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## **PRE - APPLICATION REPORT REGARDING PROPOSED INFILLING OF MIDDLETON LOWER QUARRY; REINSTATEMENT TO RECREATION USE (15/00157/PAC)**

Report by Head of Communities and Economy

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### **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise the Committee of a pre application consultation submitted regarding the proposed infilling of Middleton Lower Quarry (15/00157/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 for the infilling of Middleton Lower Quarry and its reinstatement to a recreational use was submitted 23 February 2015. The application is to be accompanied by and Environmental Statement in terms of the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2011).
- 2.3 As part of the pre application consultation process the applicants have held a public event/drop in session at North Middleton Village Hall on 23 March 2015 at 7pm. On the conclusion of the public event the applicant could submit a planning application for the proposal. It is anticipated that a detailed planning application 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 Moorfoot Community Council and Gorebridge Community Council.

### **3 PLANNING CONSIDERATIONS**

- 3.1 The proposed development is situated on land approximately 0.5km south east of North Middleton. There is very little information submitted in relation of the application at this stage.
- 3.2 In assessing any subsequent planning application the main planning issues to be considered in determining the application will be the environmental impact of the proposed development. These matters will be considered in detail in the Environmental Statement.
- 3.3 The adopted 2008 Midlothian Local Plan (MLP) identifies the site as being in the countryside and any subsequent planning application will be subject to assessment against policy RP1: Protection of the Countryside. A provisional assessment against this policy does support the scheme in principle, as it is a proposal for waste disposal which could be regarded as appropriate in securing proper restoration of the site.
- 3.4 However, there are other policies which will require to be considered as part of the assessment, including WAST3 (Sites for Waste Disposal by Landfill) and DERL1 (Treatment of Vacant and Derelict Land). In addition policies relating to resource protection including Policy RP8 (Water Environment) and RP13 (Species Protection) are likely to be of significance in considering the Environmental Statement.

### **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 it wishes 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.

**Ian Johnson**  
**Head of Communities and Economy**

**Date:** 14 April 2015  
**Contact Person:** Joyce Learmonth, Principal Planning Officer  
**Tel No:** 0131 271 3311