

APPLICATION FOR PLANNING PERMISSION 14/00044/DPP, FOR THE ERECTION OF 9 WIND TURBINES (UP TO 102M TIP HEIGHT) AND ASSOCIATED TRANSFORMERS; ERECTION OF SWITCHGEAR BUILDING; ERECTION OF ANEMOMETER; FORMATION OF ACCESS TRACKS; AND ASSOCIATED WORKS (THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT SUBMITTED UNDER THE TERMS OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2011)) AT LAND AT MOUNT LOTHIAN MOSS, PENICUIK

Report by Head of Communities and Economy

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 25 February 2014 the Committee were notified of the intention 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 28 January 2014 Wind Prospect Developments Limited submitted an application for a wind farm development of 9 wind turbines (up to 102m tip height) and associated plant and access roads, at Mount Lothian Moss, Penicuik (a location plan is appended to this report). This application is accompanied by an Environmental Statement.
- 2.2 On 17 May 2013, the same applicant opted to withdraw a previous application (13/00063/DPP) for the same development. This was in order that they could address objections that had been received from two statutory consultees; Scottish Natural Heritage and Scottish Environment Protection Agency.
- 2.3 The application has been subject to the statutory notification and consultation process and to date there have been 764 representations, including responses from Howgate and Moorfoot Community Councils, together with consultation responses from Transport Scotland, Edinburgh Airport Limited, the Ministry of Defence (MOD), National Air Traffic Services (NATS), Historic Scotland, Scottish Natural Heritage (SNH), Scottish Wildlife Trust, The Forestry Commission for Scotland, East Lothian Archaeological Service, the RSPB, Scottish Water, Scottish Environment Protection Agency (SEPA), National Grid, Scottish Gas Networks and Scottish Borders Council.

- 2.4 The planning application is currently scheduled to be reported to the meeting of the Committee on 7 October 2014 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 26th September 2014 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 are invited to be heard, and will be required to limit their presentation, including any summing up, to no more than 20 minutes. All other parties will be required to limit their presentation to no more than 5 minutes. These limits will be strictly enforced, although the Chair can exercise discretion to ensure fairness to all parties.
- 3.6 Following the completion of these presentations, Committee Members will have the opportunity to ask questions of those who have made representations. That will conclude the pre-determination hearing.
- 3.7 Representors and consultees will be notified and given until Monday 1st September 2014 to advise the Council of their intention to attend the pre-determination hearing and their desire to address the Committee.
- 3.8 A running order of speakers will be agreed with the Chair and published prior to the meeting.
- 3.9 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.

3 SITE VISIT

- 4.1 A Committee site visit has been schedule for Friday 26th September 2014. Transport will be arranged and will depart from Midlothian House at 2.00pm.

5 RECOMMENDATION

- 5.1 It is recommended that the Committee notes the arrangements that have been put in place.

Ian Johnson
Head of Communities and Economy

Date: 20 May 2014

Application No: 14/00044/DPP (Available online)
Applicant: Wind Prospect Developments Limited
Agent: Wind Prospect Developments Limited
Validation Date: 28 January 2014
Contact Person: Peter Arnsdorf
Tel No: 0131 271 3310
Background Papers: