Strategic Employment Land Allocations;
- DEV2 - Protecting Amenity within the Built-Up Area;
- DEV5 - Sustainability in New Development;
- DEV6 - Layout and Design of New Development;
- DEV7 - Landscaping in New Development;
- TRAN1 - Sustainable Travel;
- TRAN5 - Electric Vehicle Charging;
- IT1 - Digital Infrastructure;
- TCR1 - Town Centres;
- ENV10 - Water Environment;
- ENV15 - Species and Habitat Protection and Enhancement;
- ENV16 - Vacant, Derelict and Contaminated Land;
- Policy ENV24 - Other Important Archaeological or Historic Sites;
- ENV25 - Site Assessment, Evaluation and Recording;
- NRG6 - Community Heating;
- IMP1 - New Development;
- IMP2 - Essential Infrastructure to Enable New Development to Take Place; and,

- IMP3 - Water and Drainage.

- 3.6 The MLDP Danderhall/Shawfair settlement strategy clarifies that development should proceed in line with the planning permission for the Shawfair community and the Shawfair Masterplan and Design Guide (and associated addendums) which set out the development framework for the Shawfair development. Within the Shawfair Masterplan and MLDP (Appendix 2) the former Monktonhall Colliery is identified as being suitable for a variety of uses that will be compatible and beneficial to the wider Shawfair development.
- 3.7 It is noted that the site was included within the application area for the outline planning permission for Shawfair which was granted in 2014 (02/00660/OUT), however condition 35 of the permission established that the land at the former Monktonhall Colliery formed part of an exclusion area where no planning permission has been granted. This was because it was not included within the Section 75 legal agreement and development in this area would need to be subject to further assessment. This condition was carried over into the subsequent variation of the original planning permission which was approved in 2019 (condition 26 of 17/00650/S42).
- 3.8 At its meetings of December 2015 and February 2017, the Council approved an education strategy for the Shawfair new settlement area which involved using the 'town centre' site for education and community purposes. Although this decision does not mean that planning permission should automatically be granted for the proposed development, the Council decision is a material consideration in supporting the proposed development which would help facilitate the provision of an education campus on this site.
- 3.9 The site was also granted planning permission in principle (19/00112/PPP) in September 2019 for the erection of a community facility incorporating a secondary and primary school, early learning provision and family learning, leisure, healthcare and Class 4 business facilities. This consent lapsed in 2022 but nonetheless supports the principle of the site being remediated to enable a future use as an education campus.
- 3.10 The provision of an education campus is an integral part of the Shawfair development. As such, if an application is submitted, there will be a presumption in favour of proposed development for the remediation works to facilitate the delivery of a proposed education campus at the site subject to it complying with the planning permission for the Shawfair area and the Shawfair Masterplan and Design Guide.

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: 23/00657/PAC
Applicant: Shawfair LLP
Agent: Lucy Moroney- Colliers
Validation Date: 4 October 2023
Contact Person: Eilidh Paul
Email: Eilidh.Paul@midlothian.gov.uk
Background Papers: 02/00660/OUT, 17/00650/S42 and 19/00112/PPP
Attached Plan: Location plan



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Proposal of application notice for remediation works to proposed education campus: including site remediation, formation of hardstanding, site platforming, provision of site access, utilities/ services and drainage at Site of Former Monktonhall Colliery, Newton Village, Dalkeith,

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