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**APPLICATION FOR PLANNING PERMISSION 13/00063/DPP, FOR ERECTION OF 9 WIND TURBINES (UP TO 102M TIP HEIGHT) AND ASSOCIATED TRANSFORMERS; ERECTION OF SWITCHGEAR BUILDING; ERECTION OF ANEMOMETER; FORMATION OF ACCESS TRACKS; ON LAND AT MOUNT LOTHIAN MOSS, PENICUIK**

Report by Head of Planning and Development

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## **1 PURPOSE OF THE REPORT**

- 1.1 At its meeting on 26 February 2013 the Committee decided to hold a pre-determination hearing and undertake a visit to the application site at Mount Lothian, Penicuik. The purpose of this report is to update the Committee with regard to the arrangements for the pre-determination hearing and site visit.

## **2 BACKGROUND**

- 2.1 On 30 January 2013 Wind Prospect Developments Limited submitted an application for a commercial scale wind farm comprising nine, 102 metre (to blade tip height) wind turbines, each rated at 2.3 megawatts, at Mount Lothian, Penicuik. This application is accompanied by an Environmental Statement.
- 2.2 The application has been subject to the statutory notification and consultation process and to date there has been over 700 representations, together with consultation responses from Transport Scotland, National Air Traffic Services, the RSPB, Scottish Environment Protection Agency (SEPA) and Scottish Borders Council.
- 2.3 The planning application is currently scheduled to be reported to the meeting of the Committee on 28 May 2013 for determination.

## **3 PRE-DETERMINATION HEARING**

- 3.1 Section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) sets out the relevant provisions under which a planning authority is required, or may choose, to hold a pre-determination hearing.

- 3.2 In deciding to hold a pre-determination hearing the planning authority is to give the applicant and any person so prescribed an opportunity of appearing before and being heard by the Planning Committee.
- 3.3 The pre-determination hearing is scheduled for Friday 17 May 2013 and is to be held at the Penicuik Town Hall. The hearing will constitute a meeting of the Planning Committee and will commence at 10.00am.
- 3.4 The procedure at the hearing will be as follows:
- i) Applicant to make a statement in support of the application;
  - ii) Supporter(s) to make a statement;
  - iii) Objector(s) to make statement;
  - iv) Consultees to make statement
  - v) Applicants to sum up their case; and
  - vi) Committee Members to ask questions of the parties who have made oral representations.
- 3.5 The applicants and the local community third party interest group, Penicuik Environment Protection Association (PEPA), invited to be heard, and will be required to limit their presentations to no more than 20 minutes. All other parties will be required to limit their presentation to no more than 5 minutes. To ensure fairness and consistency these limits will be strictly enforced.
- 3.6 The applicants (or their representative) shall have 20 minutes in total to present their case, including any summing-up. This time limit will be strictly enforced.
- 3.7 Following the completion of all the oral submissions the Council Members will be given the opportunity to ask questions of those who have made representations. That will conclude the pre-determination hearing.
- 3.8 Representors and consultees will be notified and given until 10 May 2013 to advise the Council of their intention to attend the pre-determination hearing and their desire to address the Committee.
- 3.9 A running order of speakers will be agreed with the Chair and published prior to the meeting.
- 3.10 The regulations stated in paragraph 3.1 of this report do not prohibit any elected member who does not attend the pre-determination hearing and/or site visit from participating in the determination of the application, however it is considered best practice to do so.

#### **4 SITE VISIT**

- 4.1 A Committee site visit has been schedule for Monday 20 May 2013. Transport will be arranged and will depart from Midlothian House at 10.00am.

4.2 Following the visit to the Mount Lothian site the Committee will be taken to see an operational wind farm of similar size to the proposed development at Mount Lothian.

## **5 RECOMMENDATION**

5.1 It is recommended that the Committee agree the pre-determination and site visit arrangements set out in this report.

**Ian Johnson**  
**Head of Planning and Development**

**Date:** **9 April 2013**

**Application No:** 13/00063/DPP (Available online)  
**Applicant:** Wind Prospect Developments Limited  
**Agent:** Wind Prospect Developments Limited  
**Validation Date:** 30 January 2013  
**Contact Person:** Peter Arnsdorf  
**Tel No:** 0131 271 3310  
**Background Papers:** 12/00658/PAC